

196TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 12 November 1997

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.50 pm on Wednesday, 12 November 1997.

PRESENT

His Worship, The Mayor, Councillor Vic Smith (Chairperson)

Councillors - John Bush, Margaret Deftereos, Sonia Fenton, John Fowler, Christine Harcourt, Jill Lay, Sean Macken, Gregory Waters.

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Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 15 October 1997, be taken as read and confirmed.

At the request of Councillor Deftereos, and by consent, the minutes of the Ordinary Meeting of Council of 15 October 1997, were amended on Page 1303 by the addition of the words "Councillor Deftereos requested that her name be recorded as being opposed to the foregoing matter", after the recommendation of Item No. 1 of the Community Services Committee.

Minutes, as amended by consent, were then confirmed.

MINUTE BY THE MAYOR

12 November 1997

PROPERTIES – REQUESTS FOR THE BANNING OF RACIST ORGANISATIONS FROM COUNCIL FACILITIES (P56-00126)

I have received correspondence from a number of residents, and Council has received a petition of over 1,500 signatories, concerned about racism and the recent delivery of racist pamphlets and activities in the local area.

I have seen some of the material referred to and believe it is very offensive and is of concern to our local community which is proud of its tradition of tolerance and multiculturalism.

Currently Council Officers are finalising a Local Ethnic Affairs Policy Statement which aims to improve access to Council services and facilities for residents from non-English speaking backgrounds and seeks to develop inclusive, equitable and accessible services. This demonstrates Council's clear commitment to racial diversity and tolerance.

The petition specifically refers to a registered political party that has gained much attention by espousing inflammatory views on the race issue.

Of particular concern is the view of the leader of this political party that they will not represent Aboriginal constituents. I believe that statement is racist and is at odds with South Sydney Council's policies supporting multiculturalism, tolerance and diversity.

GENERAL MANAGER

RECOMMENDATION:

- (1) That the organisers of the correspondence, and the petition of over 1,500 signatures that will be tabled later this evening, be thanked for raising these issues.
- (2) That South Sydney Council continue to make the building of a tolerant, safe, harmonious and culturally diverse community a priority across all Council policies and activities.
- (3) That any applications for use of Council facilities or services be assessed in accordance with the above commitment and that organisations which publically espouse racist views or which promote racial vilification or racial hatred be refused access to Council's community facilities.
- (4) That Council staff responsible for the booking of community facilities or services be informed of this decision.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

11 November 1997

**CHARITABLE APPEALS – PROMOTIONAL ACTIVITIES – STREET SALE
OF “THE BIG ISSUE” NEWSPAPER/MAGAZINE (2016761)**

South Sydney Council has been asked to give permission to the sale of a newspaper/magazine called “The Big Issue”.

“The Big Issue” is sold on the street by unemployed, disadvantaged and homeless people.

It is not distributed through the usual retail outlets.

The purpose of the magazine is to provide a source of employment, income and self-esteem to some of the most disaffected members of our community.

GENERAL MANAGER

Distribution of this magazine from the street has been successfully conducted in Sydney, Melbourne and other major world cities.

South Sydney is home to many of the prospective sellers of "The "Big Issue" and in view of the benefits that would likely flow to these members of our community I propose that Council allow a three month trial of this proposal.

South Sydney Council would be acknowledged at the official launch.

This approval would be conditional upon observance of the following conditions:

- That permission to sell The Big Issue is granted for a three month trial period.
- Vendors shall sell only from approved locations.
- That all vendors will sign and abide by The Big Issue vendor code of conduct.
- That the point-of-sale locations be kept clean and free from litter and rubbish.
- That no magazine vendor, The Big Issue staff member or volunteer shall harass members of the public.
- That vendors shall not obstruct any shop entrance.
- That ample access to the footways for the use of pedestrians be maintained at all times.
- That no loudspeaker or amplification be used in association with the magazine's sale.
- That no magazine vendor shall sell adjacent to Council approved footway occupations.
- That every person selling The Big Issue shall wear a registration badge identifying them as a legitimate vendor.
- No advertising or other signage shall be erected.
- That the organisation representing the vendors shall indemnify the Council in the amount of ten million dollars (\$10m) against any claims for injury to any persons or damage to any property arising out of this approval and that the insurance policy shall include South Sydney City Council as insured party.
- That the Council reserves to itself the right to cancel this permission at any time if it feels it has a valid reason for doing so.

RECOMMENDATION

That Council give permission to the street sale of "The Big Issue" magazine for a trial period of three months subject to the foregoing conditions.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

12 November 1997

PUBLIC RELATIONS – ESTABLISHMENT OF SOUTH SYDNEY BUSINESS ENTERPRISE CENTRE – SEEDING GRANT (2016586)

On 17 October 1997, concerned members of the community resolved to establish the South Sydney Business Enterprise Centre.

South Sydney is about to experience a period of rapid growth with the Technology Park and Green Square Projects already underway and it is predicted that within the next 12 to 18 months a marked growth will take place with Redfern having the potential to be the next boom suburb.

With this in mind it would be in the interest of South Sydney to have its own Business Enterprise Centre to stimulate business growth.

The major objective of Enterprise Centres is to act as a source of free advice to small businesses and also to those people with an entrepreneurial flair who wish to start up their own business.

The core services that will be provided by the Business Centre include providing business advice, counselling and support, assistance with preparation of business plans, including marketing, budgeting and cash flow and providing information on different business opportunities.

For the South Sydney Business Enterprise Centre to become operational, it will require funding to the extent of \$5,000 and Council can help by providing a seeding grant for such amount.

GENERAL MANAGER

Also the South Sydney Business Enterprise Centre will be making application for funding to the State Government which provides funding for Business Enterprise Centres throughout N.S.W. and I propose that Council make representations to the State Government supporting the application.

RECOMMENDATION:

- (a) That Council provide a seeding grant of \$5,000 to the South Sydney Business Enterprise Centre to enable the Centre to become operational and that such amount be added to the 1997/98 Revenue Estimates (Community Grants), and further, that an audited statement of expenditure be submitted to Council within 12 months;
- (b) That representations be made to the N.S.W. State Government supporting the South Sydney Business Enterprise Centre in their application for funding.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

12 November 1997

HEALTH - WATERLOO INCINERATOR VICTORY (2005000)

The recent victory in the Land and Environment Court against the Waterloo Incinerator was the result of years of hard work by community groups, residents and workers in South Sydney, overseas supporters, Social Change Media, Greenpeace, Friends of the Earth and Council.

Those who have been outstanding in the campaign are many, however, I must mention the continued efforts of a number of people.

Our thanks go to:

- ◉ Ann Brown, Phil Timmis, Helen Simpson and the members of the Zetland Community Action Group,
- ◉ Anne Ferguson, of Social Change Media who was Council's Media and Community Liaison Manager during the campaign,

GENERAL MANAGER

- ◉ Marg Barry and the residents of Waterloo, Redfern, Alexandria and Newtown who staged the early protests when the incinerator began operating so many years ago,
- ◉ Les Robinson and the team at Social Change Media who helped turn the campaign from a seemingly unwinnable position into an outstanding victory.
- ◉ John Denlay and Friends of the Earth for spectacular actions and overseas assistance,
- ◉ Dr. Paul Connett from New York University who came to South Sydney and gave us hope that there were alternatives to incineration and that “the little people can win” against all odds,
- ◉ Deirdre Grusovin, MP, who continually knocked on the doors of Ministers to argue the case for the closure,
- ◉ NSW Environment Minister, Pam Allan, who listened to our concerns and acted
- ◉ Council’s many dedicated staff who worked on the campaign (including the Bourke St depot staff who worked on banners and the moving billboard which cruised the eastern suburbs to the dismay of Woollahra and Waverley Councils,
- ◉ Councillors Macken and Harcourt who sat on the Incinerator Steering Committee.

The residents and workers of South Sydney can now look forward to the revitalisation of this area under the Green Square redevelopment plan and those people named above have played a crucial role in saving generations of inner city residents from ongoing pollution.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

At this stage Councillor Macken requested that the Mayor, Councillor Vic Smith, be also thanked and recognised for his role and leadership throughout the whole of the Waterloo Incinerator Campaign.

MINUTE BY THE GENERAL MANAGER

12 November 1997

PERSONNEL – SALARIED OFFICERS SKILLS MATRIX (2016711)

A minute by the General Manager dated 12 November 1997, was circulated to all Councillors.

GENERAL MANAGER

The Council resolved that the press and the public be excluded during consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

11 November 1997

WARD AVENUE, NO. 12, ELIZABETH BAY – CONVERT BOARDING HOUSE TO 16 UNITS – DEVELOPMENT APPLICATION (U97-00291)

A minute by the General Manager dated 11 November 1997, was circulated to all Councillors.

Moved by Councillor Macken, seconded by Councillor Lay:-

(A) That Council has no objection to the Land and Environment Court granting consent to the application and that the following conditions of consent be recommended;-

- (1) That the consent shall lapse after a period of two years from the date of this consent;
- (2) That the development shall be generally in accordance with plans submitted 9 April and as amended on the lower ground floor dated 5 November 1997;
- (3) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

GENERAL MANAGER

Contribution Category	Amount	Account
Open Space Land Acquisition	\$27,406	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$8,176	2E97002.BGYO
Accessibility And Transport Management	\$106 \$412	2E97006.BGYO 2E97007.BGYO
Total	\$36,100	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

Works in Kind

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.

GENERAL MANAGER

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.

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.

- (4) That a plan for the landscaping of the site, including details of any subsoil drainage where landscaping is provided on a slab and any proposed security fencing, shall be lodged with the Director of Planning and Building for approval and the site shall be landscaped in accordance with the plan as so approved and be maintained at all times to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (5) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (i) external walls;
 - (ii) roofing;
 - (iii) balustrade treatment;
 - (iv) fences;
 - (v) windows and doors;

- (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (7) That the 30 day Notices to Quit served on residents of the building shall be withdrawn immediately;
- (8) That a minimum of seven units shall be kept available for rental occupation at all times from the date of this consent and throughout the period of construction works;
- (9) That existing residents still residing in the premises at the date of this consent shall be offered accommodation in the units referred to in Condition (8) throughout the period of construction works at a rental not exceeding their existing rent or \$100 per week whichever is the lower. This offer shall be made to residents in order of their duration of tenure in the building, as recorded in the Resident Survey forms held by South Sydney City Council, and at the rentals (where below \$100) also recorded in the Resident Survey;
- (10) That upon completion of work to the ground floor units, those units shall be leased for a minimum period of three years at rentals not exceeding \$100 per week and a further two years at \$110 per week for the fourth year and \$120 for the fifth year. Leases shall be offered first to existing residents in order of their duration of tenure in the building, as recorded in the Resident Survey forms held by South Sydney Council. Existing residents shall not be required to pay bond;
- (11) That the 7 lower ground floor units be suitably upgraded to the satisfaction of the Director of Planning and Building after the initial 3 year period prior to the rental increases referred to in condition (10);
- (12) That existing residents who are unable to be accommodated within the building or who do not wish to remain in the building, shall be assisted in finding suitable alternative accommodation. Such assistance shall include provision of a \$300 relocation payment to each such resident;
- (13) That records of occupation of the units referred to in Conditions (8), (9) and (10) (including name of resident, period of residency and weekly rent paid) shall be maintained by a real estate agency operating in the locality, and shall be submitted to Council following completion of works and at 6 monthly intervals over the period referred to in Condition (10), as evidence of those conditions being satisfied;

- (14) That a contact name be submitted to Council in relation to the appointment of the relevant agent referred to in condition (13);
- (15) That any tenant occupying any of the units referred to in condition (8) vacate the premises, the Council is to be contacted to ensure that the new tenancy satisfy the criteria as determined by the Director of Health and Community Services (the criteria being income level, housing stress and existing residency within the Local Government Act);
- (16) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (17) That full compliance shall be given to any requirement of the Director of Health and Community Services;
- (18) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (19) That details of the manner in which it is intended to remove spoil and rubbish from the site during the course of demolition, excavation or refurbishment operations as well as measures to be adopted for the eradication of any vermin from the site shall be submitted to the Health and Community Services Department and approval obtained prior to the commencement of the work;
- (20) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (21) That plans and specifications showing details of:-
 - (i) all required mechanical ventilation systems;
 - (ii) the garbage room;
 - (iii) the recycling storage area;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (22) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of

Environmental Noise” or

(c) an “offensive noise” as defined in the Noise Control Act, 1975;

(23) NOTE

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 its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;

(24) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council’s policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas.

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

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

(B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:

- (1) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (2) 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;
- (3) That the proposed work shall be constructed in Type A construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (4) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
- (5) 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

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travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;

- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (9) 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;
- (10) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (11) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (12) 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;
- (13) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (14) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (15) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (16) That fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;
- (17) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
- (18) That good housekeeping shall be maintained at all times;
- (19) That egress paths are to be kept free of obstructions/storage at all times;
- (20) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.

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

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

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

- (21) That all walls bounding sole occupancy units shall have a minimum fire resistance level of 60/60/60;
- (22) That the stairway shall be smoke enclosed in construction using one or more of the following and shall be provided with direct discharge to a road or open space leading to a road:-
- non-combustible, non-shattering materials, or
 - toughened glass with a minimum thickness of 10mm or wired glass with a minimum thickness of 6mm in steel frames with a maximum pane size of 1.0m², or 3.0m² in a sprinklered building;
 - ceilings within the enclosure shall be constructed of non-combustible material, appropriately fixed to a suitable non-combustible structure;
 - doors opening into the enclosure shall be smoke doors;
 - all other openings (eg transoms, grills, etc.) shall be protected by non-combustible material.
- (23) The ceilings beneath all timber floors of the building shall be constructed of materials having resistance to the incipient spread of fire of one hour.

Advisory Condition: It should be noted that Council is unlikely to grant approval for strata subdivision of the 7 lower ground floor units.

Carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately seven signatures appended from residents of Forbes Street and Nicholson Street, Woolloomooloo, complaining of the dog attacks in Forbes Street, Woolloomooloo.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 1,547 signatures appended from residents and visitors of South Sydney requesting South Sydney Council declare its area as a Pauline Hanson-Free Zone and banning her One Nation Party from using Council property to hold organised meetings.

Received.

3. Councillor Fowler tabled a petition with approximately 202 signatures appended requesting Council's Solicitors to act with urgency and without delay to initiate formal prosecutions against the owner/landlord/manager/developer/builder of Nos. 88 – 102 Flinders Street, Surry Hills.

Received.

QUESTIONS WITHOUT NOTICE

1. **MACLEAY STREET, NOS. 50 – 58, POTTS POINT – COMPLAINTS FROM RESIDENTS REGARDING NEON LIGHT FROM THE REX HOTEL - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U97-00276)**

Question:

On 14 July 1997, I sent a memo to the General Manager about complaints from residents regarding an intrusive blue light from spillage into their apartments from a neon sign erected high on the Macleay Street façade of the Rex Hotel.

I received a reply dated 1 September 1997, that Council had approached the applicant, Multiplex.

Since then I have received more complaints from residents about the neon

GENERAL MANAGER

light.

I have been informed that Council has taken readings from the affected apartments.

Could Council request a meeting with Multiplex regarding this neon light as soon as possible? It is within Council's power to change the conditions of consent and residents are feeling quite frustrated that no action has taken place.

Answer by the Mayor:

I will ask the Director of Planning and Building to consult with Multiplex on that issue and have a report prepared for the Councillors Information Service in relation to the outcome.

2.

TRAFFIC – MACLEAY STREET, POTTS POINT – COMPLAINTS REGARDING AIR POLLUTION AND NOISE EMITTED FROM TOURIST BUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2013597)

Question:

I have had representation from residents in Macleay Street regarding tourist buses in Potts Point. Could Council write to the Environment Protection Authority requesting their intervention in noise emitted and air pollution caused by the tourist buses parked for long periods outside the Rex Hotel, Potts Point?

Answer by the Mayor:

I will ask the Director of Health and Community Services to consult with the Environment Protection Authority in relation to that matter and write formally to them.

3.

STREETS – COSTS AND BENEFITS TO COUNCIL ON THE IMPLEMENTATION OF SOLAR LIGHTING IN PUBLIC STREETS IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2016778)

Question:

Given that Council spends several million dollars on street lighting each year, could Council Officers provide a report to Council on the cost/benefits of implementing solar lighting in public streets?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report for Committee.

4.

PARKS – JACK SHUTTLEWORTH PARK, ALEXANDRIA – REPAIR OF EQUIPMENT IN PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2016779)

Question:

Could Council staff investigate the equipment in Jack Shuttleworth Park in Alexandria? I understand it is in need of repair.

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter for you tomorrow and have a report prepared for the Councillors Information Service this coming Friday.

5.

TRAFFIC – MACLEAY STREET, POTTS POINT – COMPLAINTS REGARDING AIR POLLUTION AND NOISE EMITTED FROM TOURIST BUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2013597)

Question:

I am receiving continual complaints about the noise, fumes, traffic congestion and general nuisance caused by tourist buses outside the new Rex Hotel on Macleay Street. The problem is particularly bad between 6.00 a.m. and 9.00 a.m. and I should be grateful if Council could write officially to the King Cross Place Manager, Local Police Environmental Protection Authority, the Bus and Coach Association and the Roads and Traffic Authority about this location?

Answer by the Mayor:

A letter will be prepared and sent off to the Bus and Coach Association.

6.

STREETS – CAROLINE LANE, REDFERN – DECISION BY THE MINISTER NOT TO PROCEED WITH THE SALE OF LANE WAY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH. (2010907)

Question:

Can a letter be sent to the residents of Caroline Lane with an explanation that the responsibility for the decision not to proceed with the sale of the Lane lies with the Minister and not the Council or the elected members or Officers?

Answer by the Mayor:

I can ask the General Manager to do that, however, the residents already know who made the decision.

Councillor Macken:

In support of that, in the last few days there has been all sorts of crazy rumours that has frustrated Council Officers. I think we went incredibly far and pushed it as best we could and now we are being blamed for not doing something. So just to clarify the confusion, it might not be a bad idea if the letters could be sent to residents.

Answer by the Mayor

I will ask the General Manager to write a letter and have it letterboxed to the effected residents of Caroline Lane.

7.

PLANT AND ASSETS – SUPPLYING OF NEW EQUIPMENT FOR COUNCIL'S STONE MASONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016781)

Question:

It has been brought to my attention that Council's Stone Masons are in desperate need of new equipment and specifically a stone cutting saw. Landscape and stonework costs are high because of the need of this equipment.. Could a report be prepared?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and have a report prepared for Council's Committee.

8.

SIGNS – ELIZABETH STREET, ZETLAND – REPLACEMENT OF RESIDENT PARKING SIGNS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2014969)

Question:

The Resident Parking Signs on the Southern End of Elizabeth Street have been removed, can these sign be replaced?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and have the signs replaced as soon as practicable.

9.

BOURKE STREET, NO. 780, REDFERN – REMOVAL OF ADVERTISING BANNER ON PEDESTRIAN BRIDGE OVER SOUTH DOWLING STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH. (Q95-00770)

Question:

Could the Director of Planning and Building contact Dealruby regarding their advertising banner on the pedestrian bridge over South Dowling Street?

Answer by the Mayor:

Yes, and the same time I will ask the Director of Planning and Building to instruct Dealruby to remove the sign.

10.

PUBLIC RELATIONS – SUBMISSION BY COUNCIL TO THE MINISTER REGARDING INTEGRATED DEVELOPMENT ASSESSMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2012924)

Question:

Will Council be making submissions to the Minister regarding Integrated Development Assessment, a Bill to amend the EP & A Act? If there is to be, will Council Officers be conducting a briefing on the impact of the Bill to prepare Council's submission to the Minister?

Answer by the Director of Planning and Building:

A submission was made at the time the bill was a draft. A copy of that was circulated on the Councillors Information Service. It certainly can be done but it means taking staff off other issues.

Answer by the Mayor:

I will ask that a report prepared for Committee outlining the problems associated with staff carrying out that work.

11.

FLINDERS STREET, NOS. 88 – 102, DARLINGHURST – ISSUES RAISED BY PETITION REGARDING BREACHES BY OWNER - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER. (U96-01105)

Question:

Can the Director of Planning and Building inform me how the various issues raised by the petition regarding the properties Nos.88-102, Flinders Street, such as:-

- (a) change of use without consent from boarding house Class 1B to Class 2 Building, self-contained flats;
- (b) failure to notify and pay the inspection fees for Sydney Water;
- (c) various breaches of the Building code of Australia – all of which occurred from June 1996 to the present and continue today and which have been notified to various Council Officers and yet no action has been taken?

Similarly, can he report on when this Council has had a policy that restricts Council from acting on such breaches when the applicant has a Development Application in front of the Council and as the applicant has had a Development Application in front of this Council on these and other properties since December 1996?

I refer to a response to my original question of orders issued on the owners of Nos. 88-102, Flinders Street, answered in September. An order was made on 18 October 1996. Can I have details of this order detailing which properties it was made on and why this order was not included in the report to me in September 1997 and why was a Development Application accepted on these properties in December 1996, after the issuing of the first order?

Answer by the Director of Planning and Building:

There is a further report coming to next week's Committee.

REPORT OF THE FINANCE COMMITTEE

5 November 1997

PRESENT

Councillor Sean Macken (Chairperson)

Councillors - Margaret Deftereos, Sonia Fenton, Greg Waters.

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

Councillors - Deftereos, Fenton, Macken, Waters.

Moved by the Chairperson (Councillor Macken), seconded by Councillor Waters:-

That the Report of the Finance Committee of its meeting of 5 November 1997, be received and the recommendations set out below for Items 1 to 19 inclusive, 21 to 22 inclusive and 24 to 29 inclusive, be adopted. The recommendation for Items 20 and 23 having been dealt with as shown immediately following such items.

Carried.

The Committee **recommended** the following:-

1.

DOMAIN CAR PARK – DISCOUNT PARKING CHARGE (2005208)

That Council grants approval to extend the Domain Car Park closing time to 1.00 a.m. for the period 11 January, 1998 to 15 February, 1998, and to charge a flat fee of \$6 for patrons attending the Open Air Cinema.

(A/DCS Report 28.10.97)

Carried.

2.

FINANCE – OUTSTANDING DEBTS AT 30 JUNE 1997 – ADDITIONAL REPORT (2005599)

That the report by the Director of Finance dated 8 October, 1997, detailing Council's outstanding debts as at 30 June, 1997, be received and noted.

Carried.

GENERAL MANAGER

3.

PROPERTIES – OXFORD STREET, NO. 94, DARLINGHURST – APPLICATION BY THE NEW SOUTH WALES FILM AND TELEVISION OFFICE, YOUNG FILMMAKERS FUND FOR A DONATION FOR PAYMENT OF FILMING CHARGES (F51-00013)

That confirmatory approval be given to the payment of a donation of \$1,050 under Council's Community Grants Program 1997 to the New South Wales Film and Television Office, Young Filmmakers Fund, being an amount equal to the filming charges for the use of the foyer and lift areas of No.94 Oxford Street, Darlinghurst on Saturday, 1 November, 1997, between 8.00 a.m. and 1.00 p.m. for filming purposes, subject to the conditions as detailed in the recommendation of the Director of Corporate Services in the report dated 24 October 1997.

Carried.

4.

FINANCE – STATUTORY FEES FOR APPLICATION FOR BUILDING APPROVALS (B53-00009)

That the report by the Director of Planning and Building dated 28 October 1997, regarding the above matter, be received and adopted.

Carried.

5.

DONATIONS – QUARTERLY REPORT – JULY TO SEPTEMBER 1997 (2003030)

That the report by the Director of Public Works and Services dated 21 October 1997, detailing donations under Section 356 of the Local Government Act, 1993, in the form of plants, woodchip, plant hire and tree pruning operations to the value of \$930, be approved and adopted..

Carried.

6.

PROPERTIES – ERSKINEVILLE ROAD, NOS. 106 – 108, AND 112, ERSKINEVILLE – APPLICATION BY MS MARGARET ROBERTS FOR AN ART DISPLAY (2005879)

That approval be given to Ms Margaret Roberts using Council's vacant Shop front premises, at Nos.106, 108 and 112 Erskineville Road, Erskineville for an Art Exhibition for the period 15 November, 1997 to 20 December, 1997, "free of charge, subject to the conditions detailed in the recommendation of the Director of Corporate Services in the report dated 24 October 1997.

GENERAL MANAGER

Carried.

7.

MEETINGS - ERSKINEVILLE TOWN HALL – SYDNEY COASTAL COUNCILS GROUP QUARTERLY MEETING – QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (M53-00022)

That Council approve the free use of the Main Hall, at Erskineville Town Hall, and the provision of a light meal and beverages for the next meeting of the Sydney Coastal Councils Group on Saturday 6 December, 1997, starting at 1.00 pm and finishing at about 4.00 pm, at an estimated cost of \$750.

(DPWS Report 22.10.97)

Carried.

8.

STREETS – MANAGEMENT PLAN – WORKS PROGRAMME 1996/1997 – PUBLIC WORKS AND SERVICES DEPARTMENT/CONSTRUCTION BRANCH – QUARTERLY REPORT FOR PERIOD ENDING 30 SEPTEMBER 1997 (S56-02169)

That the report by the Director of Public Works and Services dated 10 October, 1997, presenting the Quarterly Progress Report of the 1996/97 Works Programme (Construction Branch) for the period ending 30 September, 1997, be received and noted.

Carried.

9.

FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – SEPTEMBER 1997 (2016527)

That arising from the report by the Director of Finance dated 2 October, 1997, approval be given to the confirmation of the payment of the accounts totalling \$18,701,083.85, as detailed in the Summary of Warrants for the Month of September, 1997, accompanying the report.

Carried.

10.

GOODS AND EQUIPMENT – ROAD MATERIALS RECYCLING DEPOT AT BURROWS ROAD, ALEXANDRIA – EXCESS MATERIAL FUND (G51-00227)

That approval be given to initially spend up to \$4,000 per month from the Reserve for the removal of excess stockpiled materials from the Road Materials Recycling Depot at Burrows Road, Alexandria (CWK 8960 refers).

(DPWS Report 9.10.97)

Carried.

11.

PERSONNEL – 1997/1998 EEO MANAGEMENT PLAN (P53-00021)

That the Draft 1997/1998 Equal Employment Opportunity Management Plan accompanying the report of the Director of Employment Services dated 29 October 1997, be approved and adopted.

(DES Report 29.10.97)

Carried.

12.

PUBLIC RELATIONS - COALITION OF COUNCILS LEGAL CASE – COSTS (P58-00146)

That approval be given for the payment of \$5,120 to Marrickville Council as part of South Sydney City Council's financial contribution to the Coalition of Council's Legal Case, for which funds are available in the Airport Campaign Account (EBN 77FO).

(CAM/PO Report 30.10.97)

Carried.

13.

PERSONNEL – SEXUAL HARRASSMENT POLICY REVIEW (P5300021)

That the report by the Acting Director of Employment Services, regarding the review of Council's Sexual Harrasment Policy, be received and noted.

(A/DES Report 10.10.97)

Carried.

14.

PLANNING – INCORPORATION OF ARTWORKS INTO THE FIRST STAGE OF KING STREET (2005632)

- (A) That Council approve the cost of artworks to be incorporated into the first stage of King Street footpath upgrading as follows:
- (1) Bindigestion - one rubbish and one recycling bin installed, cost being \$2,800, funded by the 1997/98 King Street Capital Works Budget;
 - (2) Community Art - Council to pay for the design, manufacture and installation of artworks in front of community sites and Council owned properties on King Street; specifically Burland Hall and the Newtown Mission. The cost of these works estimated at \$35 000, funded by the 1997/98 King Street Capital Works Budget;
 - (3) Cost Sharing Arrangement - Business people pay for the cost of manufacture and installation of artworks. Council would initially cover this cost to a maximum of \$20 000, with business people paying back this amount over a fixed period of time (interest free loan). This work funded by the 1997/98 Capital Works Budget;
 - (4) Cost Sharing Arrangement - Council to pay for Artists fees to the value of \$15 000, funded by the 1997/98 Health and Community Services Budget - KHL.
- (B) That Officers prepare a report to Council detailing the proposed location of future stages of footpath upgrading works for King Street, and sources of funding for the incorporation of artworks.

(DPB, ADPWS and DHCS Joint Report 31.10.97)

Carried.

15.

CELEBRATIONS - ENTERTAINMENT – MASCON FESTIVAL REPORT (2014586)

That arising from consideration of a joint report by the Director of Health and Community Services and Manager Customer Service/Public Officer, dated 31 October, 1997, approval be given to:-

- (a) the conduct the 1998 South Sydney Festival, MASCON III on Saturday, 8 August 1998, at Sydney Park;

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- (b) the Festival format, of a Carnival of activities throughout the afternoon followed by a community pageant on dusk, follow that of the 1997 event;
- (c) the additional funding of \$30,000 in the 1997/98 financial year to allow for the immediate commencement of planning and community involvement for the 1998 event;
- (d) the commitment of a further \$40,000 in the 1998/99 Budget Estimates, to adequately cover the costs of specialist tutors, appropriate equipment hire and entertainers on the day of the event;
- (e) a contingency budget of a further \$10,000 in the instance that the appropriate Council Officer is not available to co-ordinate the Festival in 1998 and an outside contractor is required;
- (f) making application for funding from other Government bodies to assist with the running costs of the Festival;
- (g) the establishment of a community based Steering Committee, chaired by a Councillor from Council's Cultural Committee, to assist in the planning and facilitation of next year's event.

Carried.

16.

FINANCE - TRANSFER OF FUNDS FROM 1996/97 BUDGET TO 1997/98 BUDGET (2012347)

That arising from consideration of a report by the Director of Health and Community Services dated 30 October 1997, approval be given to the transfer of funds for incomplete projects from the 1996/97 financial year to the 1997/98 budgets.

Carried.

17.

RATES – ELIGIBILITY FOR PENSIONER REBATE (2005348)

That the report by the Director of Finance regarding the above matter be received and noted.

Carried.

18.

PLANTS AND ASSETS - SUPPLY AND DELIVERY OF MOTOR VEHICLE FLEET ITEM – RECISSION OF PART OF RESOLUTION - COUNCIL OF 10 SEPTEMBER 1997 (2015532)

That approval be given to:-

- (1) rescinding item A(4) of Item 21 of the Finance Committee as approved by Council on 10 September 1997;
- (2) the cancellation of Council's official Order No. 342683;
- (3) the purchase of a suitable replacement vehicle under the terms and conditions of the State Government Contract;
- (4) the disposal of Council vehicle No. 6026 at auction.

(DPWS Report 31.10.97)

Carried.

19.

FINANCE – ADOPTION OF COUNCIL'S FINANCIAL REPORTS FOR THE YEAR ENDING 30 JUNE 1997 (2000631)

That arising from consideration of the report by the General Manager dated 31 October 1997, it be resolved that:-

- (1) the Financial Reports for the year ending 30 June 1997, be received and adopted;
- (2) the date for the presentation to the public of Council's Financial and Auditor's Reports, be Wednesday, 26 November 1997.

Carried.

20.

PROPERTIES – KING STREET, NOS. 218 – 222, NEWTOWN - REFURBISHMENT OF BURLAND HALL –(201386)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

- (1) That approval be given to engage S. A. Simmonds and Associates Pty Limited, for the sum of \$907,556 to re-develop Burland Hall, 218-222 King Street, Newtown;

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- (2) That funds of \$136,133 (15% of Construction Contract Value) be allocated as a contingency for variations;
- (3) That additional funds of \$105,000 be made available from savings anticipated on the re-development of 137-155 Palmer Street, East Sydney (\$285,890) and allocated to the Account Code BWP 6021.66EO for re-development of Burland Hall;

-for which funds of \$1,000,000 are currently available from the Property Reserve (Account Code BWP 6021.66EO).

(DCS Report 31.10.97)

Carried.

Councillors Bush, Deftereos and Fowler requested that their names be recorded as being opposed to the foregoing motion.

21.

PROFESSIONAL SERVICES - FLEET MANAGEMENT – FUEL CAR CONDITIONS OF USE (2012356)

That Council approves the Shell Fuel Card trial to be extended to permit 24 hour seven day access for refueling purposes.

(DCS Report 3/11/97)

Carried.

22.

LICENSING – HENDERSON ROAD, NOS. 146 – 150, ALEXANDRIA – PROPOSED FOOTWAY LICENCE (2009773)

That the recommendation as contained in the report by the Director of Public Works and Services dated 27 October 1997, regarding the proposed footway licence at Nos. 146-150 Henderson Road, Alexandria, be approved and adopted,

Carried.

23.

STREETS – STREET FURNITURE – JOINT ADVERTISING PROPOSAL WITH SOUTH SYDNEY COUNCIL – QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2014501)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the report by the Director of Public Works and Services dated 20 October, 1997, regarding the joint tendering with other councils and authorities for the replacement of existing street furniture with 'state of the art' technology items be received and noted, and further, approval be given to:-

- (1) confirmatory approval being given to the General Manager's approval for publicising (advertising) the public exhibition of street furniture by participating tenderers at Martin Place between 10 and 16 November, 1997, in the local press, inviting residents of South Sydney City Council (as well as Councillors and staff members) to take the opportunity of registering their comments and opinions of the exhibited items;
- (2) approval being given to the Deputy Mayor, Councillor Christine Harcourt and the General Manager, Mr John Bourke, to represent Council in the Steering Committee of street furniture tender to be held in the City of Sydney on 26 November 1997 (or an alternate suitable date).

Carried.

24.

**ADMINISTRATION – KINGS CROSS PLACE MANAGEMENT PROJECT –
PROGRESS REPORT (2015398)**

That the report by the Acting General Manager dated 3 November 1997, on the progress on the Kings Cross Place Management Project, be received and noted.

Carried.

25.

**FINANCE – REVOTE OUTSTANDING WORKS PROGRAMME ITEMS FROM
1996/97 TO 1997/98 (B53-00053)**

That arising from a report by the Director of Finance dated 3 November 1997, approval be given to revoting 1996/97 expenditure totalling \$ 1,136,073, for outstanding Works Programme Items.

Carried.

26.

**PLANT AND ASSETS – SUPPLY AND DELIVERY OF ONE 1.5 – 2 CUBIC
METRE COMPACT SUCTION SWEEPER – TENDER (2015533)**

That approval be given to:-

GENERAL MANAGER

- (1) the acceptance of the tender submitted by Macdonald Johnston Engineering Company Pty Ltd for the supply and delivery of one Macdonald Johnston 2000 Compact Footpath Sweeper in the sum of \$132,000 in accordance with Council's Specification PWS 12/97 and he firm's tender dated 10 October 1997, for which funds are available in the 1997/98 Revenue Estimates);
 - (2) the disposal of Council vehicle No. 4951 Isuzu flusher at auction.
- (DPWS Report 29.10.97)

Carried.

27.

PLANT AND ASSETS – SUPPLY AND DELIVERY OF 14 MOTOR VEHICLE FLEET ITEMS – TENDERS (2015532)

That approval be given to:-

- (A) the acceptance of the following tenders submitted for the supply and delivery of 14 Motor Vehicle Fleet Items in accordance with Council's Specification No. PWS.11/97 under the following categories:
 - (1) Category 'A' - The tender by Sundell Holden dated 14 October 1997 for four Holden Commodore Executive Sedans in the sum of \$24,824 per vehicle, in the total sum of \$99,296;
 - (2) Category 'A' - The tender by The Fury Group dated 14 October 1997 for one Ford Falcon GLi sedan in the sum of \$20,071 less a trade-in allowance on Council Vehicle No 6751 Ford Falcon GLi station wagon for a credit of \$1,029;
 - (3) Category 'B' - The tender by Suttons City Holden dated 7 October 1997 for three Holden Commodore Executive Station Wagons in the sum of \$21,581 per vehicle, in the total sum of \$64,743, less total trade-in allowance of \$54,000 on Council Vehicles Nos. 6087, 6088 and 6089 Mitsubishi Magna Station Wagon, in the total nett sum of \$10,743;
 - (4) Category 'B' - The tender by Sundell Holden dated 14 October 1997 for one Holden Commodore Executive station wagon in the sum of \$26,243;
 - (5) Category 'D' - The tender by West City Holden dated 13 October 1997 for three Holden Commodore 'S' Pack utilities in the sum of \$19,201 per vehicle, in the total sum of \$57,603, less a total trade-in allowance of \$58,600 on Council Vehicles No 4167

GENERAL MANAGER

Toyota HiLux dual cab utility, and Nos. 4392 and 4543 Holden Commodore 'S' Pack utilities, for a total credit of \$997;

- (6) Category 'E' and 'F' – The tender by Clintons Motor Group dated 10 October 1997 for one Toyota HiLux one tonner in the sum of \$21,627 and one (1) Toyota HiLux dual cab utility in the sum of \$20,113, in the total sum of \$41,740 less a total trade-in allowance of \$42,820 on Council vehicles Nos. 4391 and 4394 Holden Commodore 'S' Pack utilities, for a total credit of \$1,080;
-for which funds are available in the 1997/98 Revenue Estimates.

- (B) The disposal of five Council vehicles Nos. 6090, 6095, 6099, 6293 and 6351 at auction.

(DPWS Report 29.10.97)

Carried.

28.

DONATIONS – REQUEST FOR FREE USE OF REG MURPHY HALL BY PETER BALDWIN M.P. (P56-00437)

That the application submitted by Mr. Peter Baldwin MP for free use of Reg Murphy Hall on Sunday 9 November 1997, be refused.

Carried.

29.

DONATIONS – REQUEST FOR FREE USE OF PADDINGTON TOWN HALL BY BOBBY GOLDSMITH FOUNDATION (D03-00205)

That arising from consideration of a report by the Director of Corporate Services dated 20 October, 1997, and as an important contributor to the well-being of the residents of South Sydney, it be resolved that Council support the Bobby Goldsmith Foundation by forgoing \$8,375 in income and meet the expenses of \$1,150 (from account ENJ 123) and allow the Foundation free use of Paddington Town Hall on Wednesday, 21 January 1998, from 9.00 a.m. to 2.00 a.m. for their fundraising dinner.

Carried.

REPORT OF THE FINANCE COMMITTEE

(CONFIDENTIAL MATTERS)

5 November 1997

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee during consideration of the undermentioned Items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reasons for the press and public being excluded are as follows, namely:-

Items 1 and 5 – Lease and Contractual Matters

Items 2, 3 and 4 - Personnel Matters

Moved by the Chairperson (Councillor Macken), seconded by Councillor Waters:-

That the Report of the Finance Committee of its meeting of 5 November 1997, be received and the recommendations set out below for Items 1 to 4 inclusive, be adopted. The recommendation for Item 5 having been dealt with as shown immediately following such items.

Carried.

The Committee **recommended** the following:-

1.

LICENSING – BOURKE STREET, NO. 416, SURRY HILLS – TERMINATION OF FOOTWAY LICENCE (2006702)

That approval be given to:-

(1) the termination of the licence agreement dated 30 January, 1997 with Bretfind Pty Limited over an area of six square metres of the footway adjacent to the Hopetoun Hotel, No. 416 Bourke Street, Surry Hills as approved by Council on 26 June, 1996 and as shown stippled on Plan No. S4-130/557B;

(2) the licence in condition (1) above terminating on 14 October, 1997.

(DPWS Report 15.10.97)

Carried.

GENERAL MANAGER

2.

**PERSONNEL - FINANCE DEPARTMENT – ACTIVITY BASED COSTING-
PERMANENT POSITION (2016735)**

That the recommendation as contained in the report by the Director of Finance dated 31 October 1997, regarding a permanent position in the Activity Based Costing section of the Finance Department, be approved and adopted.

Carried.

3.

**PERSONNEL – REVIEW OF POLICY FOR LEASE BACK VEHICLE
SCHEME (5263043)**

That Council's Vehicle Lease Back Policy be amended as set out in the Director's report, and that the General Manager approve employees leaving lease back vehicles at home on a rotating basis, providing that each Director indicates that the operational needs of Council are not adversely affected.

(DES Report 30.10.97)

Carried.

4.

DEPARTMENTS - FINANCE DEPARTMENT – RESTRUCTURE (2016734)

That the recommendation as contained in the report by the Director of Finance dated 31 October 1997, regarding the restructure of the Finance Department be approved and adopted.

Carried.

5.

PROPERTIES - BROADWAY SITE - REDEVELOPMENT (P56-00004)

That the recommendation as contained in the report by the Director of Corporate Services dated 3 November 1997, regarding the redevelopment of the Broadway site, be approved and adopted.

This matter was submitted to Council without recommendation.

Moved by Councillor .Macken, seconded by Councillor Lay:-

Councillors Bush, Deftereos and Fowler requested that their names be recorded as being opposed to the foregoing motion.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

5 November 1997

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors - Margaret Deftereos, Sean Macken, Greg Waters.

At the commencement of business at 7.34 p.m. those present were -

Councillors - Deftereos, Fenton, Macken, Waters.

Moved by the Chairperson (Councillor Fenton), seconded by Councillor Macken:-

That the Report of the Community Services Committee of its meeting of 5 November 1997, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1. PUBLIC RELATIONS – PUBLIC SWIMMING AND SPA POOL INSPECTION – FEE FOR SERVICE (P58-00410)

That arising from consideration of a report by the Director of Health and Community Services dated 23 October 1997, it be resolved that:-

- (1) an inspection fee of \$110, in line with the annual inspection fee currently charged for commercial premises, be made on occupiers of public swimming and spa pools premises in compliance with the provision of Section 608 of the Local Government Act, 1993, after an initial inspection has been made by Environmental Health Officers;
- (2) the proposed fee be incorporated in the Budget Proposal Fees and Charges for the 1998/99 and implemented from the 1 July 1998.

Carried.

GENERAL MANAGER

2.

**LANDMARKS – SYDNEY GAY AND LESBIAN MARDI GRAS –
APPLICATION TO INSTALL SCULPTURE ON GILLIGAN’S ISLAND (L51-
00021)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fenton, seconded by Councillor Macken:-

That the application by the Sydney Gay and Lesbian Mardi Gras to install the sculptural piece titled “A Temple of Wellbeing” from 1 February to 28 February, 1998, be rejected and a further application would not be considered unless the artist could gain the support of the Anzac Memorial Trustees.

(DHCS Report 12.11.97)

Carried.

Councillor Fowler requested that his name be recorded as being opposed to the foregoing motion.

3.

**CELEBRATIONS - NATIONAL FOOD SAFETY AWARENESS WEEK
(2016710)**

That the report by the Director of Health and Community Services dated 3 November 1997, regarding the above matter, be received and noted.

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

5 November 1997

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillors - John Bush, Christine Harcourt, Jill Lay.

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

The Mayor and Councillors - Bush, Harcourt, Lay.

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 5 November 1997, be received and the recommendations set out below for Items 2,4 to 8 inclusive, 10,12 to 14 inclusive, 16,19 to 28 inclusive, 30 to 34 inclusive, 37, 38 and 40, inclusive, be adopted. The recommendations for Items 1,3,9,11,15,17,18,29,35,36 and 39 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

RILEY STREET, NO. 235, SURRY HILLS – CHANGE RESTAURANT TO HOTEL – DEVELOPMENT APPLICATION (U97-00628)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr D Karageorge, with the authority of Dimitris Investments Pty Ltd, for permission to convert the restaurant to hotel, subject to the following conditions, namely:-
- (1) That this consent shall lapse at the end of one year and the ground floor of the premises revert to a licensed restaurant unless a further development application has been lodged and consent issued;
 - (2) That the number of patrons on the premises shall not exceed 150 at any given time;
 - (3) That the hours of operation of the hotel shall not extend beyond the approved hours of restaurant, namely:
 - * 10.00am to midnight Monday to Saturday; and
 - * 12.00 noon to midnight Sunday
 - (4) That no dancing shall be conducted on the premises;
 - (5) That no entertainment shall be provided on the premises;
 - (6) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian

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Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or

- (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (7) That no collection or stacking of bottles and refuse shall occur between 9.00 p.m. and 8.00 a.m.;
- (8) That no loading or unloading shall occur off Little Riley Street and all loading/unloading shall take place off Campbell or Riley Street, subject to Council establishing a loading zone on either of those frontages;
- (9) That the applicant shall enter into a Code of Practice with the Police and a copy of that Code shall be submitted to Council prior to the premises trading as a hotel;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Director of Public Works and Services prepare a report to the Traffic Committee investigating the creation of a loading zone adjacent to the premises on either Campbell Street or Riley Street in accordance with Condition (8) above;
- (D) That Council Officers prepare a report for Council's Traffic Committee investigating changes to the Resident Parking Scheme.

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition of the words "at the applicant's cost" after the word "loading zone" where appearing in the third line of clause (8) of the recommendation.

Motion, as amended by consent, carried.

2.

O'CONNELL STREET, NO. 44, NEWTOWN – ALTERATIONS TO EXISTING DWELLING – DEVELOPMENT APPLICATION (U97-00633)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Cracknell and Lonergan, with the authority of Mr N Pinder and Ms M De Freitas, for permission to carry out alterations and additions to include a front dormer and a rear first floor addition, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans Drawing No. BA dated July;

- (2) That the front dormer and balcony to be deleted and details to be submitted with any Building Application for approval;
- (3) That the bottom windows of the first floor rear window shall be obscurely glazed to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions, namely:

- (4) LDA152 - Schedule of finishes;
- (5) LDA153 - Reflectivity of external glazing;
- (6) LDA151 - Schedule of finishes;
- (7) LDA367 - Timing device on alarms;
- (8) LDA376 - Hours of building work;
- (9) LDA377 - Construction noise regulation;
- (10) LDA384 - New alignment levels;
- (11) LDA389 - Stormwater disposal requirements;
- (12) LDA392 - No obstruction to public way;
- (13) LDA396 - Works within boundaries;
- (14) LDA393 - Delivery of refuse skips;
- (15) BC26 - Comply with BCA;
- (16) hsc500 - Premises to be ventilated;
- (17) hsc800 - Use of appliances emitting intrusive noise;

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, and would not be in the public interest.

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

Carried.

3.

FLINDERS STREET, NOS. 83 – 97, SURRY HILLS – ERECT A RESIDENTIAL FLAT BUILDING WITH CAR PARK AND CAFÉ – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT(U97-00536)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Allen Jack and Cottier Architects, with the authority of John Newell Pty Ltd for demolition of the existing building and the erection of a new building comprising 47 residential units and one cafe at Nos.83-97 Flinders Street, Surry Hills, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered AO1, A10, A11, A12, A13, A20, A21 and dated 26 June 1997;
 - (2) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
 - (3) That the "Albion Street" building shall be amended so that all the residential units of "Durnham Village" receive two hours of sunlight in midwinter. Details (including shadow diagrams) are to be submitted with the building application;
 - (4) That the proposal must not exceed the 15m height limit. Details are to be submitted with the building application;
 - (5) That generally, no external elements are to project above the height of the parapet wall of the building adjacent to the south;
 - (6) That the private balconies of unit 10 (levels 1, 2 and 3) and unit 9 (level 4) are to have a minimum area of 7m² with a depth of 2m. Details are to be submitted with the building application;
 - (7) That screening measures are to be undertaken along that part of the eastern balcony of unit 1 (level 4) which is located in close proximity to the balcony of unit 9 (level 4) and shall be returned around the corner of the balcony. Details are to be submitted with the building application;

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- (8) That the proposed building is to be erected clear of the stratum envelope of the Eastern Distributor tunnel. Details are to be submitted with the building application;
- (9) That the developer shall provide at his own cost a certificate from a qualified structural/geotechnical engineer stating that the structural integrity of the Eastern Distributor tunnel will not be affected by the proposal. This certificate is to be endorsed by the engineer responsible for the design of the tunnel from Airports Motorways Limited and is also to be sighted by the Roads and Traffic Authority, prior to building approval being granted by Council;
- (10) That a further development application shall be submitted to Council prior to occupation of the proposed cafe;

(11) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$78,382	2E97001.BGYO
Open Space/Townscape/ Public Comain	\$23,430	2E97002.BGYO
Accessibility And Transport	\$ 306	2E97006.BGYO
Management	\$ 1,178	2E97007.BGYO
Total	\$103,296	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

Works in Kind

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.

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;

- (12) That the proposed car park shall be amended in so as to generally comply with AS2890.1. In this regard it should be noted that AS2890.1 requires:
- (a) all spaces to be 2.5m in width;
 - (b) the disabled space is to be 3.2m in width with a headroom clearance of 2.5m and is to be relocated near to the lift;
 - (c) the driveway width is to be increased to 6.1m;
 - (d) the driveway ramp is to have 1:20 gradient for the first 6m followed by a 1:8 gradient thereafter;
 - (e) the aisle opposite the lift lobby is to be widened to 5.8m or alternatively, spaces 1-3 and 23 are to have a minimum width of 2.7m;
 - (f) the aisle to the bicycle store is to have a minimum width of 1.5m;
 - (g) columns are to be set back 250mm from the end of the spaces in accordance with Figure 5.2 of AS2890.1

-details to be submitted with the Building Application;

- (13) That a maximum of 25 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building. These spaces are to be allocated as follows with one space for the cafe tenant, four spaces for visitors and the remainder for the residents of the development;
- (14) 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 the release of the approved building plans;
- (15) As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:
- (a) Embellishment of a pedestrian threshold across Hutchinson Street:

- (b) Advanced Avenue trees (Platanus Sp. - Plane Tree) are to be planted along the footpath of Flinders and Albion Streets at 10m intervals adjacent to the property;
- (c) The erection of a sympathetic bus stop shelter on Flinders Street.

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement;

- (16) That the applicant shall undertake and pay for footpath paving along Flinders, Albion, and Hutchinson Streets, adjacent to the property in conjunction with Council's Public Works and Services Department;
- (17) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (18) That an archival record, including a photographic record, of the building shall be made. A statement of why the record is being made, a statement of heritage significance of the building using the Heritage Manual Guidelines and the burra charter criteria, and an inventory of archival documents related to the building shall also be included. At least two copies of photographic negatives mounted in archivally stable clear envelopes shall be submitted to the Council;
- (19) That measured technical drawings of the building including plans, sections and elevations at an appropriate scale shall be carried out prior to demolition by an experienced heritage consultant. An allocation plan showing the relationship to the surrounding area and base plans shall also be provided. Copies of these plans shall be submitted to Council;

-and the following adopted standard conditions:

- (20) LDA101 - Provide landscaping plan;
- (21) LDA29 - Provide sign indicating parking;
- (22) LDA21 - No resident parking for residential flat developments;
- (23) LDA152 - Schedule of finishes;
- (24) LDA161 - Provide common television aerial;
- (25) LDA351 - Building Application required;
- (26) HSC103 - Environmental site assessment being carried out;
- (27) HSC018 - Sanitary facilities;
- (28) HSC500 - Premises to be ventilated;
- (29) HSC555 - Bathroom ventilation;
- (30) HSC700 - Compliance with code for Garbage Handling System;
- (31) HSC705 - Construction of garbage room;
- (32) HSC706 - Storage of recyclables;
- (33) HSC800 - Use of appliances emitting intrusive noise;
- (34) LDA45 - Parking and driveways to be kept clear;
- (35) LDA376 - Hours of building work;
- (36) LDA377 - Construction noise regulation;
- (37) LDA384 - New alignment levels;
- (38) LDA386 - Road Opening Permit;
- (39) LDA387 - Footway crossings;
- (40) LDA389 - Stormwater disposal requirements;
- (41) LDA391 - Builder's Hoarding Permits;
- (42) LDA392 - No obstruction to public way;
- (43) LDA393 - Delivery of refuse skips;
- (44) LDA394 - Cost of alteration to signposting;

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

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

(B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993, the following is required:

(1) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(4) of the BCA;

and the following adopted standard conditions:

- (2) BC318 - Fire entrance doors to units;
- (3) BC420 - Construction of stairways and ramps;
- (4) BC426 - Exit doors, shutters and grilles;
- (5) BC501 - Fire extinguisher;
- (6) BC507 - Hose reels;
- (7) BC508 - Hydrants;
- (8) BC524 - Emergency lighting;
- (9) BC525 - Exit signs;
- (10) BC528 - Fire detectors and alarm system;
- (11) BC528 - Fire detectors and alarm system;
- (12) BC609 - Natural light and ventilation;
- (13) BC611 - Ventilation of bathrooms/laundries;
- (14) BC612 - Wall sound transmissions;
- (15) BC614 - Floor sound transmissions;
- (16) BC602 - Clothes washing and drying facilities;
- (17) BC26 - Comply with BCA;

- (C) That those persons who made representations in respect of the proposal be notified of Council's decision.

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

That the application submitted by Allen Jack and Cottier Architects, with the authority of John Newell Pty Ltd for demolition of the existing building and the erection of a new building comprising 47 residential units and one cafe at Nos.83-97 Flinders Street, Surry Hills, be deferred.

Amendment negatived.

Motion, as moved by the Mayor, carried.

Councillor Fowler requested that his name be recorded as being opposed to the foregoing motion.

4.

WELLINGTON STREET, NO. 6, WATERLOO – ERECTION OF TWO ATTACHED THREE BEDROOM DWELLINGS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U97-00689)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Nordon Jago Architects, with the authority of Kozara P/L and Calitrope P/L, for permission to erect two attached dwellings and to subdivide, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA01C, DA03B, DA04B received in July 1997;
- (2) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$6318	2E97001.BGYO
Open Space/Townscape/ Public Comain	\$1888	2E97002.BGYO

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Accessibility And Transport	\$24	2E97006.BGYO
Management	\$96	2E97007.BGYO
Total	\$8326.00	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans.

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

(B) Works in Kind

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.

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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.

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.

- (3) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) proposed fences;
 - (e) size and proportion of windows and doors;
- (4) That any external glazing shall have a reflectivity not exceeding 20%;
- (5) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;

- (6) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems;
- (7) That the street numbers shall be clearly displayed to the satisfaction of the Director of Planning and Building with such numbers being of a colour contrasting with the wall to which they are affixed;
- (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;
- (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 developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (11) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
- (12) That the developer shall submit for the approval of the Director of Public Works and Services the details of the stormwater disposal and drainage for the development;
- (13) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (14) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;

- (15) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (16) That all proposed work shall be wholly within the boundaries of the subject site;
- (17) That all relevant sections of the BCA shall be complied with;
- (18) For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;
- (19) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (20) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (21) That inward opening gates shall be provided at the Wellington Street, entrance, details to be submitted with the Building Application.

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, and would not be in the public interest.

- (B) NOTE: 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 its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

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5.

CLEVELAND STREET, NOS. 401 – 409, REDFERN – CODES OF PRACTICE – DEVELOPMENT APPLICATION (U96-00661)

That the report by the Director of Planning and Building dated 22 August 1997, regarding the above matter, be received and noted.

Carried.

6.

FIRE – RESTAURANT OPERATING AS NIGHT CLUBS – INVESTIGATION OF BUILDING SAFETY AND FIRE CONDITIONS – QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2014753)

That the report by the Director of Planning and Building dated 29 October 1997, regarding the above matter, be received and noted.

Carried.

7.

OXFORD STREET, NO.134, DARLINGHURST – VARY EXISTING TRADING HOURS – DEVELOPMENT APPLICATION (U97-00482)

That the Council, as the responsible authority grants its consent to the application submitted by Oxford Hotel Partnership, with the authority of Mr B Toomey, Mr R Pantlin & others, for permission to extend the hours of operation of the Oxford Hotel to 24 hours a day, 7 days a week, subject to the following conditions, namely:-

- (1) That the use of the premises be generally in accordance with the details provided in the development application as held on Council file U97-00482;
- (2) That a Management Plan for Licensed Premises shall be prepared and agreed to by both the Lesbian and Gay Anti Violence Project and the Surry Hills Police Department and an endorsed copy forwarded to Council prior to the commencement of the extended hours. The premises shall run in accordance with the Management Plan at all times;
- (3) That the use of the premises shall not give rise to:-
 - (a) the transmission of vibration to any place of different occupancy;
 - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from

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31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;

(c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;

(d) an "offensive noise" as defined in the Noise Control Act, 1975;

- the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984;

(4) That no sound emanating from the premises shall be audible within any residential premises.

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.

Carried.

8.

WILSON STREET, NO.39, NEWTOWN – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING – DEVELOPMENT APPLICATION (U97-00713)

(A) That the Council resolves that it is satisfied that the objection submitted under State Environmental Planning Policy No 1 to the Floor Space Ratio in Clause 10 of Local Environmental Plan No 107 is well founded and that compliance with the standard is unreasonable and unnecessary in this instance for the following reason:

That the development is common in the locality and the proposal would not cause unacceptable impact on adjacent properties.

(B) That the Council as the responsible authority grants its consent to the application submitted by Mr Ambler for permission to conduct alterations and additions including rear ground and first floor additions to the existing building for the purposes of a dining room and bedroom and the erection of a garage with first floor studio fronting Linthorpe Lane, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with the submitted drawings numbered 973.1 and 973.2 submitted on 13 August 1997 and held on Council File Number U97-00713;

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- (2) That the balcony on the first storey of the garage shall be deleted;
- (3) That the sliding door/window on the first storey of the garage shall be deleted and replaced with a high-sill window set at a minimum height of 1.5m above the floor;
- (4) That the rear garage skillion roof shall be redesigned to that of a pitched roof with gable ends facing Linthorpe Lane and the property's private open space, to the satisfaction of the Director of Planning and Building;
- (5) That the rear garage and first storey studio shall be used in conjunction with the existing dwelling;

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;
- (7) LDA367 - Timing device on alarms;
- (8) LDA368 - Display of street numbers;
- (9) LDA376 - Hours of building work;
- (10) LDA377 - Construction noise regulation;
- (11) LDA384 - New alignment levels;
- (12) LDA387 - Footway crossings;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) LDA393 - Delivery of refuse skips;
- (16) LDA396 - Works within boundaries;
- (17) hsc800 - Use of appliances emitting intrusive noise;

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Secretary of the Department of Urban Affairs and Planning be notified of Council's determination under SEPP No.1 in accordance with the Department's Circular No.117 of December 1986.

Carried.

9.

BURREN STREET, NO.98, ERSKIINEVILLE – UNAUTHORISED WORK – BUILDING APPLICATION (Q95-00327)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the matter be deferred for a further report on the status of other gates and roller doors that have been erected giving access onto the privately owned lane way and options available for the creation of legal rights of access.

Carried.

10.

ELIZABETH STREET NO.1B, WATERLOO – ALTERATIONS AND ADDITIONS TO SOUTH SYDNEY YOUTH SERVICES PREMISES – DEVELOPMENT APPLICATION (U97-00841)

- (A) That the Council as the responsible authority grants its consent to the application submitted by South Sydney City Council, owner, for permission to add to and alter the existing South Sydney Youth Services building in Waterloo Park to provide additional office space, band room, counselling room and amenities at No.1B Elizabeth Street, Waterloo in accordance with the submitted plan numbered SSYH-A-01, subject to the following conditions, namely:-
 - (1) That the external wall and roof finishes shall match the existing finishes;
 - (2) That the use of the premises shall not give rise to:-
 - (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic – Description and Measurement of Environmental Noise";
- or

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- (b) an “offensive noise” as defined in the Noise Control Act, 1975;

and the following adopted standard conditions:

- (3) LDA351 - Building Application required;
- (4) LDA376 - Hours of building work;
- (5) LDA389 - Stormwater disposal requirements;
- (6) LDA392 - No obstruction to public way;
- (7) LDA396 - Works within boundaries;
- (8) BC26 - Comply with BCA;
- (9) hsc018 - Sanitary facilities;
- (10) hsc019(i) – Submit mechanical ventilation system details;
- (11) hsc500 - Premises to be ventilated;
- (12) hsc704 - Garbage storage area.

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

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

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

Carried.

11.

TUDOR STREET, NO.27, SURRY HILLS – ALTERATIONS AND ADDITIONS TO TERRACE HOUSE – DEVELOPMENT APPLICATION (U97-00875)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the Council as the responsible authority refuses its consent to the application submitted by Ross Macrae with the authority of Mr and Mrs

Wolifson to demolish an existing balcony enclosure and erect a new glazed balcony for the following reasons, namely:-

- (1) The proposal is contrary to Controls relating to front verandahs and balconies within Council's Development Control Plan 1997 which states that "the infill of verandahs is not permitted";
- (2) The proposal represents an inappropriate and incongruous infill out of character with the existing dwelling, including the use of materials which are not compatible with materials used in adjoining existing buildings, and thereby fails to preserve or enhance the special character of the Conservation Area, contrary to Clause 14 (3) of Local Environmental Plan 107;
- (3) The proposal is contrary to Section 90(1) of the Environmental Planning and Assessment Act 1979, in particular parts (c), (e), (q) and (r);
- (4) The proposal would set an undesirable precedent for similar balcony enclosures.

Carried.

12.

ROCHFORD STREET, NO.41, ERSKIENVILLE – DEMOLISH REAR OF EXISTING RESIDENCE AND ERECT A TWO STOREY EXTENSION, INCLUDING CONVERSION OF ATTIC AT FRONT – BUILDING APPLICATION (Q97-00703)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by David Morris for permission to construct two storey rear extension at the abovementioned premises, all in accordance with the submitted plan numbered BA1 dated 5 August 1997 subject to the following conditions, namely:-
- (1) That a lattice screen shall be installed to the existing boundary fence between 41 and 43 Rochford Street to a height of 1800mm;
 - (2) That details of the drainage system shall be submitted for the consideration of Council and approved prior to construction commencing;
 - (3) That the first floor windows on the southern elevation shall be provided with translucent glazing;
 - (4) That the proposed 1800mm high lattice screen on the first floor balcony shall be made of approximately 25mm wide cross members at approximately 25mm spacings;

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- (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (6) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (7) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
- (8) That for the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

and the following adopted standard conditions:

- (9) BC2 - Compliance with Local Government Act 1993;
- (10) BC3 - Compliance with conditions on plan;
- (11) BC8 - Details of contractor;
- (12) BC11 - Inform Council for inspections;
- (13) BC15 - Approval relates to coloured work;
- (14) BC20 - Premises to remain as single dwelling;
- (15) BC34 - Brickwork to match existing;
- (16) BC63 - Survey Certificate for finished building;
- (17) BC64 - Applicant to make good damage to party walls;
- (18) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (19) BC33 - Dormer constructed in timber joinery;
- (20) BC111 - Hours of work;
- (21) BC113 - Work to comply with noise standards;
- (22) BC114 - Existing building to be kept in stable condition;

- (23) BC116 - New work not to encroach boundaries;
 - (24) BC167 - Structural details and certification to be submitted;
 - (25) BC170 - Structural certificate upon completion;
 - (26) BC175 - Comply with Timber Framing Code;
 - (27) BC176 - Approval for permanent work only;
 - (28) BC189 - Termite protection;
 - (29) BC337 - Construction of boundary walls;
 - (30) BC340 - Non-flammable sarking materials;
 - (31) BC352 - Glazing materials;
 - (32) BC528 - Fire detectors and alarm system;
 - (33) BC601 - Water closets and shower compartments;
 - (34) BC602 - Clothes washing and drying facilities;
 - (35) BC603 - Damp and weatherproofing;
 - (36) BC608 - Ceiling heights;
 - (37) BC609 - Natural light and ventilation;
 - (38) BC615 - Common walls sound transmission;
 - (39) BC617 - Rain or dampness penetration;
 - (40) BC618 - Flashing to be provided;
 - (41) HSC500 - Premises to be ventilated;
 - (42) HSC800 - Use of appliances emitting intrusive noise;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

BUCKINGHAM STREET NOS. 64-66, SURRY HILLS – ERECT SERVICED APARTMENT BLOCK WITH CARETAKERS FLAT – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00457)

- (A) That the Council, as the consent authority, supports the objection pursuant to State Environmental Planning Policy No. 1 in relation to the development standard regarding Clause 10 of Local Environmental Plan No. 107 (Floor Space Ratio), on the basis that compliance with the standard would be both unnecessary and unreasonable in the circumstances for the following reason:-
- (1) That the proposed excess floor space will not result in a development that has a significant intensity of use, nor will it impact upon the amenity of surrounding properties.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr R Gaudreau, with the authority of E G Herda Pty Ltd for permission to erect a serviced apartment, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated September 1997 and numbered DA-1, DA-3, DA-4, DA-5 as held on Council file U97-00457;
 - (2) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of one year);
 - (3) 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 the release of the approved building plans/prior to the release of the final linen plan (delete as applicable).
 - (4) That screening devices 1.7 metres in height shall be located at the eastern end of those serviced units numbered 3,4,7,8,11, and 12 to the satisfaction of the Director of Planning and Building;
 - (5) That lattice screening 1.6 metres in height shall be located at the western and eastern ends of the proposed roof deck to the satisfaction of the Director of Planning and Building;
 - (6) That the use of the roof top garden area be restricted to the hours of 5.00am to 10.00pm seven days a week;

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- (7) That access for people with disabilities shall be provided in accordance with the requirements of part D. 3 of the Building Code of Australia;
- (8) That a maximum of three off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (9) That the ground level storage area be deleted and be replaced with one car parking space and bicycle storage, to the satisfaction of the Director of Planning and Building;
- (10) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$13536	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$4044	2E97002.BGYO
Accessibility And Transport	\$48	2E97006.BGYO
Management	\$204	2E97007.BGYO
Total	\$17,832	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans.

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

(B) Works in Kind

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.

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.

As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (11) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

and the following adopted standards conditions:

- (12) LDA153 - Reflectivity of external glazing;
- (13) LDA152 - Schedule of finishes;
- (14) LDA161 - Provide common television aerial;
- (15) LDA165 - Provide garbage room on-site;
- (16) LDA201 - Make separate application for sign;
- (17) LDA257 - Regulation of noise transmissions;
- (18) LDA21 - No resident parking for residential flat developments;
- (19) LDA376 - Hours of building work;
- (20) LDA384 - New alignment levels;
- (21) LDA387 - Footway crossings;

- (22) LDA389 - Stormwater disposal requirements;
- (23) LDA391 - Builder's Hoarding Permits;
- (24) LDA392 - No obstruction to public way;
- (25) LDA394 - Cost of alteration to signposting;
- (26) LDA351 - Building Application required;
- (27) BC318 - Fire entrance doors to units;
- (28) BC426 - Exit doors, shutters and grilles;
- (29) BC501 - Fire extinguisher;
- (30) BC507 - Hose reels;
- (31) BC508 - Hydrants;
- (32) BC524 - Emergency lighting;
- (33) BC525 - Exit signs;
- (34) BC911 - Automatic fire alarms/detectors;
- (35) BC609 - Natural light and ventilation;
- (36) BC611 - Ventilation of bathrooms/laundries;
- (37) BC612 - Wall sound transmissions;
- (38) BC614 - Floor sound transmissions;
- (39) BC26 - Comply with BCA.

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

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

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

Carried.

14.

TURNER STREET, NOS. 42-50, REDFERN – CONSTRUCT 1X 3 BED UNIT, 16X2 BED UNITS AND 9 X 1 UNITS WITH PARKING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00564)

(A) That the Council as the responsible authority grants its consent to the application submitted by Lateral Developments, with the authority Vipena Pty Ltd, for permission to demolish the existing building and erect a new building containing 26 residential units and 23 parking spaces, subject to the following conditions, namely:

- (1) That the development shall be generally in accordance with drawings numbered DA00 to DA09 issue A dated 2 July 1997;
- (2) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$57163	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$17009	2E97002.BGYO
Accessibility And Transport	\$ 205	2E97006.BGYO
Management	\$ 827	2E97007.BGYO
Total	\$75204	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans.

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

Works in Kind

(B) Works in Kind

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 lodgment 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.

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.

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

- (3) That the floor space ratio of the building shall not exceed 2.13:1;
- (4) That a total of 23 off street parking spaces shall be provided, including 4 visitor spaces, to the satisfaction of the Director of Planning and Building;
- (5) Visitor parking spaces shall be located such that they are not within the secure parking area or are accessible via an intercom system to each unit;
- (6) That 9 secure bicycle parking spaces for residents shall be provided within the car park area and 3 bicycle spaces for visitors located in the communal garden area to the satisfaction of the Director of Planning and Building;
- (7) The solid privacy screens at least 1.8m in height shall be erected along the eastern edges of the balconies to units 107 and 206 to the satisfaction of the Director of planning and Building;
- (8) That all units above ground floor level shall have balconies of at least 8m² in area, to the satisfaction of the Director of Planning and Building;
- (9) That the ground floor setback from Renwick Street adjacent to the southern entry stairs and unit G03 shall be increased to match the setback in front of units G01 and G02, to the satisfaction of the Director of Planning and Building;
- (10) That the proposed footpath widening and the proposed corner splay (limited in depth to the top of the car park slab) shall be dedicated to Council free of cost and that all reasonable legal expenses involved in the transfer of the land will be borne by the Council;
- (11) That the proposed footpath extension shall be sealed with asphalt prior to dedication to Council, to the satisfaction of the Director of Public Works and Services;
- (12) That the communal courtyard at ground level shall be increased in length by 2.5m (at the expense the courtyard of unit G01), to the satisfaction of the Director of Planning and Building;
- (13) That the communal courtyard shall be embellished (e.g. With landscaping, seating, paving, etc.) to encourage residents to

make use of the space, to the satisfaction of the Director of Planning and Building;

- (14) That the applicant shall provide for any additional trees required along the frontages of the property to implement Councils Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services;
- (15) That the car park shall be ventilated in accordance with the requirements of AS 1668.2 – 1991, Section 4.4;
- (16) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems; and
 - (c) the garbage room and recyclables storage area

shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (17) Night time lighting shall be provided in all public areas;
- (18) Where landscaping is provided on a slab the minimum soil depth shall be 1000mm for trees, 600mm for shrubs (including a 75mm layer of mulch) and 300mm for grass and a suitable waterproofing and drainage layer shall be provided;
- (19) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
- (20) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year).

and the following adopted standard conditions:-

- (21) LDA161 - Provide common television aerial;
- (22) LDA368 - Display of street numbers;
- (23) LDA12 - Applicant to liaise with Sydney Water;

- (24) LDA29 - Provide sign indicating parking;
- (25) LDA21 - No resident parking for residential flat developments;
- (26) LDA376 - Hours of building work;
- (27) LDA384 - New alignment levels;
- (28) LDA387 - Footway crossings;
- (29) LDA389 - Stormwater disposal requirements;
- (30) LDA391 - Builder's Hoarding Permits;
- (31) LDA392 - No obstruction to public way;
- (32) LDA394 - Cost of alteration to signposting;
- (33) LDA396 - Works within boundaries;
- (34) LDA405 - Costs of demolition in dedicated areas;
- (35) LDA365 - Consolidation of lots;
- (36) LDA78 - Ramp grades;
- (37) BC26 - Comply with BCA;
- (38) HSC103 - Environmental site assessment being carried out;
- (39) HSC500 - Premises to be ventilated;
- (40) HSC100 - Removal of spoil from site;
- (41) HSC700 - Compliance with code for Garbage Handling System;
- (42) HSC706 - Storage of recyclables;
- (43) HSC800 - Use of appliances emitting intrusive noise;
- (44) LDA351 - Building Application required.

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.

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- (B) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.
- (C) That the persons who made representations in respect of the proposal be advised of the Council's decision.

Carried.

15.

RAILWAY PARADE NO. 89, ERSKINEVILLE – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00707)

At the Council Meeting, Councillor Macken declared an interest and did not take part in discussions or voting on the Item.

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mrs G Braun, with the authority of Mr G Braun, for permission to carry out rear alterations and additions to the existing dwelling at, Erskineville, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with the plan dated June 1997, as amended by the elevation submitted with the letter dated 21 August 1997;
 - (2) That the rear first floor addition comprising the "walk-in robe" shall be deleted;
 - (3) That the finish to the walls and roof of the rear addition shall match the existing dwelling in terms of materials, colour and finish;
- and the following adopted standard conditions:
- (4) LDA351 - Building Application required;
 - (5) LDA367 - Timing device on alarms;

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- (6) LDA376 - Hours of building work;
- (7) LDA377 - Construction noise regulation;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA391 - Builder's Hoarding Permits;
- (10) LDA392 - No obstruction to public way;
- (11) LDA393 - Delivery of refuse skips;
- (12) LDA396 - Works within boundaries;
- (13) HSC500 - Premises to be ventilated;
- (14) HSC800 - Use of appliances emitting intrusive noise;
- (15) That the exposed sections of the wall on the western boundary shall be rendered, bagged or painted a light finish to be detailed in the Building Application and completed prior to issuing a Certificate of Occupation.

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, overshadowing, heritage issues, 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.

16.

OXFORD STREET, NO.189, DARLINGHURST – VARY EXISTING TRADING HOURS – DEVELOPMENT APPLICATION (U97-00332)

That the Council as the responsible authority grants its consent to the application submitted by Paul Norberry with the authority of Crosslake Pty Ltd, for permission to extend the hours of operation of the Oxford Hotel to 24 hours a day, 7 days a week, subject to the following conditions, namely:-

- (1) That the use of the premises be generally in accordance with the details provided in the development application as held on Council file U97-00332;

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- (2) That a Management Plan for Licensed Premises shall be prepared and agreed to by both the Lesbian and Gay Anti Violence Project and the Surry Hills Police Department and an endorsed copy forwarded to Council prior to the commencement of the extended hours. The premises shall run in accordance with the Management Plan at all times;
- (3) That the use of the premises shall not give rise to:-
- (a) the transmission of vibration to any place of different occupancy;
 - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
 - (d) an "offensive noise" as defined in the Noise Control Act, 1975;
- the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984;
- (4) That no sound emanating from the premises shall be audible within any residential premises.

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.

Carried.

17.

CATHEDRAL STREET, NOS. 173-175A, AND FORBES STREET, NO.132, WOOLLOOMOOLOO – ALTERATIONS AND ADDITIONS AND ERECT NEW BUILDING TO CREATE 26 UNITS AND STRATA SUBDIVISION – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U97-00770)

- (A) That Council resolves to support the State Environmental Planning Policy No 1 objection against the development standard pertaining to floorspace within Clause 11 of Local Environmental Plan No 101 as well compliance is unreasonable and unnecessary for the following reason:-
- (1) The additional floor space will result in a building which is compatible in bulk, scale, height and form to adjoining development and will not impose any significant negative environmental impact.
- (B) That the Council as the responsible authority grants its consent to the development application submitted by Martin & Spork P/L, with the authority of BMB Development Corporation, for alterations and additions to the existing building and to erect a new building to create a residential flat building containing 26 units and a strata subdivision at 173-175A Cathedral Street and 132 Forbes Street, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA-01 to DA-06 and dated July 1997;
- (2) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (3) 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 the release of the approved building plans;
- (4) That the developer shall make a monetary contribution of \$15000 to Council to:
- (a) cover the cost of relocating and reestablishing the community garden affected by the proposal (\$5000);
- (b) provide for future public domain improvements in the vicinity of the site (\$10000). This one-off payment shall be made before the release of the approved Building plans;

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- (5) That a maximum of 10 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (6) That the proposed driveway shall be increased in width by 1.0m. Details are to be submitted with the Building Application;
- (7) As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent;

Advanced Avenue trees (Jacaranda mimosifolia) are to be planted along the footpath of Cathedral Street at 10m intervals adjacent to the property. Trees shall be 75 litre container size, 2.5m high and 75mm caliper.

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement;

- (8) That a landscape plan for the site a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and softworks including decorative paving types, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs.
- (9) That construction details accompany the landscape plan include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000 mm for trees, 600 mm for shrubs and 300 mm for grass. These dimensions shall include 75 mm depth of mulch and a suitable waterproofing and drainage layer;
- (10) That the Developer arrange with the Park Development Branch for a final inspection of the landscape works and that works are constructed in accordance with the plans approved with the Building Application;

- (11) That measured technical drawings of the existing building on the site including plans, sectors and elevations at an appropriate scale shall be carried out prior to any work commencing, by an experienced heritage consultant. An allocation plan showing the relationship to the surrounding area and base plans shall also provided. Copies of these plans shall be submitted to Council;
- (12) That the applicant shall install a fence along the land adjoining State Rail land to the requirements of State Rail;
- (13) That drainage shall not be directed onto State Rail land;
- (14) That no work shall be carried out on or from State Rail land;
- (15) That existing State Rail access shall not be impeded in any way;
- (16) Section 94 Contributions

(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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$39, 696	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$11, 862	2E97002.BGYO
Accessibility And Transport	\$160	2E97006.BGYO
Management	\$596	2E97007.BGYO
Total	\$52, 314	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans.

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

(B) Works in Kind

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.

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.

- (17) That the applicant shall submit a report by a qualified acoustic consultant showing how the noise and vibration from the adjacent railway line should be addressed by the proposal. This is to be submitted with the Building Application;
- (18) That any recommendations contained in the acoustic consultants report shall be implemented to the satisfaction of the Director of Planning and Building. Details shall be submitted with the Building Application;
- (19) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (20) Natural ventilation openings in accordance with Australian Standard 1668.2 – 1991 Section 4 shall be provided in the car park walls;
- (21) That all relevant sections of the BCA shall be complied with;

and the following adopted standard conditions, namely:

- (22) LDA21 - No resident parking for residential flat developments;
- (23) LDA152 - Schedule of finishes;
- (24) LDA162 - Provide common aerial for each building;
- (25) LDA351 - Building Application required;
- (26) LDA109 - Relocating street trees;
- (27) LDA374 - Disabled entry;
- (28) LDA376 - Hours of building work;
- (29) LDA377 - Construction noise regulation;
- (30) LDA384 - New alignment levels;

- (31) LDA387 - Footway crossings;
- (32) LDA389 - Stormwater disposal requirements;
- (33) LDA391 - Builder's Hoarding Permits;
- (34) LDA392 - No obstruction to public way;
- (35) LDA394 - Cost of alteration to signposting;
- (36) LDA398 - Road dedication (b) (1.0 m x 1.0 m) (Cathedral & Forbes Streets/ Cathedral & Judge Streets);
- (37) hsc103 - Environmental site assessment being carried out;
- (38) hsc518 - Exhaust vent;
- (39) hsc705 - Construction of garbage room;
- (40) hsc101 - Not give rise to emissions into the environment;
- (41) hsc111 - Liquid wastes to sewer;
- (42) hsc019 - Plans and specifications;
- (43) HSC800 - Use of appliances emitting intrusive noise.

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.

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

It was moved by Councillor Harcourt, seconded by Councillor Lay, that the motion be amended by the addition of a clause (44) to the recommendation, namely:-

- (44) That garbage shall be picked up from Cathedral Street in this regard consideration should be given to the deletion of the Judge Street doorway and lowering the room to the same R.L as the internal car park or such other arrangements as are acceptable to the Waste Services Manager. Details are to be submitted with the Building Application.

Amendment carried.

It was further moved by Councillor Deftereos, seconded by Councillor Fowler, that the motion be amended by the addition of a clause (D) to the recommendation, namely:-

- (D) That the Building Application be submitted to Council for determination and that the Director of Planning and Building consult and notify the residents regarding the Building Application.

Amendment carried.

Motion, as amended by Councillors Deftereos and Harcourt, carried.

18.

LITTLE RILEY STREET, NO.24, SURRY HILLS – ERECT FOUR LEVEL DWELLING ON VACANT LOT – DEVELOPMENT APPLICATION (U97-00494)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the Council as the responsible authority grants its consent to the application submitted by Mr K J Collins to erect a single dwelling at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans marked BA01-BA03, undated, and submitted to Council on 10 October 1997;
- (2) That this consent shall lapse after a period of two years from the date this consent becomes effective unless the development to which it relates is commenced. (The applicant is advised that an application can be made to Council before the period expires for an extension of up to one year).
- (3) That all parking spaces shall be 2.6m x 5.4m and all aisle widths 6.5m, minimum size;
- (4) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) roofing;
 - (c) balustrade treatment;
 - (d) fences;

- (e) windows and doors;
- (5) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
 - (6) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
 - (7) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (8) That prior to the commencement of any demolition/building work, an application for a Builder's Hoarding Permit shall be made to the Director of Public Works and Services and a hoarding shall be erected to the satisfaction of the Director of Public Works and Services;
 - (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (10) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
 - (11) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (12) 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;

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.

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Carried.

19.

ELIZABETH STREET, NO.643, WATERLOO, - ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00636)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Ms F E Thompson, for alterations and additions to dwelling, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans reference 97303-01/F ;
 - (2) That lattice type privacy screens of 1700 mm minimum height shall be erected along the sides of the proposed rear decks to the satisfaction of the Director of Planning and Building;
 - (3) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
 - (4) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) size and proportion of windows and doors;
 - (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (6) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
 - (7) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of one year);

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-and the following adopted standard conditions, namely:-

- (8) LDA152 - Schedule of finishes;
- (9) LDA201 - Make separate application for sign;
- (10) LDA351 - Building Application required;
- (11) LDA367 - Timing device on alarms;
- (12) LDA376 - Hours of building work;
- (13) LDA377 - Construction noise regulation;
- (14) LDA389 - Stormwater disposal requirements;
- (15) LDA392 - No obstruction to public way;
- (16) LDA393 - Delivery of refuse skips;
- (17) LDA396 - Works within boundaries;

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

20.

VICTORIA STREET, NO.168, POTTS POINT – ALTERATIONS AND ADDITIONS TO EXISTING BOARDING HOUSE AND CONVERT TO BACKPACKERS HOSTEL – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00208)

- (A) That Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard pertaining to Floor Space Ratio (FSR) within Clause 11 of Local Environmental Plan No. 101, insofar as the proposed development must not exceed a total FSR of 1.85:1, is well founded and compliance is therefore unreasonable and unnecessary for the following reason:-

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- (1) That the additional floor space will result in a building which is compatible in bulk, scale, height and form to adjoining development and will not impose any significant negative environmental impact.
- (B) That the Council as the responsible authority grants its consent to the development application submitted by Grzelak & Byrant Architects, with the authority of Mrs A Greco for alterations and additions to the abovementioned premises and use as a backpacker hostel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 01, 02 and 03 Issue A and dated 10 March 1997, except as modified by the conditions below;
- (2) That proposed room 11 and ensuite shall be deleted from the proposal. Details are to be submitted with the building application;
- (3) That if the plant room is to be utilised as a habitable room; then the pantry and part of the kitchen area shall be converted to courtyard. Further, the upper level terrace shall be amended to open the new courtyard area to the sky. Details are to be submitted with the building application;
- (4) That screening measures are to be incorporated on the balcony proposed for room 9, so as to prevent downward overlooking to the terrace of the adjacent property. Details are to be submitted with the Building Application;
- (5) That a Code of Practice outlining management practice and house rules (including rules relating to the sale of motor vehicles) shall be submitted to Council prior to the use commencing;
- (6) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 25,944	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 7,751	2E97002.BGYO
Accessibility And Transport	\$ 92	2E97006.BGYO
Management	\$ 391	2E97007.BGYO

Total **\$ 34,178**

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans.

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

(B) Works in Kind

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.

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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.

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

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

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

- (7) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (8) That the external finishes of the new building work shall match those of the existing building;

and the following adopted standard conditions:

- (9) LDA52 - Provide barriers at front of site;
- (10) LDA201 - Make separate application for sign;
- (11) LDA257 - Regulation of noise transmissions;
- (12) HSC500 - Premises to be ventilated;
- (13) HSC004 - Boarding house requirements;

- (14) HSC018 - Sanitary facilities;
- (15) HSC704 - Garbage storage area;
- (16) HSC706 - Storage of recyclables;
- (17) HSC801 - Noise from premises;
- (18) LDA376 - Hours of building work;
- (19) LDA384 - New alignment levels;
- (20) LDA387 - Footway crossings;
- (21) LDA389 - Stormwater disposal requirements;
- (22) LDA391 - Builder's Hoarding Permits;
- (23) LDA392 - No obstruction to public way;
- (24) LDA396 - Works within boundaries.

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.

- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulations 1993, that the following is required:
- (1) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (2) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (3) 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;

- (4) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (5) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (6) 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;
- (7) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (8) Fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;
- (9) That good housekeeping shall be maintained at all times;
- (10) Egress paths are to be kept free of obstructions/storage at all times;
- (11) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.
- (12) The certificate shall be in the form of a typed report providing the following minimum requirements:-
 - (a) the electrical contractors licence number;
 - (b) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (c) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
 - (d) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

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

- (13) 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;

- (14) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (15) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (16) Automatic Fire Alarms with photo-optical type detectors shall be installed throughout the building complying in all respects with the requirements of Australian Standard AS1670. In kitchens and other approved areas thermal type detectors may be installed;
- (17) That a residential sprinkler system shall be installed throughout the existing building. The system shall comply with a standard of installation and maintenance in accordance with the requirements of Australian Standard 2118.4-1995. Prior to commencing installation the installer shall obtain Council approval pursuant to Section 2 of the Code. Any variation from approved plans shall require additional approvals from Council;
- (18) That existing and proposed stairways shall be fire-isolated and redesigned to comply fully with the requirements of Parts C and D of the BCA;
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (E) That the Department of Urban Affairs and Planning be advised of State Environmental Planning Policy No. 1.

Carried.

21.

BOURKE STREET, NO.243, DARLINGHURST – TO USE PREMISES AS SERVICED APARTMENTS – DEVELOPMENT APPLICATION (U97-00752)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Neil Burling (owner) for permission to use the abovementioned premises, as serviced apartments, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered 97-88/1-9 and details submitted with the Development Application;

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- (2) That one off-street car parking space shall be provided and shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m;
- (3) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (4) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy;
 - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
 - (d) an "offensive noise" as defined in the Noise Control Act, 1975;

the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984;
- (5) The use of the premises must generally comply with Council's definition of "serviced apartments";
- (6) That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (7) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (8) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (9) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give

rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act & (Approvals) Regulation 1993, the following is required:-
 - (1) That all work and conditions attached to Building Application reference number Q97-00608 shall be completed to the satisfaction of Council.
- (C) That the persons who made representations in respect of the proposal be notified of Council's decision.

Carried.

22.

O'DEA AVENUE, NO.54A, WATERLOO – INSTALLATION OF NEON SPECTULAR SIGNAGE – DEVELOPMENT APPLICATION (U97-00558)

That the application submitted by Claude Neon Aust Pty Ltd, with the authority of Pias Settlements Pty Ltd, for permission to install neon spectacular signage at the abovementioned premises be deferred to the next Planning and Building Committee meeting to be held on 19 November 1997.

Carried.

23.

BELMONT STREET, NO.296, ALEXANDRIA – FIRST FLOOR ADDITION TO CREATE TWO RESIDENTIAL UNITS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00627)

- (A) That Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to a maximum floor space ratio of 1:1 in Clause 10 of Local Environmental Plan No. 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-
 - (1) That the proposed floor space of 1.43:1 because it involves work above an existing structure covering the whole site, has resulted

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in a two storey building of height compatible with other buildings in the area;

- (2) That the site being bounded by streets to the east, south and west is an unusual case as the extra floor space does not result in overshadowing of private property.
- (B) That the Council, as the responsible authority, grants its consent to the application submitted by Mr A Vellis, with the authority of Mr J & Mrs S Rossi, for permission to erect a first floor addition containing a 9m² storeroom and 2 two bedroom residential units above the existing auto electricians workshop and to carry out associated alterations, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 9719-DA-A and six unnumbered plans attached there to submitted on 22 October 1997;
 - (2) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$4512	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1352	2E97002.BGYO
Accessibility And Transport	\$ 16	2E97006.BGYO
Management	\$ 68	2E97007.BGYO
Total	\$5948	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CP1_2}{CP1_1}$$

where:

C is the original contribution amount as shown above;

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

(B) Works in Kind

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.

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.

- (3) That this consent shall lapse after a period of two years from the date of this consent becomes effective, unless the development to which it relates is commenced (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (4) That all vehicles awaiting repair being repaired or awaiting collection after repair shall be parked wholly within the building;
- (5) That no trucks greater than 1 tonne in capacity shall be repaired at or parked at the premises;
- (6) That the auto electricians workshop shall not operate outside of its existing approved hours of operation being 8.00 a.m. to 5.00 p.m. Mondays to Fridays and 8.00 a.m. to 12 noon Saturdays;
- (7) That the first floor residences shall be constructed and insulated to prevent the transmission of noise and vibration from the existing ground floor workshop into the proposed dwellings;
- (8) That each of the proposed residential units shall be allocated one of the on site parking spaces provided off Maddox Street;
- (9) That the first floor store room shall not be used for the storage of flammable goods;
- (10) 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;

-and the following adopted standard conditions:

- (11) LDA36 - Loading only within confines of the site;
- (12) LDA351 - Building Application required;
- (13) LDA367 - Timing device on alarms;

- (14) LDA368 - Display of street numbers;
- ((15) LDA377 - Construction noise regulation;
- (16) LDA376 - Hours of building work;
- (17) LDA387 - Footway crossings;
- (18) LDA389 - Stormwater disposal requirements;
- (19) LDA391 - Builder's Hoarding Permits;
- (20) LDA392 - No obstruction to public way;
- (21) LDA393 - Delivery of refuse skips;
- (22) hsc500 - Premises to be ventilated;
- (23) hsc501 - Plans and specification of ventilation;
- (24) hsc700 - Compliance with code for Garbage Handling System;
- (25) hsc800 - Use of appliances emitting intrusive noise.

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.

- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That the ceiling beneath the first floor of the premises shall be constructed of material having resistance to the incipient spread of fire of one hour;
 - (2) That the stair leading from the first floor shall be separated from the ground floor area by construction having a minimum fire resistance level of 60/60/60;
 - (3) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;

and the following adopted standard conditions:

- (4) LDA351 - Building Application required;
- (5) BC310 - Protection of external openings;
- (6) BC319 - Solid core entrance doors to units;
- (7) BC420 - Construction of stairways and ramps;
- (8) BC426 - Exit doors, shutters and grilles;
- (9) BC501 - Fire extinguisher;
- (10) BC524 - Emergency lighting;
- (11) BC525 - Exit signs;
- (12) BC528 - Fire detectors and alarm system;
- (13) BC609 - Natural light and ventilation;
- (14) BC611 - Ventilation of bathrooms/laundries;
- (15) BC612 - Wall sound transmissions;
- (16) BC417 - Storage under non-fire isolated stairs.

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

Carried.

24.

CROWN STREET, NOS. 241-247, DARLINGHURST – CONVERSION OF EXISTING POST OFFICE TO RESIDENTIAL FLATS AND POST OFFICE SHOP – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00640)

- (A) That the Council as the consent authority supports the objections pursuant to State Environmental Planning Policy No.1 in relation to the height and FSR controls contained in Clauses 18(1) and 11(1) of LEP 101, being satisfied that compliance with the standard would be both unnecessary and unreasonable in the circumstances as:
- (1) The proposal is essentially contained with the existing height, bulk and scale of the existing building;
 - (2) The proposal with conditions will not result in any significant impact on the amenity of adjoining land in the area.

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(B) That the Council as the responsible authority grants its consent to the application submitted by ADCO Constructions, with the authority of Australia Post, for permission to carry out alterations and roof level additions to the existing Post Office and convert it to 29 residential units, a Post Office shop and associated car parking, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans Dwg 01A, DA-02 & 03, DA-04 to 07A inclusive dated 27 July 1997 and 13 October 1997;

(2) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$51,204	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$15,309	2E97002.BGYO
Accessibility And Transport	\$ 196	2E97006.BGYO
Management	\$ 770	2E97007.BGYO
Total	\$67,479	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

(B) Works in Kind

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.

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.

- (3) 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 the release of the approved building plans;
- (4) That a landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes shall be 75 litres for trees and 5 litres for shrubs;
- (5) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre container size, 2.5m high, 75mm caliper and planted at 10m centres. Recommended street trees are:

Crown Street: Platanus x hybrida Plane tree Lophostemon confertus Brush Box
- (6) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (7) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (8) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) balustrade treatment;
 - (c) windows and doors;
- (9) That all the balconies to the units facing Arnold Lane be increased in width to a minimum of 1.4 metres;

- (10) That a maximum of 22 car spaces be provided with these spaces being allocated on the basis of 3 commercial spaces, 1 residential visitor space, and 18 residential spaces with no individual unit being given access to more than one space;
- (11) An approved system of mechanical exhaust shall be installed in the car park areas;
- (12) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the garbage room;
 - (d) the recycling storage area;shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

-and the following adopted standard conditions:

- (13) LDA351 - Building Application required;
- (14) LDA21 - No resident parking for residential flat developments;
- (15) LDA36 - Loading only within confines of the site;
- (16) LDA44 - Driving in forward direction only;
- (17) LDA47 - Loading, parking and access to be kept clear;
- (18) LDA158 - Treatment of exposed walls;
- (19) LDA161 - Provide common television aerial;
- (20) LDA374 - Disabled entry;
- (21) LDA376 - Hours of building work;
- (22) LDA386 - Road Opening Permit;
- (23) LDA387 - Footway crossings;
- (24) LDA389 - Stormwater disposal requirements;
- (25) LDA391 - Builder's Hoarding Permits;
- (26) LDA392 - No obstruction to public way;
- (27) LDA384 - New alignment levels;

- (28) LDA396 - Works within boundaries;
- (29) LDA257 - Regulation of noise transmissions;
- (30) HSC500 - Premises to be ventilated;
- (31) HSC103 - Environmental site assessment being carried out;
- (32) HSC111 - Liquid wastes to sewer;
- (33) HSC705 - Construction of garbage room;
- (34) HSC706 - Storage of recyclables;
- (35) HSC711 - Commercial contract (trade waste);
- (36) HSC018 - Sanitary facilities;
- (37) HSC800 - Use of appliances emitting intrusive noise.

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.

- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (2) That additional exits shall be provided to the ground floor area that shall comply fully with the requirements of Clause D.1.4 of the BCA;
 - (3) That rising and descending stairs shall be separated in accordance with the requirements of Clause D,2,4 of the BCA;
 - (4) That proposed rooflights shall be redesigned to comply fully with the requirements of Clause 3.6 of Specification C.1.1 of the BCA;
 - (5) That the proposed openings in the southern external wall of the premises shall not be used for the calculation of natural light for habitable rooms;

-and the following adopted standard conditions:

- (6) BC310 - Protection of external openings;
 - (7) BC318 - Fire entrance doors to units;
 - (8) BC426 - Exit doors, shutters and grilles;
 - (9) BC501 - Fire extinguisher;
 - (10) BC507 - Hose reels;
 - (11) BC508 - Hydrants;
 - (12) BC524 - Emergency lighting;
 - (13) BC525 - Exit signs;
 - (14) BC611 - Ventilation of bathrooms/laundries;
 - (15) BC602 - Clothes washing and drying facilities;
 - (16) BC612 - Wall sound transmissions;
 - (17) BC614 - Floor sound transmissions;
 - (18) BC26 - Comply with BCA.
 - (19) BC528 - That a suitable automatic fire detection and alarm systems shall be installed to comply with E1.7 of the BCA;
 - (20) BC609 – The natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

25.

PLANNING – INCORPORATION OF ARTWORKS INTO THE FIRST STAGE OF KING STREET (2005632)

- (A) That Council approve the cost of artworks to be incorporated into the first stage of King Street footpath upgrading as follows:
- (1) Bindigestion - one rubbish and one recycling bin installed, cost being \$2,800, funded by the 1997/98 King Street Capital Works Budget;

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- (2) Community Art - Council to pay for the design, manufacture and installation of artworks in front of community sites and Council owned properties on King Street; specifically Burland Hall and the Newtown Mission. The cost of these works estimated at \$35 000, funded by the 1997/98 King Street Capital Works Budget;
 - (3) Cost Sharing Arrangement - Business people pay for the cost of manufacture and installation of artworks. Council would initially cover this cost to a maximum of \$20 000, with business people paying back this amount over a fixed period of time (interest free loan). This work funded by the 1997/98 Capital Works Budget;
 - (4) Cost Sharing Arrangement - Council to pay for Artists fees to the value of \$15 000, funded by the 1997/98 Health and Community Services Budget - KHL.
- (B) That Officers prepare a report to Council detailing the proposed location of future stages of footpath upgrading works for King Street, and sources of funding for the incorporation of artworks.

(DPB, ADPWS and DHCS Joint Report 31.10.97)

Carried.

26.

MACLEAY STREET, NO.57, POTTS POINT – ERECT NEW BOUTIQUE HOTEL – DEVELOPMENT APPLICATION (U97-00228)

- (A) That Council as the responsible authority refuses its consent to the application submitted by Macleay Street Development with the authority of Joesyl P/L for permission to demolish the existing residential flat building and erect a 6 level boutique hotel containing 36 rooms and a ground floor restaurant for the following reasons, namely:-
- (1) That the development will result in a loss of low cost accommodation from the South Sydney Local Government Area, and is inconsistent with the Community objectives in Draft Local Environmental Plan 1996;
 - (2) That the development is likely to have a negative social impact on the locality;
 - (3) That the cumulative impacts to the locality will result in the continued dislocation of low income residents from the area;
 - (4) That the proposal would result in a loss of a prominent heritage building of historical, cultural and aesthetic significance;

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- (5) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be notified of Council's decision.

Carried.

27.

BRAY LANE, NO.1B, ERSKINEVILLE – EXTENSION AND CONVERSION OF WAREHOUSE TO TWO RESIDENTIAL DWELLINGS - DEVELOPMENT APPLICATION -CONTRIBUTION INCLUDED IN CONSENT (U97-00676)

(A) That the Council, as the responsible authority, grants its consent to the development application submitted by Mr T J Walsh, with the authority of J Walsh and J and O Karadimas, for permission to carry out alterations and additions to the existing building at No. 1B Bray Lane, Erskineville and to convert the existing building into two residential dwellings, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plan 01, issue D, dated March 1997;
- (2) That the applicant/owner shall erect, at his/her full expense, a new masonry retaining wall and a 2.1 metre high wooden paling fence along the site's full northern boundary prior to Council issuing a certificate of occupation;
- (3) That the eastern most first floor balcony shall be deleted (and doors replaced with windows) and privacy screening shall be provided along the sides of the remaining first floor balcony, to a height of at least 1.8 metres above finished floor level, all to be detailed in the building application and to the satisfaction of the Director of Planning and Building;
- (4) **Section 94 Contributions**

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$4512	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$878	2E97002.BGYO
Accessibility And Transport	\$24	2E97006.BGYO

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Management	\$88	2E97007.BGYO
Total	\$5446	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

- C** is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

- (5) That the applicant shall submit a letter from a qualified solicitor before the building application is released verifying no legal impediment exists in relation to development of the land and inclusion of a strip of land along the western and northern boundaries and that no legal rights of adverse possession can validly arise;
- (6) That the proposed metal cladded walls and corrugated metal roof shall be a mid/dark colour with a non-reflecting finish, with the colour and finish to be detailed in the building application and to the satisfaction of the Director of Planning and Building;

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- (7) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;

-and the following adopted standard conditions:-

- (8) HSC500 - Premises to be ventilated;
 - (9) HSC018 - Sanitary facilities;
 - (10) HSC700 - Compliance with code for Garbage Handling System;
 - (11) HSC800 - Use of appliances emitting intrusive noise;
 - (12) HSC019 - Plans and specifications;
 - (13) LDA12 - Applicant to liaise with Sydney Water;
 - (14) LDA351 - Building Application required;
 - (15) LDA368 - Display of street numbers;
 - (16) LDA369 - Allocation of street numbers;
 - (17) HSC103 - Environmental site assessment being carried out;
 - (18) LDA376 - Hours of building work;
 - (19) LDA377 - Construction noise regulation;
 - (20) LDA384 - New alignment levels;
 - (21) LDA387 - Footway crossings;
 - (22) LDA389 - Stormwater disposal requirements;
 - (23) LDA392 - No obstruction to public way;
 - (24) LDA393 - Delivery of refuse skips;
 - (25) LDA396 - Works within boundaries.
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:

- (1) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
 - (2) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
 - (3) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

28.

CROWN STREET, NO. 154, DARLINGHURST – EXTENSION OF KITCHEN AND LAUNDRY FACILITY – DEVELOPMENT APPLICATION (U97-00677)

- (A) That Council resolve not to support the State Environmental Planning Policy No. 1 objection against the development standard relating to the maximum permissible floor space ratio contained in clause 10 of Local Environmental Plan 101 as compliance is reasonable and necessary in the circumstances of the case for the following reasons, namely:-
- (1) The proposal would cause unacceptable adverse impacts due to the proposed additional floor space ratio.
- (B) That Council, as the responsible authority, refuse its consent to the application submitted by Mr J J Whittington to extend the ground floor level rear section of the existing boarding house into part of the existing lightwell for the following reasons, namely:-
- (1) That the proposal would cause an unacceptable loss of solar access and air-circulation to the adjacent ground floor unit of the adjoining residential flat building;
 - (2) That the proposal fails to comply with the maximum permissible site coverage requirements of the South Sydney Development Control Plan 1997 and of Council's Local Approvals Policy and the proposed non-compliance is not justified in the circumstances of the case;
 - (3) That the proposal fails to comply with the maximum permissible floor space ratio requirements of South Sydney Local Environmental Plan 101 and the State Environmental Planning Policy 1 objection is not justified in the circumstances of the case;

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(4) That approval of the proposal would not be in the public interest.

(C) That the persons who made representation in respect of the proposal be advised of Council's decision.

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

That the application submitted by Mr J J Whittington to extend the ground floor level rear section of the existing boarding house into part of the existing lightwell, be deferred to allow for the applicant and the objector to hold further discussions.

Motion, as amended by Councillor Harcourt, carried.

29.

ELIZABETH STREET, NO. 637, WATERLOO – PROPOSED FIRST FLOOR VERANDAH TO THE REAR OF PREMISES – BUILDING APPLICATION (Q97-00738)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

(A) That the Council, as the responsible authority, refuses its consent to the application submitted by John El-Alam for permission to build a rear first floor verandah at the abovementioned premises, with the submitted plan numbered 97103, dated 18 August, 1997, for the following reasons, namely:-

- (1) That development consent has not been obtained and is required under the provisions of the Environmental Planning and Assessment Act 1979;
- (2) That the rear verandah compromises the residential amenity and privacy of adjoining premises as assessed under Clause 12(1)(p) of the Local Government (Approvals) Regulation 1993;
- (3) That part of the proposed work has already been carried out without first obtaining building approval, contrary to the requirement of Section 68 of the Local Government Act, 1993.
- (4) That the proposal structure would be out of character with surrounding properties.
- (5) That the size of the deck does not comply with the provision of DCP 1997;

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- (B) That a Notice/Order be issued on the premises pursuant to Section 124.1(a) of the Local Government Act, 1993, if the unauthorised work is not removed within 28 days of this refusal.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That Council would be prepared to consider a joint Development Application/Building Application for a first floor verandah that does not extend beyond the alignment of the rear of the building to the south.

It was moved by Councillor Bush, seconded by Councillor Deftereos, that the matter be deferred to the next meeting of the Planning and Development Committee.

Amendment negatived,

Motion carried.

30.

TURNER STREET, NO.17, REDFERN – ERECTION OF PORTABLE OFFICE BUILDING – DEVELOPMENT APPLICATION ((U97-00779)

- (A) That the Council as the responsible authority grant consent to the application submitted by the NSW Police Service for permission to erect a portable building for temporary use as police offices at abovementioned premises, generally in accordance with the submitted plan numbered 97.A86.01 and dated August 1997, subject to the following conditions, namely:-
 - (1) That the use shall cease after a period of 5 years from the date of commencement;
 - (2) That upon cessation of the use the Developer shall reinstate the site to the satisfaction of the Director of Public Works and Services;
 - (3) That glass used in the window facing the adjoining property at No. 112 Pitt Street shall be obscured;
 - (4) That the Developer shall submit a survey of the existing site which indicates all existing trees, their species, height, caliper and their status i.e. to be retained or removed. (A tree is classified as any plant taller than 3.4m). This plan shall also include any street trees adjoining the site.
 - (5) That the Developer shall submit a plan that shows to the satisfaction of Council's Director of Public Works and Services

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that the temporary building is sited to cause minimal disturbance to existing trees on the site;

- (6) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped or removed. A letter of application shall accompany the submission and be marked to the attention of the Tree Preservation Officer;
- (7) That the Developer must notify and consult the owner and occupants of No. 19 Turner Street about the removal of trees and vines adjacent to and/or affecting that property prior to their removal;
- (8) That the Developer must give the owner of No. 19 Turner Street at least 21 days notice prior to commencement of the works to enable that owner to carry out any repairs needed to the adjoining wall of that property;
- (9) That existing street furniture on site shall be dismantled and returned to Council's Bourke Street Depot;
- (10) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted to Council's Director of Public Works and Services for approval. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant container sizes are to be 75 litres for trees and 5 litres for shrubs;
- (11) That the landscape plan shall provide for mature landscape screening of the development along most of its Turner Street frontage;
- (12) That a public footway shall be constructed on the eastern side of the temporary building. Pavers are to match and continue from existing pavers along Turner Street;
- (13) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;

-and the following adopted standard conditions:-

- (14) LDA106 - Preserve existing trees;
- (15) LDA257 - Regulation of noise transmissions;

- (16) LDA376 - Hours of building work;
- (17) LDA384 - New alignment levels;
- (18) LDA389 - Stormwater disposal requirements;
- (19) LDA392 - No obstruction to public way;
- (20) LDA394 - Cost of alteration to signposting;
- (21) xhsc19(ii) - Submission of plans and specification
- (22) HSC500 – Premises to be ventilated;
- (23) BC26 - Comply with BCA;
- (24) BC310 - Protection of external openings;
- (25) BC501 - Fire extinguisher.

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

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

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

Carried.

31.

TILFORD STREET, NOS. 9-25, ZETLAND – CONVERT EXISTING FACTORY BUILDING TO A RESIDENTIAL FLAT BUILDING CONTAINING 20 UNITS – DEVELOPMENT APPLICATION (U97-0703)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Swalwell Schwager Architects with the authority of J Block Pty Ltd for permission to convert the existing factory building into a residential flat building containing 20 units for the following reasons, namely:-
 - (1) That the proposal does not comply with Council's Local Environmental Plan No.114 in respect to Clause (10) FSR, and that the State Environmental Planning Policy No.1 objection cannot be supported by Council;

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- (2) That the proposal does not comply with Council's Development Control Plan 1997 in respect to privacy, vehicle access, height, FSR, bulky form and appearance;
 - (3) That the height and bulk of the building at the rear is excessive and the building does not comply with Council's Rear Lane requirements in DCP 1997;
 - (4) That the separation between units internal to the site does not comply with the DCP 197 requirements;
 - (5) That the character of the building is not compatible with the streetscape and Council's future planning objectives to reinforce the precinct with new terrace house or town house development;
 - (6) That the proposal generally is an overdevelopment of the site;
 - (7) That the proposal has not adequately considered the location, scale and bulk of the proposal on the existing area. The proposal will create a dominant structure, which will reduce the streetscape;
 - (8) That the proposal does not have a satisfactory relationship to the adjoining development;
 - (9) That the proposal will have an adverse impact on the amenity of the area;
 - (10) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

32.

NEWMAN STREET, NOS. 90-92, NEWTOWN – ALTERATIONS OF THE EXISTING DWELLING AND TO ERECT TWO ADDITIONAL DWELLING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00723)

- (A) That the Council as the responsible authority, favours the development application submitted by Bryan Purkis Architects, with the authority of Mr A Gauci-Maistre & Mrs J Beattie, for permission to carry out alterations and additions to the existing dwelling and to erect two additional dwellings on the site and that subject to the concurrence of the RTA being received authority be delegated to the Director of Planning and Building to consent to the application, subject to the following conditions, namely:-

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- (1) That the development shall be generally in accordance with plans DA 424-03, DA 424-04 date stamped 8 August, 1997;
- (2) That dwelling A shall be deleted and replaced with a dwelling identical to dwelling B to the satisfaction of the Director of Planning and Building;
- (3) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year).
- (4) 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 the release of the approved building plans;
- (5) That the windows on the first floor on the east elevation shall have the bottom panel fixed and obscurely glazed;
- (6) That screens of a height of 1800mm shall be erected on the east and west elevations of the proposed balcony for the existing building;
- (7) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$4,512	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,350	2E97002.BGYO
Accessibility And Transport	\$16.00	2E97006.BGYO
Management	\$68.00	2E97007.BGYO

Total \$5946

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

- C** is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans).

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

Works in Kind

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 lodgment 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.

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

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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.

- (8) That seven large existing trees on site (two Eucalyptus grandis, a Illawarra Flame tree, a Callistemon viminalis, a Eucalyptus Pilularis, a Eucalyptus saligna and including another Eucalypt tree at the north-west corner) shall be retained;
- (9) That an application shall be made to the Tree Preservation Section (Dept of Public Works and Services) for permission for removal of these six trees, after the Building Application is approved;
- (10) That a landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (11) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre container size, 2.5 metres high, 75mm caliper and planted at 10 metre centres.

Recommended street trees are as follows:

Gowrie Street:	Pistacia chinensis Pistacia tree
Newman Street	Lagerstroemia indica Crepe Myrtle

- (12) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months;

- (13) For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

-and the following adopted standard conditions:

- (14) LDA152 - Schedule of finishes;
- (15) LDA153 - Reflectivity of external glazing;
- (16) LDA151 - Schedule of finishes;
- (17) LDA367 - Timing device on alarms;
- (18) LDA376 - Hours of building work;
- (19) LDA377 - Construction noise regulation;
- (20) LDA384 - New alignment levels;
- (21) LDA389 - Stormwater disposal requirements;
- (22) LDA392 - No obstruction to public way;
- (23) LDA396 - Works within boundaries;
- (24) LDA393 - Delivery of refuse skips;
- (25) BC26 - Comply with BCA;
- (26) HSC500 - Premises to be ventilated;
- (27) HSC800 - Use of appliances emitting intrusive noise.

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, 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.

33.

**KING CROSS ROAD, NOS. 2B-14, POTTS OINT – ERECT AN
ILLUMINATED HIGH WALL SIGN – DEVELOPMENT APPLICATION
(U97-00622)**

- (A) That the Council, as the responsible authority, refuses its consent to the application submitted by Claude Neon Pty Ltd, with the authority of Kingsgate Investment Pty Ltd, for permission to erect a 29.8m x 9.23m high wall sign in the western façade of Building ‘B’ of the Hyatt complex facing William Street, for the following reasons, namely:-
- (1) That the proposed sign is considered excessive in size exceeds the maximum permissible area of 4m² identified in Clause 26(3) of Local Environment Plan No. 101 and section 10.5.3 of Development Control Plan No.7;
 - (2) That the proposed sign is contrary to Sections 10.5.1 and 10.5.3 of Development Control Plan No. 7 which do not permit high wall signs in mixed use residential zones and areas;
 - (3) That the illumination of the proposed sign wall adversely impact on the amenity of the surrounding buildings in particular building A of the Hyatt complex and the Elan residential development;
 - (4) That the proposed sign will adversely impact on the William Street streetscape and will undermine the principles of the Public Domain concept plan for William Street and Kings Cross as identified in Development Control Plan 1997;
 - (5) That the proposed sign relates poorly to the host building and does little to improve the existing façade facing William Street;
- (B) That the persons who made representations in respect of the proposal be advised of Council’s decision.

Carried.

34.

**BUCKLAND STREET, NOS. 14-16, CHIPPENDALE – ALTERATIONS AND
ADDITIONS TO EXISTING PREMISES – DEVELOPMENT APPLICATION
(U97-00535)**

- (A) That the Council resolves that it is satisfied that the objections submitted pursuant to State Environmental Planning Policy No 1 against the development standards relating to (a) 2:1 floor space ratio and (b) 50% maximum commercial content is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-

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- (1) That the floor area of the building whilst over 2:1 is actually being reduced;
 - (2) That the commercial uses are more appropriate than industrial uses for a building of the heritage character of this building and are in accord with the premises' draft zoning.
- (B) That the Council, as the responsible authority, grants its consent to the development application submitted by Tibet Productions Pty Ltd, with the authority of , for permission to convert the ground floor to a commercial tenancy and a four vehicle parking area, to erect a 52.5 m² mezzanine at first floor and to erect a 120.75 m² second floor level at the rear of the building and to carry out associated alterations, subject to the following conditions,namely:-
- (1) That the development shall be generally in accordance with plans drawing Nos. 378-01, 02, 03 and 04, dated June 1997 as amended by the conditions hereunder;
 - (2) That a development application shall be lodged for the change of use of the ground floor from "motor showroom involving minor servicing" to "automotive mechanical workshop" if that use is to continue;
 - (3) That the erection of the second floor extension take place concurrently with or following after the creation of the ground floor parking area and the demolition of the ground floor level mezzanines;
 - (4) That parking shall be provided for four vehicles within the existing building if the current leased parking at No 18 Buckland Street ceases to be available;
 - (5) That the size of trucks servicing the premises shall be limited to a maximum length of 6 metres;
 - (6) That the wall along the northern side of car spaces, 1, 2 and 3 be relocated to the northern side of the existing column;
 - (7) That car space 4 shall be signposted as a "small car space" and used accordingly;
 - (8) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

-and the following adopted standard conditions:-

- (9) LDA36 - Loading only within confines of the site;
 - (10) LDA44 - Driving in forward direction only;
 - (11) LDA45 - Parking and driveways to be kept clear;
 - (12) LDA167 - No garbage on public way;
 - (13) LDA201 - Make separate application for sign;
 - (14) LDA351 - Building Application required;
 - (15) LDA368 - Display of street numbers;
 - (16) LDA377 - Construction noise regulation;
 - (17) LDA376 - Hours of building work;
 - (18) LDA387 - Footway crossings;
 - (19) LDA389 - Stormwater disposal requirements;
 - (20) LDA391 - Builder's Hoarding Permits;
 - (21) LDA392 - No obstruction to public way;
 - (22) LDA396 - Works within boundaries;
 - (23) HSC500 - Premises to be ventilated;
 - (24) HSC700 - Compliance with code for Garbage Handling System;
 - (25) HSC801 - Noise from premises.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the Department of Urban Affairs and Planning be advised of the SEPP No1 objection in accordance with their circulars.

Carried.

35.

MOORE PARK ROAD, NO.41, CENTENNIAL PARK – NEW DECK AT REAR AND GARAGE – DEVELOPMENT APPLICATION (U97-00810)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Richard Leslie Adams with the authority of the Regd Props S/P 13183 for permission to erect a garage and rear deck, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans submitted with Development Application U97-00810;
 - (2) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (3) That a photographic record be submitted to Council of the sandstone steps and that the applicant use her best endeavours to reuse the sandstone blocks.
 - (4) 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;
 - (5) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
 - (6) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;

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- (7) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (8) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;

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

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

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

Carried.

36.

MYRTLE STREET, NOS. 82 - 96, CHIPPENDALE – CONVERT EXISTING WAREHOUSE BUILDING INTO 35 RESIDENTIAL UNITS, 4 RESIDENTIAL/ COMMERCIAL TENANCIES AND A CAFE WITH PARKING – DEVELOPMENT APPLICATION -CONTRIBUTION INCLUDED IN CONSENT (U97-00580)

- (A) That Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 12m maximum height limit contained in Local Environmental Plan No.66 and the requirement for one car space per unit are well founded and that compliance is unnecessary for the following reasons, namely:-
 - (1) The proposed increase in the height of the building will not be highly visible from the ground and will not have a detrimental impact on the streetscape or adjacent properties;
 - (2) The requirement for one car space per unit would result in unacceptable impact with regard to additional traffic, a lack of human activity at ground level and the impact on the heritage and streetscape value of the building.
- (B) That the Council, as the responsible authority, grants its consent to the application submitted by Bay Developments, with the authority Australasian Tele-phon Pty Ltd, for permission to convert the subject building into 35 residential units and 4 mixed use tenancies with 11 parking spaces, subject to the following conditions, namely:-

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- (1) That the development shall be generally in accordance with drawings numbered DA02 dated 7 July 1997, DA03-DA05 dated 7 October 1997, and DA06-DA11 dated 6 October 1997;
- (2) (A) Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$6,6812	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$19,749	2E97002.BGYO
Accessibility And Transport	\$ 238	2E97006.BGYO
Community	\$pending	
Library	\$pending	
Management	\$916	2E97007.BGYO
Total	\$87715	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

(B) Works in Kind

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.

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.

- (3) That a total of 11 off street parking spaces shall be provided, to the satisfaction of the Director of Planning and Building;

- (4) That 13 secure bicycle parking spaces for residents shall be provided and 6 bicycle spaces for visitors located and prepared to the satisfaction of the Director of Planning and Building;
- (5) That the lower two rows of glass panes in all east facing windows shall have obscure glazing and shall be fixed to protect the privacy of premises to the east, to the satisfaction of the Director of Planning and Building;
- (6) That the east facing balconies on the three upper levels shall have privacy screens to a height of 1600mm above the floor (e.g. obscure glass, perforated metal, etc.) to protect the privacy of premises to the east, to the satisfaction of the Director of Planning and Building;
- (7) That all roof top private courtyards shall, for their entire length along the eastern parapet of the building, have 1000mm deep by 1000mm high permanent planting beds provided to the satisfaction of the Director of Planning and Building;
- (8) That the communal open space shall be embellished (eg. With landscaping, seating, paving, etc.) to encourage residents to make use of the space, to the satisfaction of the Director of Planning and Building;
- (9) That the applicant shall provide for any additional trees required along the frontages of the property to implement Councils Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services, details to be submitted with the building application;
- (10) That the Building Application be accompanied by an approval under Section 116 of the Roads Act and that the building not be occupied until such works are approved by Council or a bond lodged in case of unfinished work;
- (11) That the proposal shall not proceed unless a permanent easement to provide light and air to east facing units is provided in accordance with the application, details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building;
- (12) That a landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and softworks including decorative paving types, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container size and height) and

irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;

- (13) That proposed café seating and associated footpath planter boxes will be subject to separate lease application and approval;
- (14) That construction details accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (15) That the developer arrange with the Parks Development Branch for a final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application;
- (16) That the developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (17) That separate application shall be made to Councils Public Works and Services Department for seating on the footway;
- (18) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (19) That a management plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted to the Director of Planning and Building and approval obtained prior to commencement of any work on site;
- (20) That an approved system of mechanical exhaust and supply ventilation shall be installed to the car park;
- (21) That the café/restaurant shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (22) That the bathroom and laundry exhaust discharge vents shall be designed to discharge the effluent air in a vertical direction above roof level in positions approved by the Health and Community Services Department;
- (23) That all air handling system fresh air intake and exhaust air discharge vents shall be located in positions approved by the Health and Community Services Department;

- (24) That the construction of the premises shall comply with the requirements of National Code for the construction and fitout of food premises;
- (25) That the applicant shall enter into a commercial contract for the removal of trade waste from the commercial portion of the premises.
- (26) Plans and specifications showing details of:
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) 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, ground floor;

-being submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (27) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of one year);
- (28) That a separate application shall be submitted at the appropriate time for the specific use of the ground floor tenancies;

-and the following adopted standard conditions:

- (29) HSC001 - Compliance to Director of Health and Community Services;
- (30) HSC103 - Environmental site assessment being carried out;
- (31) HSC018 - Sanitary facilities;
- (32) HSC705 - Construction of garbage room;
- (33) SHSC101 - Not give rise to emissions into the environment;
- (34) HSC111 - Liquid wastes to sewer;
- (35) HSC800 - Use of appliances emitting intrusive noise;
- (36) LDA21 - No resident parking for residential flat developments;

- (37) LDA376 - Hours of building work;
- (38) LDA384 - New alignment levels;
- (39) LDA386 - Road Opening Permit;
- (40) LDA387 - Footway crossings;
- (41) LDA389 - Stormwater disposal requirements;
- (42) LDA391 - Builder's Hoarding Permits;
- (43) LDA392 - No obstruction to public way;
- (44) LDA393 - Delivery of refuse skips;
- (45) LDA394 - Cost of alteration to signposting;
- (46) BC26 - Comply with BCA;
- (47) LDA45 - Parking and driveways to be kept clear;
- (48) LDA159 - Provide details of exhaust vents;
- (49) LDA161 - Provide common television aerial;
- (50) LDA163 - New brickwork to match existing;
- (51) LDA201 - Make separate application for sign;
- (52) LDA368 - Display of street numbers;
- (53) LDA374 - Disabled entry;
- (54) Development Application – Building Application required.

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.

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision;
- (D) That the applicant be advised of the following:
 - (1) That the Schedule of Essential Services referred to in the Local Government (Approvals) Regulation 1993, Clause 22, in respect

of mechanical ventilation systems, will be issued when mechanical ventilation details are received and assessed;

- (2) 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 its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;
 - (3) That details relating to the residential garbage and recycling facilities should be referred to Council's Waste Services Section, Public Works and Services Department, for approval of the location and type of storage containers;
 - (4) That for the purpose of child safety, it is recommended that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps and automatic flow reduction devices.
- (E) That Department of Urban Affairs and Planning be notified of SEPP No. 1.

At the request of Councillor Harcourt and by consent the motion was amended by the deletion of condition (10) in the recommendation and the insertion in lieu thereof, of a new condition (10) namely:-

- (10) That, subject to a satisfactory outcome under S.116 of the Roads Act, the applicant shall carry out or meet the cost of design, supervision and construction of footpath widening and associated landscaping, paving, drainage, resurfacing and road works adjacent to the building on Myrtle and Buckland Streets (of a similar scale and standard as the works shown on the plans submitted with the development application) to Council's specifications and to the satisfaction of the Director of Public Works and Services and the Director of Planning and Building.

That prior to approval the design shall be notified to adjoining residents and the Chippendale Residents Interest Group for comment.

Motion as amended by consent, carried.

37.

**VICTORIA STREET, NOS. 296-298, DARLINGHURST – EXTEND
OPERATING HOURS OF EXISTING RESTAURANT – DEVELOPMENT
APPLICATION (U97-00651)**

(A) That the Council as the responsible authority grants its consent to the application submitted by EDOM Restaurant Pty Ltd with the authority of Gino Bigazzi for permission to extend the operating hours of the café from 6.30 pm to 12 midnight to 6.30pm to 3am on Tuesday to Saturday subject to the following conditions, namely:-

(1) That the extended hours referred to in conditions (2) shall cease after a period of 12 months year(s) from the date of commencement.

(The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use);

(2) That the hours of operation shall be restricted to between 6.30 p.m. to 3.00 a.m. Tuesday to Saturday and no trading on Sunday/ Monday;

(3) That the management plan submitted to Council on 15 October 1997 be implemented and enforced at all times;

(4) That no staff or patrons are to vacate the premises from the Nimrod Street exit;

(5) That no bottle or garbage disposal or collections are to occur after 9.00pm or before 7.00am daily.

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, 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

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38.

PLANNING – REZONING APPLICATION – FORMER ROYAL ALEXANDRA CHILDREN’S HOSPITAL AT NOS. 2 – 50 PYRMONT BRIDGE ROAD, CAMPERDOWN (2008469)

(At the Council meeting, Councillor Macken declared an interest in the item and did not take part in discussions or voting).

That Council: -

- (a) adopt the Draft South Sydney Local Environmental Plan No. 139 (as included in Attachment 3), and approve the forwarding of the plan (as amended) to the Secretary, Department of Urban Affairs and Planning, in accordance with Section 68(4) of the Environmental Planning and Assessment Act, 1979.
- (b) adopt the amendment to Part G - Special Precincts of South Sydney Development Control Plan 1997 - Urban Design (as included in Attachment 4).
- (c) give public notice and advise the Secretary of the Department of Urban Affairs and Planning of the decision to adopt the amendment to Development Control Plan 1997 in accordance with Part 3 of the Environmental Planning and Assessment Regulation 1994.
- (d) advise the persons who made representations in respect of the proposal of Council’s decision.
- (e) amend the Development Control Plan in accordance with Attachment 1 of the report by the Director of Planning and Building dated 11 November 1997, and the height map for the Local Environmental Plan 139 being in accordance with Attachment 2.

(DPB Reports 31.10.97 and 11.11.97)

Carried.

39.

GARDENERS ROAD, NO. 352, ROSEBERY – COMPLIANCE OF BUILDING APPLICATION (Q95-00662)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt., seconded by Councillor Macken:-

That the matter be referred to Council’s Solicitors to take action to enforce the conditions of the building approval(Q95-00662) , and the applicant as well as

those persons who made representations on the matter be informed of Council's decision.

Carried

40.

ABERCROMBIE STREET, NOS. 251 – 255, DARLINGTON – CONSTRUCT 3 X 3 BED UNITS, 3 X 2 BED UNITS, 12 X 1 BED UNITS AND 1 SHOP WITH PARKING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U97-00486)

- (A) That Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 9m maximum height limit contained in Local Environmental Plan No.107 is well founded and that compliance is unnecessary for the following reasons:-
- (1) The area of the building in excess of the height limit is relatively small;
 - (2) The overall impact of the building on the locality is acceptable;
 - (3) The proposal is consistent with the streetscape objectives in DCP 1997 and seeks to reinforce an important corner by building to a greater height;
- (B) That the Council as the responsible authority grants its consent to the application submitted by Lonsdale Pty Ltd, with the authority of T McCotter Pty Ltd, for permission to demolish the existing building and erect a new building containing 18 residential units, on shop and 15 parking spaces, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawings numbered DA01A – DA04A dated September 1997;
 - (2) (A)Section 94 Contributions

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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$32099	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 9519	2E97002.BGYO

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Accessibility And Transport	\$ 121	2E97006.BGYO
Management	\$ 455	2E97007.BGYO
Total	\$42194	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made (before the release of the approved building plans / before the use is commenced or the premises occupied 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 BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

(B) Works in Kind

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.

GENERAL MANAGER

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 lodgment 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.

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.

- (3) That the floor space ratio of the development shall not exceed 1.5:1;
- (4) That the car park shall be reconfigured so that its entry and exit are onto Ivy Street, to the satisfaction of the Director of Public and Building;
- (5) That a total of 15 off-street parking spaces shall be provided, including 2 visitor spaces, to the satisfaction of the Director of Planning and Building;
- (6) That one space shall be allocated for use in conjunction with the shop and not more than one car space shall be allocated to each unit;
- (7) That visitor parking spaces shall be located such that they are not within the secure parking area or are accessible via an intercom system to each unit;
- (8) That 6 secure bicycle parking spaces for residents shall be provided within the car park area and 2 bicycle spaces for visitors

located and prepared to the satisfaction of the Director of Planning and Building;

- (9) That end car spaces against walls shall be widened to approximately 2.8m to satisfy the requirements of DCP 11, to the satisfaction of the Director of Planning and Building;
- (10) That the two west facing windows in unit 6 shall be fitted with obscure glazing up to a height of at least 1600mm and either fixed closed or limited in the extent to which they can be opened to protect the privacy of the adjacent property, to the satisfaction of the Director of Planning and Building;
- (11) That the small west facing balcony off unit 6 shall be deleted and replaced by a window treated in accordance with Condition 10;
- (12) That the balcony to unit no.19 shall be increased to at least 8m² in area, to the satisfaction of the Director of Planning and Building;
- (13) That the communal courtyard shall be embellished (e.g. With landscaping, seating, paving, etc.) to encourage residents to make use of the space, to the satisfaction of the Director of Planning and Building;
- (14) That raised planting beds shall be provided in the central communal courtyard to accommodate the planting of medium size trees;
- (15) That the applicant shall provide for any additional trees required along the frontages of the property to implement Councils Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services;
- (16) That the details of the types of materials and external finishes to be used (including windows, doors, walls, roof, and balustrades) and evidence of their compatibility with the streetscape shall be submitted with the building application and shall be to the satisfaction of the Director of Planning and Building;
- (17) That bands of horizontal contrasting brickwork shall be incorporated in the external walls, to the satisfaction of the Director of Planning and Building;
- (18) That the car park shall be ventilated in accordance with the requirements of AS 1668.2 – 1991, Section 4;
- (19) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;

- (b) car park ventilation systems; and
- (c) the garbage room and recyclables storage area

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (20) That the applicant shall dedicate for road purposes a splay at each street corner of not less than 2m and all reasonable legal expenses involved in the transfer will be borne by the Council to the satisfaction of the Director of Public Works and Services;
- (21) That a separate development application shall be submitted for the use of the proposed retail tenancy;
- (22) That the construction and fitout of any retail food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (23) That cooking shall not be carried out in the retail tenancy unless an approved air handling system is installed to cooking appliances;
- (24) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced (the applicant is advised that an application can be made to Council before the consent expires, for an extension of one year);
- (25) That the location of the garbage and recyclables storage area shall be referred to the Cleansing Services Branch for endorsement;
- (26) That plans and specifications showing details of:-
 - (a) fittings, together with wall, floor and ceiling finishes to all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and food preparation and storage areas;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

-and the following adopted standard conditions:

- (27) LDA12 - Applicant to liaise with Sydney Water;
- (28) LDA21 - No resident parking for residential flat developments;

- (29) LDA45 - Parking and driveways to be kept clear;
- (30) LDA49 - Signage for vehicular egress;
- (31) LDA101 - Provide landscaping plan;
- (32) LDA153 - Reflectivity of external glazing;
- (33) LDA201 - Make separate application for sign;
- (34) LDA351 - Building Application required;
- (35) LDA367 - Timing device on alarms;
- (36) LDA368 - Display of street numbers;
- (37) LDA376 - Hours of building work;
- (38) LDA384 - New alignment levels;
- (39) LDA387 - Footway crossings;
- (40) LDA389 - Stormwater disposal requirements;
- (41) LDA391 - Builder's Hoarding Permits;
- (42) LDA392 - No obstruction to public way;
- (43) LDA393 - Delivery of refuse skips;
- (44) LDA394 - Cost of alteration to signposting;
- (45) LDA399 - Cost of consequential roadworks;
- (46) BC26 - Comply with BCA;
- (47) HSC103 - Environmental site assessment being carried out;
- (48) HSC500 - Premises to be ventilated;
- (49) HSC018 - Sanitary facilities;
- (50) HSC700 - Compliance with code for Garbage Handling System;
- (51) HSC801 - Noise from premises.

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.

- (C) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;
- (D) That the persons who made representations in respect of the proposal be advised of the Council's decision.

Carried.

NOTICE OF MOTION

1.

REGENT STREET, NO. 11, PADDINGTON – PROPOSED BRICK GARAGE WITH FIRST FLOOR LOFT – BUILDING APPLICATION (Q97-00491)

Councillor Deftereos declared an interest in the item and did not take part in discussions or voting.

Moved by the Councillor Bush, seconded by Councillor Fowler.

That resolution of Council of 24 September 1997, as follows, namely:-

That the Council, as the responsible authority, refuses its consent to the application submitted by Archivision, for permission to construct a garage with loft at the rear of the abovementioned premises, all in accordance with the submitted plan numbered A2665, dated 29 May 1997 for the following reasons, namely:-

- (1) That the proposed site coverage does not comply with the requirements of Clause 54 of the Local Government Act, 1993;
- (2) That the proposed floor space ratio exceeds the permissible floor space ratio of 1:1 as required by Draft South Sydney Development Control Plans 1997 and is generally an overdevelopment of the site

- be rescinded and that the application be submitted to the next Planning and Building Committee Meeting to be held on 19 November 1997

Carried.

GENERAL MANAGER

At 7.43 p.m. the meeting terminated.

Confirmed at a meeting of South Sydney City Council
held on 1997

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER