

199TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 10 December 1997

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.37 pm on Wednesday, 10 December 1997.

PRESENT

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

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

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Certificates for Grants awarded under the NSW Waste Reduction Program (1996/97) - Presentation to Council by the Hon. Deidre Grusovin, Member for Heffron

I'm pleased to welcome this evening the Hon. Deirdre Grusovin, Member for Heffron, who has kindly come along to represent the Minister for the Environment, Hon. Pam Allen, in the presentation to Council of Certificates for Grants awarded under the NSW Waste Reduction Program (1996/97).

In June this year Council won two grants totaling approximately \$120,000 for two projects –

The "Waste to Feast – Food Waste Reduction" Project and the "Green Garden Networks – Green Minimisation" Program.

The "Waste to Feast" Grant will reduce commercial food waste by salvaging surplus food from restaurants, clubs, hospitals and universities for "re-use".

This will attempt to address the serious problem of hunger in South Sydney.

The "Green Garden Networks – Green Waste Minimisation" Project is designed to encourage community involvement in green waste minimisation through education programs centred on community gardens and composting facilities in the area.

Council's projects were among 61 EPA Grants awarded throughout NSW to community organisations, industry, waste boards and local Councils.

The total allocation of funds under the 1996/97 Grants Scheme is close to \$3.3 million.

On behalf of my fellow Councillors, I'd like to acknowledge and thank the Council staff for all the hard work that went in to winning these Grants, and look forward to seeing some positive results from the ongoing work to help reduce waste in our community.

I'd now like to invite the Hon. Member for Heffron to present the Certificates to the Deputy Mayor.

The Deputy Mayor accepted the Certificates on behalf of Council.

Confirmation of Minutes

Moved by Councillor Waters, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 12 and 26 November 1997, and the Extraordinary Meeting of Council of 3 December 1997, be taken as read and confirmed.

At the request of Councillor Lay, and by consent, the minutes of the Ordinary Meeting of Council of 12 November 1997, were amended on Pages 1425, 1426 and 1428 in relation to Development Application at Nos. 83 - 97 Flinders Street, Surry Hills by:-

- (a) the deletion of Condition (1) and the insertion of the following new condition, namely:-
 - (1) That the development shall be generally in accordance with plans numbered A01, A10, A11, A12, A13, A20, A21 and dated 26 June 1997 and as amended by plans A10 Issue B, A21 Issue B, A33 Issue!
- (b) the deletion of Conditions (3), (4), (5) and (12);
- (c) the deletion of Condition (13) and the insertion of the following new condition, namely:-
 - (13) That 29 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 café tenant, four spaces for visitors and the remainder for the residents of the development.

Minutes, as amended by consent, were then confirmed.

Apology

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

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the apology be received and accepted and leave of absence from the meeting be granted.

Carried.

MINUTE BY THE MAYOR

9 December 1997

CELEBRATIONS – 2002 GAY GAMES DONATION (C52-00126)

Sydney 2002 Gay Games Bid Ltd has written to Council requesting short term assistance with accommodation and administrative costs of the organisation.

As Council is aware the bid by Sydney 2002 Gay Games Bid Ltd to the Federation of Gay Games to hold the 2002 Gay Games in Sydney was successful.

A previous request by Sydney 2002 Gay Games Bid Ltd for a donation towards the cost of preparation of the bid for the 2002 Gay Games was refused by Council, at its meeting of 13 August 1997.

This new request for a donation covers the period between December 1997 and April 1998, when the contract, between the 2002 Sydney 2002 Gay Games Bid Ltd and the Federation of Gay Games, to hold the 2002 Gay Games will be signed. During this period of some four months the Sydney 2002 Gay Games Bid Ltd is legally restricted in seeking commercial support for the 2002 Gay Games.

Following the execution of the contract with the Federation of Gay Games in April 1998, Sydney 2002 Gay Games Bid Ltd will be in a better position to raise substantial funding from corporate sponsorship for the ongoing costs of the organisation leading up to the Gay Games in 2002. In its request to Council, the organisation has also given notice that they will be seeking additional support from Council over the next four years leading up to 2002, however at this stage and until a full business plan is developed the level of their request is hard to quantify.

At this time, Sydney 2002 Gay Games Bid Ltd is seeking a donation of interim office space in 94 Oxford Street for the period December 1997 to April 1998. The office space sought is equivalent to 55 square metres which equates to a donation of approximately four thousand and four hundred dollars (\$4,400).

Additionally Sydney 2002 Gay Games Bid Ltd is seeking assistance by way of a donation towards administrative and promotional costs to support this establishment phase. This assistance, part in cash and part in kind, covers office furniture, computer equipment and software, stationary supplies, lease of photocopier machine, telephone and fax costs, two newsletters and promotional costs during the Mardi Gras Festival. Council is being asked to make a donation of \$10,000, part in cash and part in kind, towards the total cost of \$20,700.

The total donation requested from Council by the Sydney 2002 Gay Games Bid Ltd for accommodation, administrative and promotional costs of the organisation for the period December 1997 to April 1998 is \$14,400.

RECOMMENDATION:

That Council agrees to provide a donation of \$14,400, part in cash and part in kind, under Section 356 of the Local Government Act (1993) to the Sydney Gay Games Bid Ltd towards accommodation, administrative and promotional costs of the organisation for the period December 1997 to April 1998 and that funds be voted accordingly.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Waters, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

10 December 1997

DONATIONS - RENTWATCHERS – REQUEST FOR FINANCIAL ASSISTANCE (5073595)

'Rentwatchers', a coalition of community groups and individuals seeking rent law reform and protection for tenants in the lead up to the Olympics, have written to Council requesting financial assistance towards the funding of their campaign.

As Council is aware, the social impact resultant from the 2000 Olympics are likely to have great impacts for residents in our community. Of particular concern is the loss of low cost accommodation, specifically boarding house and low cost flat buildings. I have previously raised these community concerns with Council and as a result requested this issue be taken up by the Local Government and Shires Association.

As it currently stands the Residential Tenancies Act is unable to provide adequate legislative protection against unfair rent increases nor can it provide sufficient security of tenure.

'Rentwatchers' have approached a number of Councils in the inner city and Olympic corridor regions to contribute funding to a campaign to ensure this legislation is reformed prior to the Olympic period.

The financial assistance requested will enable 'Rentwatchers' to publish an alternative Rent Report that will explore rent increases, monitor boarding house conversions and record evictions. In addition, measures being undertaken by Council to protect and increase the supply of affordable housing will be also be highlighted through contributing articles. This publication will be targeted at State Members of Parliament, local government, peak bodies, government agencies, community groups and local residents.

Other campaign activities planned include general publicity and promotion of the issues to increase community awareness and a documentary film highlighting rent increases and evictions in the inner city and Olympic corridor.

'Rentwatchers' are seeking \$10,000 from Council to finance this campaign. Marrickville and Burwood Councils have committed financially to the campaign and Waverley Council recently participated through elected member representation at a Public Rally.

In consideration of the wide spread community concern and the potential impacts of the Olympics on affordable housing in this area, I recommend Council support 'Rentwatchers' in their campaign to ensure that the traditional residents of our community are not displaced.

RECOMMENDATION:

That Council agrees to provide \$10,000 in financial assistance to 'Rentwatchers', for the purpose of raising community awareness of the potential impacts of the Olympics on affordable housing and that this financial assistance be granted as a donation under S.356 of the Local Government Act (1993).

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

10 December 1997

COMMUNITY SERVICES – 1997 CHRISTMAS TOY APPEAL - DONATION BY F. HANNAN (PROPERTIES) PTY LIMITED (2013984)

Council is once again coordinating the South Sydney Christmas Toy Appeal. Staff and local businesses have been invited to donate new or used toys which are to be distributed to disadvantaged children at the various Christmas Parties to be held in the South Sydney area. The parties include Waterloo Christmas on the Green, Christmas on "The Block", "Kids Connect" and a number of other parties to be held by Council's Community Resource Unit.

There has been a good response from staff as well as from local businesses within the South Sydney area to the Toy Appeal. One such organisation is F. Hannan (Properties) Pty Limited located in Alexandria, who have been extremely generous in donating 900 books titled "Secrets of Nature" and 2250 assorted children's books towards the appeal. The retail value of this donation is \$59,850.

It is recommended that a letter of appreciation be forwarded to F.Hannan (Properties) Pty Limited acknowledging and thanking them for their generous donation to the 1997 South Sydney Christmas Toy Appeal.

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 GENERAL MANAGER

5 December 1997

ADMINISTRATION – INFORMATION TECHNOLOGY SECTION (2001791)

Council at its meeting of 23 July, 1997 resolved that:

“the General Manager contact a Recruitment Agency with a view to appoint a specialist in the field of information technology for a contractual period of 3 years to take control of that section and provide Council and the staff with the most appropriate computer systems and staffing to take Council into the new Millenium.”

Since that time a number of important meetings have been held with all departments of Council. These meetings were a forum for airing all problems both actual and perceived and have resulted in a number of changes to both the IT Section and existing procedures. These include the transfer of all IT training to Employment Services and the final roll out of Windows 95, Office 97 and E mail.

Two of the 3 vacant positions within IT have since been filled and a consultant has been engaged to cover the Imaging project – the third vacancy created by the long term illness of a staff member. That staff member has since resigned due to ill health and a restructure of the section has been put forward. New and reprofiled positions are currently with the Job Evaluation Committee and will be reported to the first Council Committee Meeting in the new year.

Feedback has been obtained from all sections of Council and the impact of the changes has resulted in a much happier user base. In fact the last computerisation working party held on 3 December, 1997 resulted in very few requests for action from the IT section. All departments reported a general satisfaction with the current application.

In view of the current situation and the much greater degree of user satisfaction it is recommended that the previous resolution of 23 July, 1997 be rescinded.

RECOMMENDATION

That the resolution of 23 July 1997, namely:-

“the General Manager contact a recruitment agency with a view to appoint a specialist in the field of information technology for a contractual period of 3 years to take control of that section and provide Council and the staff with the most appropriate computer system to take Council into the new millenium.”

- be rescinded and a further report on the restructure of the IT section and prevailing user satisfaction levels be reported to the first Council Committee Meeting in 1998.

J.W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

3 December 1997

PROPERTIES – HUGO STREET, NOS. 29 - 53, LOUIS STREET, NOS. 28 - 54 AND CAROLINE STREET, NOS. 12 - 36, CHIPPENDALE - KNOWN AS THE WILSON BROS SITE - PROPOSED CONTRACT FOR MAINTENANCE TO REDFERN ABORIGINAL CORPORATION (RAC) (2015367)

A minute by the General Manager dated 3 December 1997, was circulated to all Councillors.

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 Harcourt, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

9 December 1997

STREETS - PROPOSAL FOR REPLACEMENT AND NEW INSTALLATION OF STREET FURNITURE IN A JOINT TENDER WITH SYDNEY CITY AND OTHER COUNCILS (2014501)

(The Mayor declared an interest in this Item and did not take part in discussions or voting on the matter.)

A minute by the General Manager dated 9 December 1997, was circulated to all Councillors.

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 Waters, seconded by Councillor Lay:-

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

Carried.

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

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 21 signatures appended from residents of Thurlow Street,

Redfern, seeking Council's support in tree enhancement of the street and also the provision of a nature strip.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 69 signatures appended from residents in the vicinity of Caroline Street, Redfern, objecting to the redevelopment proposal at Nos. 12 - 36 Caroline Street, Redfern.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 56 signatures appended from residents in the vicinity of Caroline Lane, Redfern, acknowledging that the lane cannot be closed and suggesting alternatives to combat anti-social activities.

Received.

4.

The Mayor tabled a petition received by the General Manager with approximately 85 signatures appended opposing the needle exchange programme operating in Caroline Lane, Redfern, and other streets, and suggesting alternatives to combat the anti-social activities.

Received.

5.

The Mayor tabled a petition received by the General Manager with approximately 71 signatures appended from residents of Lawson Street, regarding local traffic issues in their Street.

Received.

6.

The Mayor tabled a petition received by the General Manager with approximately 39 signatures appended from residents of Newtown objecting to the development at Nos. 50 - 54 Raper Street, Newtown.

Received.

7.

The Mayor tabled a petition received by the General Manager with approximately 12 signatures appended from residents of Liverpool Street, Darlinghurst, supporting Woollahra Council's Option E for traffic management, which will include Liverpool Street becoming one-way to Boundary Street.

Received.

The Mayor tabled a petition received by the General Manager with approximately 3 signatures appended from residents of Forbes Street, Darlinghurst, detailing their requests in connection with any development of the Sargent's Pie Factory site, bounded by Bourke Street, Burton Street, Liverpool Street and Palmer Street, Darlinghurst.

Received.

QUESTIONS WITHOUT NOTICE

1.

SIGNS - REPAIR OF TRUCK ROUTE SIGNS IN SOUTH DOWLING AND CRESCENT STREETS, REDFERN - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2008555)

Question:

Two truck route signs - one in South Dowling Street approaching Crescent Street, Redfern and the other in Crescent Street itself are hanging loose with their arrows pointing in the wrong direction. Could Council Officers take appropriate steps to have the signs properly fixed?

Answer by the Mayor:

I will ask the Director of Public Works and Services to correct that matter and have a response prepared for the Councillors Information Service on Friday.

2.

PARKS - PROPOSAL REGARDING FITZROY GARDENS, KINGS CROSS, AGREED TO BY STEERING COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2015172)

Question:

It would appear to me that there is a discrepancy from the original proposal agreed to by the Steering Committee for the Fitzroy Gardens, Kings Cross.

It is my recollection that a path about three metres wide - with wide Roman steps leading to the garden and a different colour of paving had been agreed upon. What I saw at the opening on 7 December 1997, did not meet the agreed proposal.

Could this be investigated and a report given to me as soon as possible, with explanations why any changes had been made to the original plan without consultation?

Answer by the Mayor:

I will ask the Director of Health and Community Services to investigate that matter for you and have a response prepared for the Councillors Information Service.

3.

HEALTH - INVESTIGATION BY COUNCIL INTO THE LEVEL OF POLLUTION IN WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2016996)

Question:

I have been asked by a resident of Woolloomooloo if Council could set up a mechanism to monitor the pollution in the area? With work going on for the Eastern Distributor and the Finger Wharf, the residents are subject to an increasing amount of pollution.

Answer by the Mayor:

I will have that matter investigated and a report prepared for your information.

4.

LANDMARKS - REDECORATION OF HOARDINGS AROUND THE RESERVOIR IN PADDINGTON - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (L51-00033)

Question:

In the next school year, could Council suggest to the relevant schools in the area whether the school children might redecorate the hoardings round the Reservoir in Paddington, as it may be time for a change in art work?

Answer by the Mayor:

I will refer the matter to the Director of Health and Community Services for our Community Arts Development Officer.

5.

PLANNING - DISABILITY ACCESS FOR THE GREEN SQUARE RAILWAY STATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2016397)

Question:

Could the Director of Planning and Building please prepare a report on access for people with disabilities to the Green Square Railway Station?

Answer by the Mayor:

I will have that report prepared for the first Committee in February for you.

6.

DEVELOPMENT - WOOLLOOMOOLOO FINGER WHARF - OBJECTION BY COUNCIL ON BEHALF OF RESIDENTS REGARDING APPLICATION FOR THE EXTENSION OF CONSTRUCTION HOURS TO 24 HOURS, SEVEN DAYS A WEEK - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2013563)

Question:

Could the Director of Planning and Building prepare an objection on behalf of the residents of Woolloomooloo and Potts Point to the City of Sydney Council for the Section 102 Application for the extension of construction hours to 24 hours, seven days per week?

Answer by the Mayor:

Two have already gone. One from our Planning and Building Department and one from our Health and Community Services Department through our Social Planner. Two objections have already been lodged with the Sydney City Council.

7.

TRAFFIC - OXFORD STREET, DARLINGHURST - BUS TRANSIT LANES FOR PEAK HOURS ONLY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2010544)

Question:

Could Council's Traffic Engineer make representations to the Roads and Traffic Authority to ensure that the proposed bus transit lanes on Oxford Street be for peak hours only and abolished with the clearway when the City Airport Tollway is completed?

Answer by the Mayor:

I will have that matter investigated by the Director of Public Works and Services and a report prepared for Committee.

8.

STREETS - CHANDLER AVENUE, CHIPPENDALE - REPLACEMENT OF STREET SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2009329)

Question:

Could the street sign for Chandler Avenue, Chippendale, be replaced?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have that sign replaced.

9.

TREES - FREQUENCY AND NATURE OF MAINTENANCE OF COUNCIL'S STREET PLANTINGS AND KERBSIDE GARDENS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2003994)

Question:

Could I have a report detailing the frequency and nature of maintenance, including rubbish removal, for the Council's street plantings and kerbside gardens, particularly as Council is undertaking 'colour' plantings at roundabouts and other street treatments?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and have a report prepared as a matter of urgency for the Councillors Information Service.

10.

STREETS - OPTIONS REGARDING REMOVAL OF DYING WEEDS AND THE TREATMENT OF THE BASE OF STREET TREES TO REDUCE GROWTH OF WEEDS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S56-00080)

Question:

Council currently undertakes the spraying of weeds along its streets and lanes. Could I please have a report into the options for the removal of the dying weeds

and the treatment of the base of street trees to reduce the growth of weeds?

Answer by the Mayor:

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

11.

PROPERTIES - VICTORIA PARK CULTURAL CENTRE SURVEY - COSTING AND LOCALITY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016325)

Question:

Could the Director of Corporate Services prepare a report justifying two outcomes of the Victoria Park Cultural Centre Survey:

- (1) No mention of the cost of the Centre was included in the questionnaire;
- (2)(a) Question 7 of the survey states that more than one site is being considered. What are these sites?
 - (b) Question 7a suggests that if you don't agree with Victoria Park as the chosen sight no centre will be built at all. This form of push polling resulted in a predictable 97% positive response.

Why was no mention of this Centre included in the survey?

Answer by Councillor Lay:

Could I suggest that part of the reason for Councillor Bush's lack of knowledge on this proposal is that he doesn't attend the meetings. As a decision has not been made of if there is a decision in line with the development of an art centre, wherever that configuration or actually the types of practices or creative arts to be catered for have not been determined and if he would like to attend the meetings we could discuss this matter.

Answer by the Mayor:

I support Councillor Lay's proposal, and that there is a lot of misinformation being spread by a member of the Committee in Chippendale. If you would like to contact the person giving your information in relation to this centre in Chippendale, then he will have a notice from Council in his letter box by the end of the week, as well as all other residents in Chippendale, setting out the facts in relation to a proposal for a cultural centre in Victoria Park.

It is not a Taj Mahal as been put out by the Chippendale Residents Interest Group, it is a single storey building, if it goes ahead, there is a big "if" about the development.

Answer by Councillor Lay:

There was ample opportunity for all members of the Committee of which Councillor Bush is, to comment on the questions in the questionnaire prior to it going out. There was an opportunity for written submissions to be put forward regarding the questionnaire.

Answer by the Mayor:

The question of costing, I don't know how you can get a costing on something you do not have a final proposal for.

12.

DALMENY AVENUE, ROSEBERY - LEGITIMACY OF LARGE STRUCTURAL ADVERTISING BILL BOARD ACROSS SOUTHERN CROSS DRIVE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (U95-00906)

Question:

Could the Director of Planning and Building investigate the legitimacy of a large structural advertising Bill Board selling Meriton Apartments on Southern Cross Drive?

Answer by the Mayor:

I think that has been investigated already. I will ask the Director of Planning and Building to give you a response.

13.

MYRTLE STREET, CHIPPENDALE - USAGE OF VACANT LOT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P56-00423)

Question:

Can the Mayor on behalf of both himself and Councillor Macken honour or deny the promise made to the Chippendale Residents in 1995, that the area now known as Stolen Park was to be turned into a Park?

Answer by the Mayor:

I have never said anything about a park in Chippendale. If you have read the latest Chippendale newsletter written by Allan Farrelly you will find he was told privately. If you read further on, he does mention Councillor Macken's name. I

cannot answer for Councillor Macken. But certainly I never said that it would be a park. It has always been zoned 2F and under the proposed L.E.P it is proposed as a mixed use zone. It is certainly not going to be a park.

14.

PUBLIC RELATIONS - AVAILABILITY OF COUNCIL TRUCKS FOR THE AIRPORT PROTEST - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P58-00146)

Question:

Was there a resolution of this Council to make available Council's trucks for the airport protest?

Answer by the Mayor:

The answer is no. But the trucks were made available during normal hours in support of a rally against any further expansion of the Kingsford Smith Airport, and building a second airport at Badgerys Creek. All this Council did was endorse the recommendation of the SSROC which carried the recommendation last Thursday night.

15.

PUBLIC RELATIONS - ASSISTANCE OF COUNCIL TO THE BLOCKADE AT KINGSFORD SMITH AIRPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P58-00146)

Question:

Could the General Manager report as to how this Council assisted the blockade at the Kingsford-Smith Airport when SSROC policy is in conflict with the policy of the N.S.W. Local Government Association?

Answer by the Mayor:

It is not in contradiction to the policy of this Council. This Council is in opposition to the third runway, which you supported and supports a second airport at Badgerys Creek.

REPORT OF THE FINANCE COMMITTEE

3 December 1997

PRESENT

Councillor Greg Waters (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton.

At the commencement of business at 6.44 pm those present were:-

Councillors - Deftereos, Fenton, Waters.

Apology:

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

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

That the Report of the Finance Committee of its meeting of 3 December 1997, be received and the recommendations set out below for Items 1, 3 to 15, inclusive, 17, 19, 22,23 and 25, be adopted. The recommendations set out below for Items 2,16,18,20,21, and 24 having been dealt with as shown immediately following such Items.

Carried.

1.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - OCTOBER 1997
(2016733)**

That arising from consideration of a report by the Director of Finance dated 13 November 1997, approval be given to the confirmation of the payment of the accounts totalling \$11,968,396.47, as detailed in the Summary of Warrants for the Month of October 1997, accompanying the report.

Carried.

2.

**DONATIONS - WATERLOO PUBLIC SCHOOL - REQUEST TO REPAIR
GRASSED AREA OF PLAYGROUND (D53-00180)**

(A) That approval be given to the returfing of approximately 700²m of the Waterloo Public School playground to the value of \$2,125 free of charge under the provisions of Section 356 of the Local Government Act, 1993, and that such expenditure be charged against the Parks Maintenance Estimates for 1997/98.

(DPWS Report 26/11/97)

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 Waterloo Public School, be refused as it would create a precedence..

Amendment negatived.

It was moved by Councillor Bush, seconded by Councillor Deftereos, that the motion be amended by the addition of the words "and that Council investigate the provision of mature shade trees and seating" to the recommendation.

Amendment negatived.

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

(B) That this be a one off donation and that Council develop a policy to deal with requests from institutions including schools and other educational facilities.

Motion, as amended by consent, carried.

3.

LEASING - VACANT COMMERCIAL PROPERTIES - QUARTERLY REPORT MANAGEMENT PLAN (P56-00356)

That the report by the Director of Corporate Services dated 13 November 1997, submitting the July, August, and September, 1997, Quarterly Report on all Council's vacant Commercial properties that are available, be received and noted.

Carried.

4.

LIBRARIES - MARKET RESEARCH (2010972)

That arising from consideration of a joint report by the Director of Health and Community Services and the Marketing Manager dated 24 November 1997, approval be given to:-

- (1) market research for approximately \$80,000 being conducted in order to establish the needs, wants and expectations the residents of South Sydney have in relation to library services;
- (2) \$70,000 for stages 1 and 2 of this Library market research being funded from remaining Waterloo Library refurbishment accounts;
- (3) the shortfall of \$10,000 being approved to fully fund this Library market research;
- (4) funding being included in future budgets for yearly customer satisfaction surveys - stage 3 of this project.

Carried.

5.

DONATIONS – MUDGIN-GAI WOMEN’S CENTRE REQUEST FOR FINANCIAL ASSISTANCE TO REPLACE STOLEN AND DAMAGED EQUIPMENT (5250749)

That arising from consideration of a report by the Director of Health and Community Services dated 25 November 1997, approval be given to a donation in the sum of \$12,000 under Section 356 of the Local Government Act (1993), to the Mudgin-Gal Women’s Centre towards the cost of replacement of office equipment.

Carried.

6.

GOODS AND EQUIPMENT – GENERAL FUND STORES/STATIONERY STOCK TAKE FOR SIX MONTH PERIOD 1.1.97 – 30.6.97 (2009250)

That Council grants confirmatory approval to the amount of \$3,319.34 credited to the stock adjustment account (\$43.70 to AAN.55A0 and \$3,275.64 to AAN0001.55A0) covering the six month stocktake period, ending 30 June 1997.

(A/DCS and CAM/PO Joint Report 4.9.97).

Carried.

7.

PLANT AND ASSETS – SUPPLY AND DELIVERY OF THREE (3) 3 TONNE NETT CAPACITY END TIPPING LORRIES - TENDER (2015533)

That approval be given to the acceptance of the tender submitted by Suttons Motors (Arncliffe) Pty Ltd for the supply and delivery of three ISUZU Model NPR300M Cab/Chassis with bodywork and hoist equipment by Berry Howe

Industries in the sum of \$33,878 per vehicle, in the total sum of \$101,634 less a total trade-in allowance of \$52,000 on Council Vehicles Nos. 4257, 4258 and 4260 ISUZU lorries, in the total nett sum of \$49,634, in accordance with Council's specification PWS.18/97 and the firm's tender dated 11 November 1997, for which funds are available in the 1997/98 Revenue Estimates.

(DPWS Report 17.11.97)

Carried.

8.

PLANT AND ASSETS – SUPPLY AND DELIVERY OF NINE , 2 TONNE NETT CAPACITY END TIPPING LORRIES – TENDER (2015533)

That approval be given to:-

- (1) the acceptance of the tender submitted by Suttons Motors (Arncliffe) Pty Ltd for the supply and delivery of eight Isuzu NPR200S Cab/Chassis with bodywork and hoist equipment by A.H. Peters in the sum of \$30,963 per vehicle, in the total sum of \$247,704 less a total trade-in allowance of \$160,200 on Council vehicles Nos. 4250, 4253, 4254, 4261, 4262, 4263, 4269 and 4259 Isuzu Lorries and 4210 Mitsubishi lorry, in the total nett sum of \$87,504, in accordance with Council's Specification PWS.17/97 and the firm's tender dated 10 November 1997;
- (2) the purchase of one dual cab utility under the terms and conditions of the NSW State Government Contract;

for which funds are available in the 1997/98 Revenue Estimates.

(DPWS Report 20.11.97)

Carried.

9.

PLANT AND ASSETS – SUPPLY AND DELIVERY OF THREE, 5 TONNE NETT CAPACITY END TIPPING LORRIES – TENDER (2015533)

That approval be given to the acceptance of the tender submitted by Suttons Motors (Arncliffe) Pty Ltd for the supply and delivery of three ISUZU FRR550M Cab/Chassis with bodywork and hoist equipment by Sinclair Equipment Pty Limited in the sum of \$56,082 per unit, in the total sum of \$168,246 less a total trade-in allowance of \$107,700 on Council vehicles Nos. 4207, 4239 and 4240 ISUZU lorries, in the total nett sum of \$60,546, in accordance with Council's

Specification PWS 19/97 and the firm's tender dated 10 November 1997, for which funds are available in the 1997/98 Revenue Estimates.

(DPWS Report 17.11.97)

Carried.

10.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF LARGE STONE SAW FOR USE BY THE STONEYARD - CALLING OF TENDERS (2016781)

That:-

- (1) approval be given to call tenders for the supply, delivery, installation and commissioning of a large saw machine, including the supply of saw blades;
- (2) funding for the purchase of this stone saw be made available from savings achieved in the purchase of 19 trucks, Budget Reference Nos. 214-022, 214-023, 214-024.

(DPWS Report 28.11.97)

Carried.

11.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 14 MOTOR VEHICLE FLEET ITEMS - PRICE VARIATION (2015532)

That approval be given to the application submitted by McLeod Ford for an increase in the price of one Ford Falcon GLi sedan wagon in the sum of \$210.

(DPWS Report 26.11.97)

Carried.

12.

DONATIONS - POLICE AND COMMUNITY YOUTH CLUBS - SOUTH SYDNEY (D53-00367)

That Council approve the donation of \$950 to the South Sydney Police & Community Youth Clubs under Section 356 of the Local Government Act, 1993, to enable the hiring of 500 chairs and 50 tables for the Christmas Day

lunch for the lonely and disadvantaged people of South Sydney to be held at the Club and that the funds be added to the 1997/98 Revenue Estimates.

(DPWS Report 28.11.97)

Carried.

13.

ALCOHOL FREE ZONE - KINGS CROSS RE-ESTABLISHMENT (5274159)

(A) That Council confirms its intention to re-establish the Kings Cross Alcohol-Free Zone viz, the area bounded by Victoria Street at Darlinghurst Road to Hughes Street then along to Tusculum Street and Tusculum Lane then along Manning Street to Macleay Street then past the Police Station to Ward Avenue then along that street to Roslyn Street then down that street to Bayswater Road and along both Bayswater Road and Kings Cross Road then back to Ward Avenue (from Roslyn Street) then along that street to Craigend Street then along that street joining William Street at Kirketon Road then to Victoria Street.

Any future existing footway area licensed by this Council for the purpose of food and alcohol consumption that fall or may fall within the zone is excluded from the provisions of the zone.

(B) That the Kings Cross Alcohol-Free Zone be in force for three years and to commence Saturday 21 December 1997.

(C) That notification of this decision be published in a newspaper circulating in the area.

(D) That an advisory committee comprising police, community representatives and Council officers be set up to monitor the effectiveness of the zone.

(E) That Crick Avenue, Potts Point and Kellett Place, King Cross be included in the re-established Kings Cross Alcohol Free Zone.

(DCS Report 28.11.97)

Carried.

14.

GOODS AND EQUIPMENT - SUPPLY AND DELIVERY OF GENERAL HARDWARE ITEMS - SSROC TENDER (2016936)

That the Council participates in the agreement between SSROC and J. Blackwood & Son Limited for the supply and delivery of general hardware items

during the period 1 December, 1997 to 30 November, 2000 with a two year extension option. The estimated expenditure is \$180,000 per annum for which provision has been made in the 1997/98 Estimates and will be allowed for in the coming years.

(A/DCS Report 28.11.97)

Carried.

15.

LICENSING - SOUTH DOWLING STREET, NO. 377, DARLINGHURST - PROPOSED FOOTWAY LICENCE (L56-00761)

That approval be given to:-

- (1) the granting of a licence to Marcella Nelson over an area of 3.6 square metres of the footway of South Dowling Street adjacent to South Dowling Sandwiches at No 377 South Dowling Street, Darlinghurst, as shown stippled on Plan No S4-130/675 and subject to the conditions in the attached schedule;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, or failed to execute the licence agreement.

(DPWS Report 28.11.97)

Carried.

16.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 14 MOTOR VEHICLE FLEET ITEMS - REVALUATION (1015532)

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Public Works and Services dated 4 December 1997, it be resolved that:-

(A) Council rescinds:-

- (1) Resolution of Council dated 27 August 1997, Item 16 (5) of the Finance Committee;
- (2) Resolution of Council dated 15 October 1997, Item 12 (a) (5) of the Finance Committee;

(B) Council approves:-

- (1) the purchase of three (3) Diesel Powered Manual Transmission Cab/Chassis with steel table top and drop sides in accordance with the NSW State Government Contract
- (2) the disposal of Council's vehicles Nos. 4137, 4148 and 4149 at auction.

Carried.

17.

LICENSING - STANLEY STREET, NO. 64, DARLINGHURST - PROPOSED FOOTWAY LICENCE (2014704)

That approval be given to:-

- (1) the granting of a licence to Susan Cameron over an area of 4.3 square metres of the footway of Stanley Street adjacent to the Lord Roberts Hotel at No 64 Stanley Street, Darlinghurst, as shown stippled on Plan No S4-130//666A and subject to the conditions in the attached schedule;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 accompanying the Director's report, the Licensee

executing the licence agreement, and the issuing of written permission to occupy the site;

- (4) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by conditions (7) and (8), or failed to execute the licence agreement.

(DPWS Report 1.12.97)

Carried.

18.

PROPERTIES - PADDINGTON TOWN HALL - PLAN OF MANAGEMENT (2015303)

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Lay:-

That approval be given for Council to publicly exhibit the Draft Local Environment Plan and Draft Plan of Management for Paddington Town Hall for comment and that both Plans be publicly exhibited concurrently and that a statement be included in the "explanatory notes" to the Plan outlining Council's interest, and that the plans of Management be exhibited for a period of eight weeks.

(A/DCS Report 1.12.97)

Carried.

19.

COUNCIL - RECESS FOR YEAR 1998 - ADOPTION OF SCHEDULE AND DELEGATION OF AUTHORITY TO MAYOR (C63-00019)

That arising from consideration of a minute by the Civic Affairs Manager /Public Officer dated 19 November 1997, it be resolved that Council recess during the year 1998 on the undermentioned dates, namely:-

From midnight on Wednesday 8 April to Wednesday 6 May 1998
From midnight on Wednesday 24 June to Wednesday 22 July 1998
From midnight on Wednesday 23 September to Wednesday 7 October 1998
From midnight on Wednesday 14 October to Wednesday 4 November 1998

From midnight on Wednesday 9 December 1998 to Wednesday 3 February 1999

- and that in order to carry out services obligations of the Council approval be given to delegate to:-

- (1) The Mayor its powers, authorities, duties and functions other than those reserved for the Council itself by Section 377, and other than any regulatory functions under Chapter 7 of the Local Government Act, 1993;
- (2) The General Manager any regulatory functions under Chapter 7 of the Local Government Act., 1993, not previously delegated.

- during the periods referred to above and that all matters normally requiring decision by Council be circulated to Councillors two full working days prior to resolution by the Mayor and any written objections by four Councillors on any one item, stating the reason for objection, be enough to defer a decision until the next relevant Standing Committee meeting of Council, and that any decision of the Mayor or General Manager pursuant to such delegations be reported to members of the Council.

Carried.

20.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 11 MOTOR VEHICLE FLEET ITEMS - REVALUATION (2015532)

This matter was submitted to Council without recommendation.

The foregoing matter was dealt with in conjunction with Item No. 16 of the Report of the Finance Committee.

21.

PARKS - SYDNEY PARK - USE BY NEWTOWN NEIGHBOURHOOD CENTRE FOR SYMPOSIUM IN THE PARK, SATURDAY 24 JANUARY 1998 (5168104)

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Lay:-

That pursuant to a report by the Director of Public Works and Services dated 1 December 1997, Council allow the free use of Sydney Park to the Newtown Neighbourhood Centre for Saturday 24 January 1998. under Section 356 of the Local Government Act 1993.

It was moved by Councillor Bush, seconded by Councillor Deftereos that the motion be amended by the addition of the words "and that the free use of Sydney Park be put on the Agenda of the Management Plan Review Weekend to be held in February 1998".

Amendment negatived.

Motion, as moved by Councillor Waters, carried.

22.

ALCOHOL FREE ZONE - SURRY HILLS/DARLINGHURST (S56-01978)

- (A) That as all aspects of the proposed Surry Hills/Darlinghurst Alcohol-Free Zone conform with the Local Government Act 1993, the Local Government Amendment (Alcohol-Free Zones) Act 1995 and the Minister of Local Government's ministerial guidelines, Council therefore decides to establish an Alcohol-Free Zone within the following streets, namely:-

Oxford Street (both sides) between Whitlam Square and Bourke Street
Oxford Street (southern side) between Flinders Street and South Dowling Street
Gilligan's Island at Taylor Square
Little Oxford Street between Crown and Campbell Streets
Ryder Street
Taggarts Lane
Crown Street (eastern side) between Oxford and Campbell Street
Campbell Street between Crown and Bourke Street
Little Bloomfield Street
Bloomfield Street
Denham Street
Denham Lane
Little Bourke Street
Bourke Street between Taylor Square and Albion Street
Church Lane
Short Street
Maiden Lane
Linden Lane
Patterson Lane

any existing or future footway area licensed by this Council for the purpose of food and alcohol consumption that falls or may fall within this zone is excluded from the provisions of the zone

- (B) That the Surry Hills/Darlinghurst Alcohol-Free Zone be in force for one year commencing Saturday 28 December 1997.
- (C) That notification of this decision be published in a newspaper circulating in the area.

- (D) That an advisory committee comprising Police, community representatives and Council officers be set up to monitor the effectiveness of the zone.

(DCS Report 1.12.97)

Carried.

23.

**PUBLIC RELATIONS - APPRENTICES AWARDS - PRESENTATION
(2010754)**

That approval be given to the Overall Best Apprentice of Council, being presented with an appropriate certificate and a cheque of \$200 and the remaining awards to apprentices be presentation of appropriate certificates and three cheques for \$150 each.

(ADES Report 1.12.97)

Carried.

24.

COMPUTERISATION - INTERNET ACCESS FOR COUNCILLORS (A54-00016)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lay:-

That the question of the provision of Information Technology for Councillors be put on the Agenda for Management Plan Review Weekend to be held in February 1998.

Carried.

25.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 27 MOTOR VEHICLE FLEET ITEMS – TENDER (2015532)

That approval be given to:-

- (A) the acceptance of the following tenders submitted for the supply and delivery of 27 Motor Vehicle Fleet Items in accordance with Council's Specification No PWS.16/97 under the following categories:

- (1) Category 'A' - The tender by Suttons Homebush Holden dated 10 November 1997 for one Holden Commodore Executive Sedan in the sum of \$24,823, less a trade-in allowance of \$18,000 on Council vehicle No 4090 Toyota Camry station wagon, in the total nett sum of \$6,823;
- (2) Category 'A' - The tender by Suttons Motors (Arncliffe) Pty Ltd dated 7 November 1997 for one Holden Commodore Executive Sedan in the sum of \$24,825.40 less a trade-in allowance of \$18,650 on Council vehicle No 6027 Holden Commodore sedan, in the total nett sum of \$6,175.40;
- (3) Category 'A' - The tender by West City Holden dated 10 November 1997 for one Holden Commodore Executive Sedan in the sum of \$24,808 less a trade-in allowance of \$19,250 on Council vehicle No 6144 Holden Commodore sedan, in the total nett sum of \$5,558;
- (4) Category 'A' - The tender by Suttons Motors (Arncliffe) Pty Ltd dated 7 November 1997 for one Holden Commodore Executive Sedan in the sum of \$24,825.40 less a trade-in allowance of \$18,500 on Council vehicle No 6221 Toyota Camry station wagon, in the total nett sum of \$6,325.40
- (5) Category 'B' - The tender by Winford Motors Sales Pty Ltd dated 10 November 1997 for two Ford Falcon GLi station wagons in the sum of \$21,300 per vehicle (Sales Tax exempt), in the total sum of \$42,600 less a total trade-in allowance of \$36,300 on Council vehicles Nos. 6092 and 6093 Mitsubishi Magna Station Wagons, in the total nett sum of \$6,300;
- (6) Category 'C' - The tender by West City Holden dated 10 November 1997 for one Holden Commodore 'S' Pack Utility in the sum of \$19,202 less a trade-in allowance of \$19,750 on Council vehicle No 4180 Toyota HiLux dual cab utility for a credit of \$548;
- (7) Category 'C' - The tender by Sundell Holden dated 6 November 1997 for one Holden Commodore 'S' Pack utility in the sum of \$19,059 less a trade-in allowance of \$16,750 on Council vehicle No 4172 Toyota X-Cab utility, in the total nett sum of \$2,309;
- (8) Category 'D' - The tender by Sydney City Toyota dated 11 November 1997 for one Toyota HiLux dual cab utility in the sum of \$19,616, less a trade-in allowance of \$21,000 on Council Vehicles No 4390 Holden Commodore 'S' Pack utility, for a total credit of \$1,384;
- (9) Category 'F' - The tender by Lander Toyota dated 10 November 1997 for one Toyota One Tonne Tipper in the sum of \$19,474 less a trade-in allowance of \$16,600 on Council vehicle No 4166 Toyota Dual Cab utility, in the total nett sum of \$2,874;

(10) The purchase of one light commercial vehicle under the terms and conditions of the NSW State Government Contract;

-for which funds are available in the 1997/98 Revenue Estimates.

(B) The disposal of Council vehicle No 4173 Toyota HiLux dual cab utility at auction.

(DPWS Report 20.11.97)

Carried.

REPORT OF THE FINANCE COMMITTEE

(CONFIDENTIAL MATTERS)

3 DECEMBER 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 from the abovementioned Items are as follows, namely:-

Items 1 to 5, inclusive, 7 and 9 - Personnel Matters

Items 6, 10 and 11 – Lease and Contractual Matters

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

That the Report of the Finance Committee of its meeting of 3 December 1997, be received and the recommendations set out below for Items 1 to 5, inclusive, 7 and 9, be adopted. The recommendations for Items 6,8,10 and 11 having being dealt with as shown immediately following such Items.

1. PROPERTIES - RE-LOCATION OF TENANTS, GLENDON COURT - WILLIAM STREET, NOS. 196 - 214, EAST SYDNEY (P56-00044)

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 27 November 1997, regarding the above matter, be approved and adopted.

Carried.

2. PERSONNEL - GENERAL MANAGER'S UNIT - POSITIONS OF CIVIC AFFAIRS MANAGER/PUBLIC OFFICER, ASSISTANT PROTOCOL OFFICER, DRIVER OF MAYORAL VEHICLE - REGRADING

That the recommendation set out in the report by the General Manager dated 27 November 1997, with regard to the regrading of the positions of Civic Affairs Manager/Public Officer, Assistant Protocol Officer and Driver of Mayor's Vehicle, be approved and adopted.

Carried.

3. PERSONNEL - TRAFFIC AND DESIGN BRANCH, PUBLIC WORKS AND SERVICES DEPARTMENT - REVIEW OF WORKLOAD AND PERMANENT ESTABLISHMENT - TEMPORARY SECONDMENT (5251907)

That the recommendation as contained in the report by the Director of Public Works & Services dated 26 November, 1997, in respect of the above, be approved and adopted.

Carried.

4. LEASING - OUTSTANDING RENT AND LEASE PAYMENTS QUARTERLY REPORT - MANAGEMENT PLAN (2006684)

That the report by the Director of Corporate Services dated 1 December 1997, submitting the Quarterly Report of all outstanding rents and lease payments for the three month period ending 28 November, 1997, be received and noted.

Carried.

5.

LEASING - COUNCIL'S RESIDENTIAL PROPERTIES - ANNUAL RENT REVIEW (L52-00010)

At the Committee and Council meetings, Councillor Fenton declared an interest in Property No. 228 Dowling Street, Woolloomooloo and did not take part in discussion or voting on the Item.

At the Council meeting, the Mayor declared an interest and did not take part in discussion or voting on the Item.

That approval be given to the rental for Council's residential properties leased at Market rental being increased, as per the schedules accompanying the Director's report, subject to all Tenants being given 60 days notice in writing of such increases.

(DCS Report 1.12.97).

Carried.

6.

PERSONNEL - PLANNING AND BUILDING DEPARTMENT - REVIEW OF STRUCTURE (D51-00037)

That the recommendation in the report of the Director of Planning and Building dated 1 December 1997, be approved and adopted.

At the request of the Mayor, and by consent, the motion was amended by the deletion of clause (2) and the insertion in lieu thereof of the following new clause, namely:-

- (2) (a) That the position of Statutory Planning Manager be graded at Grade 18;
- (b) That Council appoint a Heritage Conservation Planner at Grade 13, one Project Planner at Grade 15 and two Specialist (Technical) Building Assessors at Grade 13 in place of two Town Planners and two Building Assessor positions;
- (c) That Council add \$14,000 to the 1997/1998 Revenue Estimates to fund these changes.

Motion, as amended by consent, carried.

7.

LEASING - COMMERCIAL PROPERTIES - QUARTERLY SUMMARY REPORT - JULY TO SEPTEMBER 1997 - INCOME, EXPENDITURE AND PROFITABILITY (P56-00385)

That the Quarterly Report on Income, Expenditure and Profitability for the period 1 July, 1997 to 30 September, 1997, on Council's commercial properties be received and noted.

(DCS Report 1.12.97).

Carried.

8.

LEASING - "BANDSTAND CAFÉ" GREEN PARK, CORNER OF DARLINGHURST ROAD, BURTON STREET AND VICTORIA STREET, DARLINGHURST - APPLICATION BY LESSEE, C.J. STOTT ENTERPRISES PTY LIMITED FOR CONSENT FOR LIQUOR LICENCE (P52-00035)

That the recommendation as contained in the report by the Acting Director of corporate Services dated 28 November 1997, be approved.

At this stage and at 7.45 pm, it was moved by the Mayor, seconded by Councillor Harcourt:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter and also Items 10 and 11.

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

The Mayor and Councillors Bush, Deftereos, Fenton, Fowler, Harcourt, Lay, and Waters.

At 8.02 pm the Council Meeting resumed.

The Mayor then asked the Acting Supervising Committee Clerk to read out the recommendation of the Committee of the Whole for Item 8.

The Acting Supervising Committee Clerk read out the following recommendation, namely:

That the application submitted by C.J. Stott Enterprises Pty Ltd for consent for a liquor licence for "Bandstand Café" Green Park, corner of Darlinghurst Road, Burton Street and Victoria Street, Darlinghurst, be refused.

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

9.

PROPERTIES - CLEANING TENDER NO. S3036/97 (2001739)

That the recommendation as contained in the report of the Director of Corporate Services dated 1 December 1997, be approved and adopted.

Carried.

10.

PROPERTIES - FUTURE PROPOSALS - COUNCIL SHOP PREMISES, ERSKINEVILLE ROAD, NOS. 106 - 112, ERSKINEVILLE (2005879)

That the recommendation as contained in the report by the Director of Corporate Services dated 1 December 1997, be approved and adopted.

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

The Acting Supervising Committee Clerk read out the following recommendation, namely:

- (A) That the recommendation as contained in the report by the Director of Corporate Services dated 1 December 1997, be approved and adopted.
- (B) The Director of Planning and Building prepare a report for the Management Plan Committee Weekend meeting to be held in February 1998, in the Urban Village Programme, setting out priorities.
- (C) A design brief be prepared for this site and the public realm by the Director of Planning and Building .

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

11.

PERSONNEL – SENIOR STAFF – REMUNERATION (2004240)

This matter was submitted to Council without recommendation.

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

The Acting Supervising Committee Clerk read out the following recommendation, namely:

- (1) That the salary packages under the headings “Proposed” and “Consultants 2nd tier 50 percentile” of Council's Senior Staff as detailed

in the report by the Acting Director of Employment Services dated 3 December 1997, be approved.

- (2) Those positions not presently on a term contract namely the:-

Director of Planning and Building
Director of Employment Services
Director of Health and Community Services

Be advertised in accordance with the requirements of the Local Government Act, 1993, under a 5 year term contract.

- (3) A panel comprising:-

The Mayor
The Deputy Mayor
Councillor Fenton
The General Manager

and the General Manager of Council of the City of Botany be convened to interview the applicants.

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

REPORT OF THE COMMUNITY SERVICES COMMITTEE

3 December 1997

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Greg Waters .

At the commencement of business at 7.51. pm those present were -

Councillors:- Deftereos, Fenton and Waters.

Apology:

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

Moved by the Chairperson Councillor Fenton, seconded by Councillor Waters:-

That the Report of the Community Services Committee of its meeting of 3 December 1997 , be received and the recommendations set out below for Item 1-4, inclusive, 6 and 7 and 9 , be adopted.

The Committee resolved that the press and the public be excluded from the meeting of the Community Services Committee during consideration of the undermentioned Items, and further, access to correspondence and reports be 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 5 and 8 – Confidential Matters

Carried.

1.

COMMITTEES - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 14 OCTOBER 1997 (2003345)

- (a) That a report be presented to Council by the Director of Corporate Services on the feasibility of purchasing two transportable Hearing Loops for installation at Erskineville Town Hall, one to be installed in the Council Chambers and the other in the John Willis Room.
- (b) That a letter, under the Mayor's signature, be forwarded to the Institute of Municipal Engineers, requesting that all new telecommunication pits be installed at least 1½ metres from the kerb, thus allowing Council easier installation of kerb ramps.

Carried.

2.

ADMINISTRATION - MOORE PARK LEISURE CENTRE - OPERATIONS (2013980)

That arising from consideration of a report by the Director Health and Community Services dated 26 November, 1997, it be resolved that:-

- (1) Council discontinue its operations at the Moore Park Leisure Centre effective 30 January 1998;
- (2) full-time staff based at Moore Park be transferred to another facility to be determined by the Community Resources Co-ordinator and report to the Community Facilities Co-ordinator;

- (3) all South Sydney Council specific programs are re-located to appropriate venues;
- (4) options relating to the possibility of a new sport and leisure facility for South Sydney residents be the subject of a further report to Council.

Carried.

3.

THE CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997 (2016917)

That arising from consideration of a report by the Director of Health and Community Services dated 25 November 1997, it be resolved that the enforcement of the Children (Protection and Parental Responsibility Act) 1997, through the designation by Council of operational areas is not recommended for the South Sydney Local Government area.

Carried.

4.

COMMUNITY SERVICES – LEISURE SERVICES RESTRUCTURE IMPLEMENTATION (2013980)

That the report by the Director of Health and Community Services dated 28 November 1997, regarding the status report on the implementation of the Leisure Services Restructure, be received and noted.

Carried.

5.

COMMUNITY SERVICES – 1998 AUSTRALIA DAY COMMUNITY AWARD NOMINATIONS (C52-00117)

That arising from consideration of a report by the Director of Health and Community Services dated 27 November 1997, it be resolved that:-

- (1) approval be given to the following Australia Day Community Awards for 1998:

Citizen of the Year – Ms Betty Bullivant, of Waterloo, for her commitment to the improvement of services for the tenants of the Waterloo Department of Housing Estate and the development of the Waterloo Neighbourhood Centre.

Community Event of the Year – The Mary's Place Project, which was a community initiated project focusing on environmental design for

violence prevention with the inclusion of a street art installation in Floods Lane.

- (2) a Discussion Paper be developed by the Director of Health and Community Services addressing issues regarding Council's Community
- (3) Awards with the various options be presented at the Management Review in February 1998.

Carried.

6.

**HEALTH – IMMUNISATION – PROVISION OF MEDICAL SERVICES
(2002242)**

That arising from consideration of a report by the Director of Health and Community Services dated 26 November 1997, approval be given to the appointment of Sister Gillian Holland to provide the respective medical services needed for Council's Immunisation Clinics for a period of two years beginning on 1 November 1997 with a further option, subject to satisfactory performance, at the completion of that two year period.

Carried.

7.

**HEALTH – NATIONAL FOOD REGULATION REVIEW – SUBMISSION
(2006547)**

That arising from consideration of a report by the Director of Health and Community Services dated 27 November 1997, approval be given to forward the following comments to:

Food Regulation Review
P O Box 7186
CANBERRA MC ACT 2610

SUBMISSION

South Sydney City Council is a diverse Council which has a population of about 80,000 mostly confined to the more densely populated inner city areas. Food safety is considered a high priority as there is over 1000 food outlets in this local government area and significant resources are allocated to food services. Council has and is implementing a comprehensive "local food policy" which addresses safety, nutrition, access and availability issues.

Council acknowledges there are problems with current food regulation systems, however, it does not support moves towards more industry self-

regulation. Council has resolved to make the following comments to the Food Regulation Review Committee.

REVIEW ISSUES:

When, Why and How should Governments Regulate?

In this section two important reasons for government intervention or regulation have been omitted. Namely:

1. Prevention of deception and misleading claims.
2. Protection of the honest trader. (They would not survive if regulations were not enforced or if self-regulation is ineffective).

Council agrees with the other points raised in this section and it is considered that food handling, managing high-risk foods, adulteration and food handler training are the main problems and risks in the food industry that require regulation. The issue of training is not adequately detailed in ANZFA's proposed National Food Hygiene Standards. A 1994 discussion paper "Safe Food Handling, Australia" should be revisited in regard to its greater emphasis on training.

The areas requiring less regulation or some self-regulation could be those parts of the Food Standards Code specifying complex formulations and composition. Some do not impact on safety issues and are extremely difficult or impossible to enforce. For example enforcement relies totally on verbal admissions rather than analysis or observation.

Regulations should be practical, able to be monitored and enforced.

What are the Impacts of Government Regulation?

The impacts of government regulation in regard to the costs/benefits must be weighed up against the overall outcome which is public health and safety. The consumer expects and deserves the highest possible standards in food including the way it is handled, however, it is unknown to what extent they are willing to pay. No doubt consumer groups such as the Australian Consumers' Association will give input on this issue.

The benefits of effective regulations are again safety and confidence. Enforcement agencies such as Council secure tangible performance indicators e.g. number of inspections/audits, number of defects, samples, prosecutions etc. Industry benefits include consistent standards to guide them. Food producers often request clear, black and white prescriptive standards based solutions rather than performance -based criteria which need clarification and are open to interpretation. However, it is agreed some regulations do limit innovation and change.

Governments and consumers should bear the costs of regulation and Council does not support an expensive fee for service arrangement because this can stifle businesses leading to inflation and poorer international competitiveness. However, there should still be a fee for registration, licensing and administration purposes.

Food Regulatory Arrangements.

It is acknowledged that the current food regulatory arrangements need improvement. Weaknesses include: separate state regulations, duplication and inconsistent enforcement approaches. For example in NSW Council activities are discretionary and range from nothing to substantial involvement in the area of food handling. Also the Food Policy Section of the NSW Health Department advises the Public Health Units which are autonomous and may not implement the centralised policy. This may be due to differing priorities and resource levels. South Sydney Council is geographically divided between two such public health units.

From the point of view of consumers there is a confusion as to which of the aforementioned authorities to seek advice from or make a complaint to. Food businesses may also find themselves in a similar situation.

Implementation of the ANZFA proposal may provide some solutions i.e. national hygiene requirements and a more consistent approach through food safety plans and systematic auditing. Also consistent national training criteria for the food industry will help them know and understand regulatory requirements.

In regard to penalties they too are inconsistent and unfair. For example, here in NSW the maximum penalty for a fraction of excess fat in sausages is \$5,500, whereas unclean premises, contamination of food and so forth attracts a maximum penalty of only \$2,750. Increased penalties across the board and introducing on-the-spot fines must be considered.

Industry Self-regulation and Other Alternatives to Regulation.

Self-regulation is not supported as it does not instill confidence and adequately protect the consumer.

Self-regulation also does not protect the honest trader or manufacturer from unscrupulous operators who can gain a commercial advantage by not complying with self-regulation requirements in order to cut costs.

Self-regulation may also hinder international trade. Currently the US Food Safety and Inspection Service is saying it won't accept our meat exports under Australia's proposed self-regulated inspection system.

Approved industry generated guidelines and codes of practice would be acceptable if they are called up under the regulations. The cost savings and

benefits to industry through self-regulation must not outweigh public health and food safety.

On behalf of Council I wish to thank you for the opportunity to comment on the Food Regulation Review.

Carried.

8.

FEASIBILITY STUDY FOR A CLOSED CIRCUIT TELEVISION SYSTEM IN THE KINGS CROSS AREA – FINDINGS OF REPORT (A55-00009)

That arising from consideration of a report by the Director of Health and Community Services dated 28 November 1997, approval be given to:-

- (1) at this stage, the installation of a public CCTV system as a strategy to reduce crime and anti-social behaviour in the Kings Cross area not be supported;
- (2) Council, through the Kings Cross Place Management Project commence negotiations involving the Ministry for Police and the NSW Premier's Department on the funding and implementation of non-CCTV strategies, including those identified in the consultant's report to address the priority crime and safety concerns in the Kings Cross area;
- (3) Council write to the Minister of Police advising him of the findings of the CCTV study and Council's subsequent decision regarding the implementation of a public CCTV system at this stage;
- (4) a further report advising the outcomes of the negotiations with the Ministry of Police and the NSW Premier's Department regarding effective non-CCTV crime prevention strategies for Kings Cross be submitted to Council in February 1998.

Carried.

9.

HEALTH - SOIL AND SEDIMENT CONTROL (2014357)

That arising from consideration of a report by the Director of Health and Community Services dated 2 December 1997, it be resolved that:-

- (1) the Committee endorse the proposed SSROC regional approach to erosion and sediment control on building sites;
- (2) the Committee note Council's Environmental Health Surveyors proactive approach to erosion and sediment control on building sites.

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

3 December 1997

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillors - John Bush, John Fowler, Christine Harcourt, Jill Lay.

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

The Mayor and Councillors - Bush, Fowler, Harcourt, Lay.

That the Report of the Planning and Development Committee of its meeting of 3 December 1997, be received and the recommendations set out below for Items 1, 2, 4 to 7, inclusive, 10, 11, 13 to 15, inclusive, 19, 20, 22, 23, 25 to 29, inclusive and 31, be adopted. The recommendations for Items 5, 8, 9, 12, 16 to 18, 21, 24, 30 and 32 having been dealt with as shown immediately following such Items.

Carried.

1.

INTEGRATED DEVELOPMENT ASSESSMENT – PROPOSED CHANGES TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (2012924)

That the report by the Director of Planning and Building dated 18 November 1997, regarding the above matter, be received and noted.

Carried.

2.

WILLIAM STREET, NOS. 88-108, WOOLLOOMOOLOO – INCREASE PATRON NUMBERS AND EXTEND HOURS OF OPERATION – DEVELOPMENT APPLICATION (U97-00756)

(A) That the Council as the responsible authority refuses its consent to the Development Application submitted by Ezmia Pty Ltd, with the authority of Itah Australia Pty Ltd for extended operating hours and an increase in patron numbers at 88-108 Williams Street, Woolloomooloo, for the following reasons, namely:-

- (1) That the proposal will create adverse social impacts resulting from the expansion of the Kings Cross Entertainment Precinct;
- (2) That the proposal is not satisfactory having regard to Section 90(1)(a1)(e) of the Environmental Planning and Assessment Act, 1979;
- (3) That the proposal would not be in the public interest;

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 those persons who made representations in respect of the proposal be notified of Council's decision.

Carried.

3.

BARWON PARK ROAD, NO.38, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO COUNCIL NURSERY AND PARKS DEPOT (U97-00827)

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 consent to the application submitted by the Public Works and Services Department of South Sydney City Council for permission to carry out alterations and additions to the Council Parks Depot and Nursery at No. 38 Barwon Park Road, Alexandria, generally in accordance with the submitted plans numbered E3-444/3.1 dated 22 April, E3-444/3.2, 3.3 and 3.5 dated 8 December 1997 and E3-444/3.4 dated 1 September 1997, subject to the following conditions, namely:-
 - (1) That a minimum of 20 off-street car parking spaces shall be provided for use in connection with the development and such spaces shall measure 2.4m x 5.6m, and shall be located, prepared and marked to the satisfaction of the Director of Planning and Building;
 - (2) That the wash bay shall only be used between 9.00 a.m. and 4.00 p.m., Mondays to Fridays;
 - (3) That new external building materials and finishes shall generally match the existing work;

- (4) 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;
- (5) That the office, meeting room and toilets shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (6) That the carwash bay shall be graded and drained to the sewer in accordance with the requirements of Sydney Water and the Environment Protection Authority;
- (7) That the Applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures;

Note: The Applicant is advised that they 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;

- (8) That details of site security arrangements shall be submitted to and approved by the Director of Planning and Building prior to the approval of the Building Application;

and the following adopted standard conditions:

- (9) LDA79 - Washing down of trucks to prevent debris;
- (10) LDA101 - Provide landscaping plan;
- (11) LDA106 - Preserve existing trees;
- (12) LDA351 - Building Application required;
- (13) LDA376 - Hours of building work;
- (14) LDA389 - Stormwater disposal requirements;
- (15) LDA392 - No obstruction to public way;
- (16) LDA396 - Works within boundaries;
- (17) BC26 - Comply with BCA;
- (18) hsc101 - Not give rise to emissions into the environment;

- (19) hsc801 - Noise from premises;
- (20) That the storage be located as far away as possible from Barwon Park Road as possible to reduce the impact on the residents of the noise from loading trucks.

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 Marrickville Council and the persons who made representations in respect of the proposal be notified of Council's decision.

Carried.

4.

BELMONT STREET, NOS. 117-133, ALEXANDRIA – TO CONVERT THE INDUSTRIAL BUILDING INTO A RESIDENTIAL FLAT BUILDING CONTAINING 21 UNITS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT U97-00782)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Nikita Designs, with the authority of Mr J & Mrs E Angeletos, for permission to convert the existing building into a residential flat building containing 21 units, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans drawing nos. 1033-1A, 1033-4A dated stamped 13 October 1997;
 - (2) That this consent shall lapse after a period of two years from the date this consent becomes effective (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 gable roofs and glazing over the attics of the terraces facing Belmont Street be deleted and the attic spaces be redesigned to reduce the effective height of the building and to match the line and style as far as is possible the roof of the existing building;
 - (4) That the attics of the two end units adjacent to the side boundaries of the site be deleted to achieve a better scale relationship with the adjacent terrace houses;

(5) (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	\$55,729	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$16,692	2E97002.BGYO
Accessibility And Transport	\$ 208	2E97006.BGYO
Management	\$ 844	2E97007.BGYO
Total	\$73,483	

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.

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.

- (6) That a maximum of 24 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (7) The basement car park being ventilated in accordance with the requirements of AS1668.1-1991 Section 7.6 and AS1668.2-1991 Section 4.4;

- (8) That plans and specification showing details of:
- (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the garbage and recycling room
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (9) That the location of the garbage should be referred to Council's Cleansing Services Branch for approval;
- (10) 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 materials, building materials, or other materials to fall, descent, 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;
- (11) That the developer shall include with the Building Application a plan detailing the Building Alignment Levels as approved by the Department of Public Works and Services. The developer shall apply and pay the fees for us to consider these levels;

and the following adopted standard conditions:

- (12) LDA21 - No resident parking for residential flat developments;
- (13) LDA29 - Provide sign indicating parking;
- (14) LDA151 - Schedule of finishes;
- (15) LDA153 - Reflectivity of external glazing;
- (16) LDA161 - Provide common television aerial;
- (17) LDA367 - Timing device on alarms;
- (18) LDA368 - Display of street numbers;
- (19) LDA373 - Disabled access provision;
- (20) LDA376 - Hours of building work;
- (21) LDA377 - Construction noise regulation;

- (22) LDA399 - Cost of consequential roadworks;
- (23) LDA392 - No obstruction to public way;
- (24) LDA393 - Delivery of refuse skips;
- (25) LDA351 - Building Application required;
- (26) LDA396 - Works within boundaries;
- (27) LDA391 - Builder's Hoarding Permits;
- (28) LDA387 - Footway crossings;
- (29) LDA384 - New alignment levels;
- (30) LDA414 - Costs for alterations to public services;
- (31) LDA399 - Cost of consequential roadworks;
- (32) LDA103 - Upgrade existing landscaped area;
- (33) SC500 - Premises to be ventilated;
- (34) HSC555 - Bathroom ventilation;
- (35) HSC700 - Compliance with code for Garbage Handling System;
- (36) HSC706 - Storage of recyclables;
- (37) HSC801 - Noise from premises;
- (38) BC26 - Comply with BCA;
- (39) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services 's standard requirements;
- (40) 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, 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.
- (C) That the question of angle parking be referred to the Council's Traffic Committee for consideration.

Carried.

5.

NICHOLS STREET, NO.35, SURRY HILLS – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00853)

- (A) That the Council as the responsible authority grant its consent to the application submitted by Gianni Lacovazzi with the authority of M Butler and E Hart for permission to carry out alterations and additions to a terrace and to erect a rear studio, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans drawings dated September 1997;
 - (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 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;
 - (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 stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;

- (6) That all proposed work shall be wholly within the boundaries of the subject site;
- (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (8) 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, 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 representation in respect of the proposal be advised of Council's decision.

Carried.

6.

PLANNING – TRANSPORT – CAR POOLING SCHEMES – PROMOTION OF EASY SHARE SHARING PROPOSAL (2016700)

- (A) That the report by the Director of Planning and Building dated 24 November 1997 be received and noted:-
 - (1) That Council endorses Actions 1-5 outlined in Section 5 of this report to help promote the Easy Share Ride sharing scheme to the community; and
 - (2) That negotiation takes place between Easy Share and Council to provide services to Council staff in light of the relocation of the Council administrative offices to the Bourke Street site and that preferential parking and other incentives be considered to users of the scheme at the new site.
- (B) That the Director of Public Works and Services be requested to investigate the erection of street signage in the South Sydney Area indicating the contact number for the East Share Ride Sharing Scheme.

Carried.

7.

CAMPBELL STREET, NO. 180B, DARLINGHURST - ALTERATIONS AND ADDITIONS TO PREMISES, UTILISE AS A PRIVATE HOTEL AND SIGNAGE - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U97-00849)

(A) That the Council as the responsible authority grants its consent to the Development Application submitted by Spayon Pty Ltd, with the authority of Ms I Bluett and Ms C Carr for permission to carry out alterations and additions to the abovementioned premises, utilise the premises as a private hotel and erect an advertising sign, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans 2910-DA01 and dated 19 August 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	\$15,261	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 4,536	2E97002.BGYO
Accessibility And Transport	\$ 53	2E97006.BGYO
Management	\$ 221	2E97007.BGYO
Total	\$20,071	

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.

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.

- (3) That details of the proposed security grilles shall be submitted with the building application at a scale of 1:20, to Council's satisfaction;
- (4) That the proposed disabled access ramp shall be deleted;
- (5) That access to the premises shall be in accordance with the BCA and the criteria set out in guidelines on access to premises issued by H.R.E.O.C. Details are to be submitted with the building application;
- (6) That no flashing, moving or intermittent lighting, visible from the public way shall be installed on the premises or on any external sign associated with the development;
- (7) That the proposed sign(s) shall:-
 - (a) not flash, move, be animated, scintillate or be decorated with rotating or flashing lights at any time without the consent of Council;
 - (b) not have any apparatus attached to it which will provide sound of any description, whether associated with the sign(s) or other object or activity;

- (c) be neatly affixed to the building and any damage caused to the exterior of the building by the erection of the sign(s) shall be promptly repaired with materials to match the existing, to the satisfaction of the Director of Planning and Building;
- (8) That the proposed wall sign shall not:
- (a) project above the wall to which it is attached;
 - (b) cover any major architectural projections or windows of the wall to which it is attached;
 - (c) extend or project closer than 0.6m from the kerb alignment;
 - (d) exceed 2.44m in length, 0.58m in height or have the underside of the sign less than 2.75m above the ground at any point;
 - (e) extend laterally beyond the wall to which it is affixed;
 - (f) extend beyond the awning;
- (9) 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;
- (10) 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;

- (11) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (12) 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;
- (13) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (14) 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;
- (15) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (16) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (17) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (18) 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;

- (19) 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;
 - (20) That the applicant shall enter into a commercial contract for the removal of trade waste;
 - (21) 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;
 - (25) That plans and specifications showing details of all required mechanical ventilation systems, the garbage room and the garbage room or garbage receptacle storage area shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation, 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 tight fitting solid core doors not less than 35mm in thickness 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 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;
 - (5) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (6) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
 - (7) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;

- (8) That compliance shall be given to the conditions of the Director of Health and Community Services contained in the accompanying report dated ;
- (9) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (10) 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;
- (11) Fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;
- (12) That good housekeeping shall be maintained at all times;
- (13) Egress paths are to be kept free of obstructions/storage at all times;
- (14) 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;

- (15) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (a) Plasterboard;
 - (b) Perforated gypsum lath with a normal paper finish;

- (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;
- (16) That a residential sprinkler system shall be installed throughout the building. The system shall comply with a standard of installation and maintenance in accordance with the requirements of Australian Standard 2118.4-1995. 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.
- (17) That exit travel distances shall be redesigned to comply fully with the requirements of Clause D1.4 of the BC;
- (18) That an additional exit shall be provided to the basement level in accordance with the requirements of Clause D.1.2(c);
- (19) That the disabled access ramp shall not project beyond the boundary of the allotment;
- (20) 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.

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.

8.

DRIVER AVENUE, NO.5A, CENTENNIAL PARK – RAS SHOWGROUND – PROPOSED FILM STUDIO – STAGES 2 AND 3 (2014005)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That approval be given to a copy of the report by the Director of Planning and Building dated 27 November 1997, being forwarded to the Department of Urban Affairs and Planning as Council's submission on the Development Application to amend Stage 3, with the request that the matters raised be taken into consideration by the Minister in determining the application.

At the request of Councillor Deftereos, and by consent, the motion was amended by the addition of a new clause to the recommendation, namely:-

- (B) That Council write to the Minister for Planning objecting to the number of changes made to the Master Plan by Fox Studios since the State Environmental Planning Policy was made.

Motion, as amended by consent, carried.

9.

PHILLIP STREET, NO.2, ALEXANDRIA – DEMOLISH EXISTING DWELLING AND ERECT 2 TOWNHOUSES – DEVELOPMENT APPLICATION (U97-00516)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

That the Council, as the responsible authority, grants its deferred commencement consent pursuant to Section 91AA of the Environmental Planning and Assessment Act 1979, to the development application submitted by Ms Anne Grimes, with the authority of Mrs E Gordon, for permission to demolish the existing building and erect two new attached townhouses at No. 2 Phillips Street, Alexandria, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has submitted plans, within 6 months of the date of this deferred commencement, responding to the following matters and shall be to the satisfaction of the consent Director of Planning and Building:
- (a) deletion of the whole upper "attic" level;
 - (b) a redesigned roof, involving a simple skillon form, with a minimal pitch back from the street and a parapet with appropriate detail to Phillips Street;
 - (c) redesigned first floor openings to Phillips Street, incorporating more traditionally proportioned window and door openings;

- (d) detailing of the first floor balustrade to be sympathetic to the Victorian buildings in the vicinity of the site;
- (2) That the total front fence height shall not exceed 1.5m above street level (including retaining wall);
- (3) That the lower halves of the northern and eastern facing first floor windows shall be fixed and obscure;
- (4) That the finish of all exposed exterior walls shall be rendered or bagged and finished a light colour, to be detailed in the building application;
- (5) That the floor space ratio shall not exceed 1:1;
- (6) That the prominent first floor horizontal alignments (Floor, gutter, balustrade) shall respect the horizontal elements of the adjoining southern dwelling;
- (7) (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	\$3,159	2E97001.BGYO
OpenSpace/Townscape/Public Domain	\$ 946	2E97002.BGYO
Accessibility And Transport	\$ 12	2E97006.BGYO
Management	\$ 48	2E97007.BGYO
Total	\$4,165	

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.

- (8) That the rear alignment shall not project beyond the rear awning of the dwelling to the south of the site;

and the following adopted standard conditions:-

- (9) LDA21 - No resident parking for residential flat developments;
- (10) LDA101 - Provide landscaping plan;
- (11) LDA152 - Schedule of finishes;
- (12) LDA153 - Reflectivity of external glazing;
- (13) LDA155 - Windows and doors to be of timber joinery;
- (14) LDA160 - Provide service ducts within building;
- (15) LDA351 - Building Application required;
- (16) LDA376 - Hours of building work;
- (17) LDA377 - Construction noise regulation;
- (18) LDA384 - New alignment levels;
- (19) LDA389 - Stormwater disposal requirements;
- (20) LDA392 - No obstruction to public way;
- (21) LDA394 - Cost of alteration to signposting;
- (22) LDA396 - Works within boundaries;
- (23) hsc500 - Premises to be ventilated;
- (24) hsc555 - Bathroom ventilation;
- (25) hsc501 - Plans and specification of ventilation;
- (26) hsc101 - Not give rise to emissions into the environment;
- (27) 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, including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

Carried.

10.

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

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

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Archivision for permission to construct a garage with first floor cabana at the abovementioned premises, all in accordance with the submitted amended plan numbered A2665A dated 17 November 1997, subject to the following conditions, namely:-
- (1) 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;
 - (2) 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;
 - (3) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (4) 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;
 - (5) 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;

and the following adopted standard conditions:-

- (6) BC2 - Compliance with Local Government Act 1993;
- (7) BC3 - Compliance with conditions on plan;
- (8) BC8 - Details of contractor;
- (9) BC11 - Inform Council for inspections;
- (10) BC20 - Premises to remain as single dwelling;
- (11) BC62 - Survey Certificate for setup of building;
- (12) BC63 - Survey Certificate for finished building;
- (13) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (14) BC111 - Hours of work;
- (15) BC113 - Work to comply with noise standards;
- (16) BC116 - New work not to encroach boundaries;
- (17) BC119 - Requirements when excavating below footings;
- (18) BC123 - Demolition to comply with standard;
- (19) BC167 - Structural details and certification to be submitted;
- (20) BC170 - Structural certificate upon completion;
- (21) BC175 - Comply with Timber Framing Code;
- (22) BC176 - Approval for permanent work only;
- (23) BC184 - Foundation material under slabs;
- (24) BC186 - No structural work until approval granted;
- (25) BC340 - Non-flammable sarking materials;
- (26) BC352 - Glazing materials;
- (27) BC421 - Private stairs construction;
- (28) BC603 - Damp and weatherproofing;
- (29) BC608 - Ceiling heights;

- (30) BC617 - Rain or dampness penetration;
 - (31) BC618 - Flashing to be provided;
 - (32) 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.

11.

SURREY STREET, NOS. 28-30, DARLINGHURST – ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING- DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U97-00712)

Councillor Waters declared an interest and did not take part in discussions or voting on the Item.

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by W P Winterton, with the authority of Willpower Pty Ltd, for permission to make alterations to an existing residential flat building subject to the following conditions namely:-

- (1) That the work shall be generally in accordance with plans 97081 and 2 dated May 1996;
- (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	\$676	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$201	2E97002.BGYO
Accessibility And Transport	\$ 0	2E97006.BGYO
Management	\$ 10	2E97007.BGYO
Total	\$887	

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.

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 parking spaces shall be so allocated that no unit has more than one car space;
- (4) That colours and finishes of building materials shall match the existing building;
- (5) 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;
- (6) That the car park area shall be ventilated in accordance with Australian Standard 1668 - 1991.1 Specification 7 and Australian Standard 1668.2 Section 4.
- (7) That plans and specifications showing details of:-
 - (a) all required 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;

and the following adopted standard conditions:

- (8) LDA351 - Building Application required;
- (9) LDA21 - No resident parking for residential flat developments;

- (10) LDA376 - Hours of building work;
- (11) LDA381 - Not to be used as restricted premises;
- (12) LDA392 - No obstruction to public way;
- (13) LDA396 - Works within boundaries;
- (14) HSC101 - Not give rise to emissions into the environment;
- (15) HSC111 - Liquid wastes to sewer;
- (16) HSC700 - Compliance with code for Garbage Handling System;
- (17) HSC709 - Garbage room;
- (18) HSC800 - Use of appliances emitting intrusive noise;

NOTE 1: 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.

NOTE 2: 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.

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

Carried.

12.

KINGS CROSS ROAD, NO.1, DARLINGHURST – CAFE FITOUT WITH OUTDOOR SEATING AND 24 HOUR OPERATION – DEVELOPMENT APPLICATION (U97-00949)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

- (A) That Council, as the responsible authority, approve the application submitted by Nettleton Tribe Partnership, on behalf of Rushcutter

Properties Limited, to use the retail strata unit adjoining the 'Western Forecourt' within the existing multi-storey residential flat building as a restaurant, subject to the following conditions of consent, namely:

- (1) That the development shall be generally in accordance with plans marked 1348.01 to 1348.03, dated 08.10.97, and submitted to Council on 16.10.97;
- (2) That the use shall be restricted to the hours of operation of 7am to 12 midnight Sundays to Thursdays inclusive and 7am to 2am Fridays and Saturdays;
- (3) That disabled access is provided in accordance with the requirements of Australian Standard 1428, including provision of a wheelchair accessible toilet in accordance with the design requirements of Australian Standard 1428;
- (4) That the landscaping consisting of planter-boxes contained on the edge of the strata lot, being within the strata lot, is maintained by the operator of the proposed restaurant;
- (5) That there shall be no dancing or entertainment on the premises other than background recorded music;

and the following adopted standard conditions:

- (6) LDA201 – Make separate application for sign;
- (7) LDA202 – No flashing lights to be installed on site;
- (8) LDA203 – No lights or sound equipment on public way;
- (9) LDA351 – Building application required;
- (10) LDA376 – Hours of building work;
- (11) HSC001 – Compliance to Director of Health and Community Services;
- (12) HSC500 – Premises to be ventilated;
- (13) HSC018 – Sanitary facilities;
- (14) HSC101 – Not give rise to emissions into the environment;
- (15) HSC111 – Liquid wastes to sewer;
- (16) HSC200 – Compliance with Food Premises Code;
- (17) HSC711 – Commercial contract (trade waste);

- (18) HSC709 – Garbage room;
- (19) HSC706 – Storage of recyclables;
- (20) 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.

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

Carried.

13.

IVY STREET, NOS. 74-80, DARLINGTON – RETENTION OF BUILDING – DEFERRED COMMENCEMENT (U96-01123)

- (A) That the applicant (Gergely and Pinter Architects) be advised that the revised plans submitted by for Nos.74-80 Ivy Street in response to the deferred commencement development consent are acceptable in principle, and the development consent is operative, though the following refinements to the design must be made at the building application stage, to the satisfaction of the Director of Planning and Building, namely:-
 - (1) That both walls to Ivy Street and Ivy Lane shall be retained, with all necessary techniques to ensure the walls are retained being undertaken and detailed in the building application;
 - (2) That the design shall be refined, to address the following:
 - (a) retention of the first floor openings and the full parapet detailing to both Ivy Street and Ivy Lane (including the curved window heads);
 - (b) retention (or respect in new openings at ground level) of the irregular pattern of openings in the Ivy Lane building;
 - (c) retention of the southern boundary wall for at least 6m in length from both Ivy Lane and Ivy Street (to also provide bracing for the retained Street walls);

and the proposed middle section of the southern wall shall be retained to a height of 2.4m for the full construction period (not replaced with a new wall) and the 1.8m high lattice above the middle section of the boundary wall erected as soon as practicable.

- (B) That the persons who made representation with respect to the proposal be advised of Council's decision.

Carried.

14.

**BAYSWATER ROAD, NOS. 72-78, AND CLEMENT STREET, NO.8,
RUSHCUTTERS BAY- INCREASE CAR SPACES AND PROVIDE
ALTERNATIVE ACCESS/EGRESS – DEVELOPMENT APPLICATION
(U97-00509)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Nordon Jago Architects, with the authority of N & N Davidson Investments Pty Ltd, for permission to increase the number of car spaces approved in U95-00787 from a maximum of 34 to 51 car spaces and provide an alternative access/egress arrangement off Bayswater Road, for the following reasons, namely:-

- (1) That the proposed increase in number of car spaces will result in the provision of 17 car spaces in excess of Council's requirements as set out in DCP 11 further increasing non-compliance with the existing floor space ratio limits of 2:1 under LEP 101 and 1.5:1 under DCP 1997 respectively;
- (2) That the additional car spaces will result in increased vehicular movements and traffic congestion in the locality;
- (3) That the proposed vehicular access point on the eastern side represents a significant danger in terms of traffic movement along Bayswater Road.

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

Carried.

15.

**NEWMAN STREET, NOS. 2-18, NEWTOWN – ERECT A RESIDENTIAL
FLAT BUILDING OF 36 UNITS – DEVELOPMENT APPLICATION
(U97-00777)**

- (A) That the Council, as the responsible authority, refuses to grant its consent to the Development Application submitted by Perry Fung

Architects, with the authority of First Australian Holdings P/L , for permission to erect a three/four storey residential flat building containing 36 units and parking for 33 residents/18 shopping centre spaces, for the following reasons, namely:-

- (1) That the proposal does not comply with Council's Local Environmental Plan No. 107 in respect to Clause (11) Height of Buildings, and that the State Environmental Planning No. 1 objection cannot be supported by Council;
 - (2) That the proposal does not comply with Council's Development Control Plan 1997 in respect to height, FSR, privacy, 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 and external to the site does not comply with DCP 1997 requirements;
 - (5) That the character of the building is not compatible with the streetscape and Council's future planning objectives for the area;
 - (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 amenity of the streetscape;
 - (8) That the proposal does not have a satisfactory relationship with the adjoining development;
 - (9) That the proposal does not comply with the requirements in Development Control Plan No. 11 in respect to car park design and access;
 - (10) That the proposal will adversely impact on the vehicular movement to adjoining development;
 - (11) Approval of proposal 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.

LAWSON SQUARE, NOS. 64-74, REDFERN, - USE AS /CONVENIENCE STORE – DEVELOPMENT APPLICATION (U97-00946)

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 Jamal Gebara and Monir Taouil, with the authority of Sydville Pty Ltd, for permission to use the retail component of the above premises as a convenience store, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 97/9610 and held on Council file U97-00946;
 - (2) That the hours of operation shall be restricted to between 6.00am to 9.00pm seven days per week;
 - (3) That loading and unloading including the collection of garbage shall be restricted to 7.00am – 6.00pm;
 - (4) That the use shall be confined to the retail component of the premises;
 - (5) That wash hand basin, conveniently located shall be provided in the food preparation areas with an adequate supply of potable water at a temperature of at least 40°C delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
 - (6) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room or garbage receptacle storage area;
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- and the following adopted standard conditions:
- (7) LDA34 - Maintain existing loading dock;
 - (8) LDA38 - Articulated service prohibited;

- (9) LDA46 - Loading and access to be kept clear;
- (10) LDA201 - Make separate application for sign;
- (11) LDA202 - No flashing lights to be installed on site;
- (12) LDA351 - Building Application required;
- (13) LDA367 - Timing device on alarms;
- (14) LDA368 - Display of street numbers;
- (15) LDA376 - Hours of building work;
- (16) LDA377 - Construction noise regulation;
- (17) LDA392 - No obstruction to public way;
- (18) LDA393 - Delivery of refuse skips;
- (19) HSC500 - Premises to be ventilated;
- (20) HSC018 - Sanitary facilities;
- (21) HSC200 - Compliance with Food Premises Code;
- (22) HSC301 - Cooking of food only if air handling system is provided;
- (23) HSC700 - Compliance with code for Garbage Handling System;
- (24) HSC706 - Storage of recyclables;
- (25) HSC711 - Commercial contract (trade waste);
- (26) 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.

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

Carried.

17.

**PLANNING – SOUTH SYDNEY DRAFT LOCAL ENVIRONMENTAL PLAN
1997 (2015554)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Bush:-

That the report by the Director of Planning and Building dated 28 November 1997, regarding the changes to the South Sydney Draft Local Environmental Plan, be received and noted.

Carried.

18.

**LAWRENCE STREET, NO.213, ALEXANDRIA – ERECT TWO TERRACE
HOUSES – DEVELOPMENT APPLICATION (U97-00553)**

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 Mosca Berras Partnership Pty Ltd, with the authority of Mr D Galway, for permission to demolish the existing building/garage and erect two new dwellings, including subdivision into 2 lots, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans 97102/A-1B, dated 2 July 1997;
- (2) That the overall height of the building shall be reduced by 300mm, though the roof pitch be maintained, by “lowering” the gable roof;
- (3) That the two top floor front balconies shall be deleted and the upper balustrade shall be replaced with an awning, with the front dormer opening being windows and designed in accordance with guidelines within Development Control Plan 1997, submitted with the Building Application and to the satisfaction of the Director of Planning and Building;
- (4) That the roof pitch shall match the adjoining roof pitch of the dwelling to the north;
- (5) That the rendered finish to Lawrence Street shall include a recessed line at the same height as the gutter of the adjoining dwelling to the north;

- (6) That the doors and windows in the front elevation shall be constructed of timber joinery;
- (7) That ground and first floor windows shall be deleted and be replaced with vertically proportioned windows, detailed in the Building Application and to the satisfaction of the Director of Planning and Building;
- (8) That the side exposed walls shall be rendered and finished to match the front elevation;
- (9) That "blind" recessed windows shall be incorporated on the outer face of the side walls, to be detailed in the Building Application;
- (10) That the garages shall be redesigned so that the southern boundary wall does not exceed 2.1m in height and a return roof with a minimal pitch and a width of 0.9m from the boundary be incorporated, and the required redesign shall be lodged with the Building Application and to the satisfaction of the Director of Planning and Building;
- (11) That care shall be taken during construction to maintain the wisteria plant located on the adjoining southern property and the walls of the new garages shall be painted, bagged or rendered a light finish, all at the applicant's full expense;
- (12) That details of the front fence, which shall not exceed 1.2 metres in height, shall be submitted with the Building Application;

and the following adopted standard conditions:

- (13) LDA152 - Schedule of finishes;
- (14) LDA351 - Building Application required;
- (15) LDA160 - Provide service ducts within building;
- (16) LDA367 - Timing device on alarms;
- (17) LDA368 - Display of street numbers;
- (18) LDA376 - Hours of building work;
- (19) LDA377 - Construction noise regulation;
- (20) LDA387 - Footway crossings;
- (21) LDA389 - Stormwater disposal requirements;

- (22) LDA391 - Builder's Hoarding Permits;
- (23) LDA392 - No obstruction to public way;
- (24) LDA394 - Cost of alteration to signposting;
- (25) HSC103 - Environmental site assessment being carried out;
- (26) HSC500 - Premises to be ventilated;
- (27) HSC501 - Plans and specification of ventilation;
- (28) HSC555 - Bathroom ventilation;
- (29) 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, overshadowing, privacy loss, streetscape qualities, 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.

19.

**BUCKLAND STREET, NOS. 23-55 AND GRAFTON STREET, NO.6,
CHIPPENDALE – RETAIN PART OF EXISTING WAREHOUSE AND
CONSTRUCT 12X3 BED UNITS 70X2 BED UNITS 10X1 BED UNITS WITH
PARKING – DEVELOPMENT APPLICATION CONTRIBUTION INCLUDED IN
CONSENT (0306/97)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Menduro Pty Ltd, with the authority of Cecil E Mayo Pty Ltd, for permission to retain part of two existing buildings and demolish the remainder and erect a residential flat building with basement parking and provision of public open space, subject to the following conditions, namely:
 - (1) That the development shall be generally in accordance with drawings numbered A01 to A07 dated August 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	\$188623	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$56101	2E97002.BGYO
Accessibility And Transport	\$ 665	2E97006.BGYO
Management	\$ 2723	2E97007.BGYO
Total	\$248112	

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 / 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.

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.

- (3) That the floor space ratio of the development shall not exceed 2.07:1;
- (4) That the car parking level shall be redesigned to provide a maximum of 64 off street parking spaces, including 11 visitor spaces, in accordance with the design requirements of DCP 11 and AS 2890.1, to the satisfaction of the Director of Planning and Building;
- (5) That not more than one car space shall be allocated to each unit;
- (6) 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;
- (7) That 31 secure bicycle parking spaces for residents shall be provided within the car park area and 9 bicycle spaces for visitors located and prepared to the satisfaction of the Director of Planning and Building;
- (8) That the car park ramp shall be designed to comply with Council's DCP 11 and AS 2890.1 to the satisfaction of the Director of planning and Building;
- (9) That one level of units within the Foundry building on the corner of Grafton and Moorgate Street shall be deleted and the remaining three levels re-configured so that the floor levels and facade detail are more sympathetic with the existing building and minimise alterations to the original fabric to the satisfaction of the Director of planning and Building;
- (10) with brick detailing (eg bands, parapets, plinths, horizontal bays, etc) and the like to achieve an more harmonious and sympathetic relationship with the character of the Heritage Conservation Area and the Blackfriars precinct, to the satisfaction of the Director of Planning and Building;
- (11) That details shall be submitted with or prior to the Building Application showing the type of materials and finishes to be used (including windows, doors, balustrade, roof materials, wall

finishes, fences, etc) and these shall be in keeping with the character of the conservation area and the context of the development to the satisfaction of the Director of Planning and Building;

- (12) That a solid, full height privacy screen shall be constructed along the eastern edge, with a short return along the northern edge, of the north facing balcony of unit E9 to the satisfaction of the Director of Planning and Building;
- (13) That the north facing balconies of units E11 and E12 shall be relocated, recessed or screened in a manner that will prevent overlooking of units within the adjoining residential complex, to the satisfaction of the Director of planning and Building;
- (14) That the commercial courtyard shall be embellished with landscaping, seating, paving, play equipment, etc. to meet the needs of residents and to encourage residents to make use of the space, to the satisfaction of the Director of Planning and Building;
- (15) That the developer shall provide basic landscaping (grass, shrubs, trees, etc subject to approval) and dedicate to Council free of charge the 167m² area shown as 'public open space' on the submitted plans for the purpose of a public park, to the satisfaction of the Director of Public Works and Services;
- (16) That the developer 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;
- (17) That units above ground level shall be provided with private balconies of at least 8m² in area unless the provision of such balconies would compromise conservation and adaptation of buildings that are proposed to be retained, 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 3m splay at the street corner of Buckland and Grafton Streets 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 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);
- (22) That the location of the garbage and recyclables storage area shall be referred to the Cleansing Services Branch for endorsement;
- (23) That the developer shall provide a construction management plan with the Building Application detailing showing how construction materials will be delivered to the site and how noise, dust, vibration, waste, demolition, excavation, construction worker parking and the like will be managed and coordinated to minimise the impact on existing residents to the satisfaction of the Directors of Public Works and Services, Health and Community Services and Planning and Building;
- (24) 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;
- (25) A landscape plan and specification 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, drainage, planting types and species, plan numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (26) 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;

and the following adopted standard conditions:

- (27) LDA21 - No resident parking for residential flat developments;
- (28) LDA260 - On-site stormwater detention;
- (29) LDA376 - Hours of building work;
- (30) LDA384 - New alignment levels;
- (31) LDA387 - Footway crossings;
- (32) LDA389 - Stormwater disposal requirements;
- (33) LDA392 - No obstruction to public way;
- (34) LDA391 - Builder's Hoarding Permits;
- (35) LDA394 - Cost of alteration to signposting;
- (36) LDA396 - Works within boundaries;
- (37) hsc103 - Environmental site assessment being carried out;
- (38) hsc500 - Premises to be ventilated;
- (39) hsc555 - Bathroom ventilation;
- (40) hsc700 - Compliance with code for Garbage Handling System;
- (41) hsc706 - Storage of recyclables;
- (42) hsc801 - Noise from premises;
- (43) BC26 - Comply with BCA;
- (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.

- (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 notified of the Council's decision.
- (D) That local residents be notified when the construction management plan is submitted (with the building application) and be offered an opportunity to inspect the plan and make comment.

At the request of Councillor Lay, and by consent, the motion was amended by the addition of the words "and in consultation with the Chippendale Residents' Interest Group" after the words "to the satisfaction of the Director of Planning and Building" where appearing in the last lines of Conditions (9) and (10) of the recommendation.

Motion, as amended by consent, carried.

20.

MACLEAY STREET, NOS. 50-58, POTTS POINT – REX HOTEL SIGNAGE – QUESTION WITHOUT NOTICE (U97-00276)

- (A) That Council issue a Notice to Comply in accordance with Condition 3 of development consent U97-00276 requiring the operators of the Rex Hotel, Macleay Street to vary the period of illumination of the high wall neon sign on the western façade of the building so that it is completely turned off from 10.00pm to 7.00am daily.
- (B) That the Director of Planning and Building be requested to investigate the conditions of consent relating to the swimming pool.

(DPB Report 27.11.97)

Carried.

21.

BROADWAY, NOS. 166-170, ULTIMO – ALTERATIONS, ADDITIONS AND CONVERSION OF HOTEL INTO 14 RESIDENTIAL UNITS AND RETAIL USES – DEVELOPMENT APPLICATION (U97-00680)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No.1 objection against the development standards relating to the maximum height limit of 12m and the maximum floor space ratio of 2.25:1 within Local Environmental Plan No.66 is well

founded and compliance is therefore unnecessary and unreasonable for the following reason:

- (1) That the proposed height and bulk of the proposal is acceptable in relation to the existing building and surrounding development; and
 - (2) The proposal will not result in any significant adverse environmental impacts.
- (B) That the Council, as the responsible authority, grants its consent to the Development Application submitted by Broadway Australia Pty Ltd, with the authority of Mr A and Mrs J Elliott, for permission to carry out alterations and additions at abovementioned premises, including its conversion to retail space (café and delicatessen) and 14 units, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 93153 DA01C-13C, dated June 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 when the period expires, for an extension of one year);
 - (3) That the developer shall submit a detailed traffic and parking report with, or prior to, the building application, assessing the options and impact of traffic improvements to the Shepherd Street intersection at Broadway. The report shall be prepared by a traffic consultant acceptable to and in conjunction with the Council Traffic and Design Planners and shall also quantify the cost of the detailed design, construction (including public utility requirements), landscaping and supervision any works with materials acceptable to Council. A bank guarantee or cheque for the full amount of the agreed estimate, prepared by a practising quantity surveyor, (to a maximum of \$70,000) shall be lodged by the developer prior to the release of the building application, with an additional non-refundable \$5000 for Council's administrative and public consultation costs. The applicant shall also be responsible for the detailed design of any improvement, suitable for construction and referral to Council's Local Traffic Committee and the public. If the work do not proceed, any bank guarantee or cheque for the works will be released by the Council;
 - (4) 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;

- (5) That a landscaping plan for the site and adjacent public realm shall be lodged prior to or with the Building Application, to be prepared a qualified person, and shall include details such as:
- (a) hard works;
 - (b) planting types and species, plant numbers, sizes and irrigation details. It should be noted that a minimum soil depth of 1,000mm shall be allowed for tree planting, 600mm for shrubs and 300mm for grassed areas;
 - (c) proposed paving types, layout and installation method;
 - (d) retaining walls and fences between landscape areas and changes in levels;
 - (e) furniture details and location of bollards, lighting and sun shade structures;
 - (f) planter box details;
- (6) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) the location of exhaust/and intake vents;
 - (c) the garbage room and recycling storage area;
 - (d) the layout disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all commercial food preparation and storage areas;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (7) That the following conservation works shall be complied with and detailed in the building application to the satisfaction of the Director of Planning and Building;
- (a) retention of the major façade elements above the awning level, including the repair or reconstruction of the steel framed windows to their original form and detail and a suitable treatment of the rendered areas of the façade;
 - (b) design of the ground floor shopfronts in a manner sympathetic to the Art Deco character of the overall design;
 - (c) retention of the significant stair lobby at ground floor level;
 - (d) retention of the signage to the main facades;
 - (e) retention of the cantilevered awning, including its refurbishment to be sympathetic with the overall design;
 - (f) appropriate external heritage colours;
 - (g) archival recording of the existing building prior to any changes being made (submitted with the building application), together with a survey of the existing fabric by a heritage consultant, with any significant elements being either conserved or relocated within the new work;

- (8) That provision for 3 x 240 litre mobile garbage bins shall be made (commercial waste shall be kept separate and serviced by a contractor, for which the applicant is responsible);
- (9) That separate approval shall be obtained for any footway licence, at the appropriate time;
- (10) That the premises shall be ventilated in accordance with the Building Code of Australia, Council's Ventilation Code and Australian Standards 1668-1991.1, Specification 7, and 1668.2 Section 4;
- (11) That a management plan for the abatement of noise and the suppression of dust during construction shall be submitted to the Director of Planning and Building and approval obtained prior to the commencement of any work;
- (12) That the café shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (13) That the bathroom and laundry exhaust discharge vents shall be designed to not disrupt significant building fabric and discharge the effluent air in a vertical direction above roof levels in positions approved by the Health and community Service Department, as for air handling intake vents;
- (14) That the construction of the food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (15) (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	\$22,894	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 6,857	2E97002.BGYO
Accessibility And Transport	\$ 90	2E97006.BGYO
Management	\$ 346	2E97007.BGYO
Total	\$30,187	

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.

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.

and the following adopted standard conditions:

- (16) LDA21 - No resident parking for residential flat developments;
- (17) LDA101 - Provide landscaping plan;
- (18) LDA102 - Maintain existing landscaped area;
- (19) LDA104 - Landscaped strip;
- (20) LDA106 - Preserve existing trees;
- (21) LDA152 - Schedule of finishes;
- (22) LDA160 - Provide service ducts within building;
- (23) LDA251 - Only clean water to discharge;
- (24) LDA261 - Washing down of trucks;
- (25) LDA201 - Make separate application for sign;
- (26) LDA351 - Building Application required;
- (27) LDA261 - Washing down of trucks;
- (28) LDA201 - Make separate application for sign;

- (29) LDA351 - Building Application required;
- (30) LDA376 - Hours of building work;
- (31) LDA377 - Construction noise regulation;
- (32) LDA384 - New alignment levels;
- (33) LDA387 - Footway crossings;
- (34) LDA388 - Stormwater disposal details;
- (35) LDA389 - Stormwater disposal requirements;
- (36) LDA391 - Builder's Hoarding Permits;
- (37) LDA392 - No obstruction to public way;
- (38) LDA393 - Delivery of refuse skips;
- (39) LDA394 - Cost of alteration to signposting;
- (40) LDA398 - Road dedication;
- (41) LDA399 - Cost of consequential roadworks;
- (42) LDA408 - Cost of special paving;
- (43) LDA409 - Specifications for special paving;
- (44) HSC001 - Compliance to Director of Health and Community Services;
- (45) HSC018 - Sanitary facilities;
- (46) HSC705 - Construction of garbage room;
- (47) HSC706 - Storage of recyclables;
- (48) HSC101 - Not give rise to emissions into the environment;
- (49) HSC111 - Liquid wastes to sewer;
- (50) 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, streetscape qualities, heritage issues, traffic and parking congestion, 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 Department of Urban Affairs and Planning be advised of Council's decision in regard to the State Environmental Planning Policy No.1 objection.

Carried.

22.

LINTHORPE STREET, NO.12, NEWTOWN – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING – DEVELOPMENT APPLICATION (U97-00801)

- (A) That Council resolves that the State Environmental Planning Policy No. 1 Objection against the development standards relating to floor space ratio in Clause 10 of Local Environmental Plan No 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason:-

That the additional floor space above the maximum 1:1 is acceptable in terms of residential amenity impacts and the proposal will not detract from the character of the existing streetscape in terms of bulk and scale.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Architectural Projects Pty Ltd, with the authority of Mr S Ratcliff-Jones, for permission to carry out alterations and additions to the existing dwelling to provide for a loft area and ground and first floor addition at the rear of the dwelling, subject to the following conditions, namely;
 - (1) That the development shall be generally in accordance with drawing No.97.505 DA.01 to DA.03;
 - (2) That the building at the rear shall be reduced to the existing building line at the ground floor 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 the extended glazed panels in the northern elevation on both the first and second floors shall be deleted and the openings located centrally;
- (5) That the slope of the roof shall reflect the existing angle of the rear portion of the house;
- (6) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (7) LDA151 - Schedule of finishes;
- (8) LDA155 - Windows and doors to be of timber joinery;
- (9) LDA157 - Provide details of heritage colour scheme;
- (10) LDA158 - Treatment of exposed walls;
- (11) LDA163 - New brickwork to match existing;
- (12) LDA351 - Building Application required;
- (13) LDA367 - Timing device on alarms;
- (14) LDA376 - Hours of building work;
- (15) LDA377 - Construction noise regulation;
- (16) LDA388 - Stormwater disposal details;
- (17) LDA389 - Stormwater disposal requirements;
- (18) LDA392 - No obstruction to public way;
- (19) LDA393 - Delivery of refuse skips;
- (20) LDA396 - Works within boundaries;
- (21) HSC500 - Premises to be ventilated;
- (22) 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.

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

Carried.

23.

KING STREET, NOS. 576-582, NEWTOWN – EXTENSION TO HOURS OF TRADING (UNION HOTEL) – DEVELOPMENT APPLICATION (U97-00716)

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by Mr K R Wood, with the authority of Varanu Ronald Pty Ltd & Others, to the development application relating to the Union Hotel, Nos.576-582 King Street, Newtown, but only insofar as it will allow the following trading hours:

- 10am to 10pm Sundays;
- 10.00am to 11.00pm Mondays and Tuesdays
- 10am to 12 Midnight Wednesday, Thursday, Friday and Saturday

- (B) That the Council, as the responsible authority, refuses its consent to the Development Application submitted by Mr K R Wood, with the authority of Varanu Ronald Pty Ltd and Others, for permission to extend the operating hours of the hotel at Nos.576-582 King Street, Newtown, to operate between 10am and 3am on Mondays to Saturdays and 10am to Midnight on Sundays, for the following reasons, namely:-

- (1) That the proposed operating hours and particularly the closing times would cause injury to the amenity of the area;
- (2) That the proposed operating hours are not suitable for the hotel, given its location and the nature of the surrounding area;
- (3) That the proposal would be likely to cause specific impacts on the amenity of the area including noise and disruption caused by patrons entering and leaving the premises, especially during quieter late night hours;
- (4) That Parking impacts and traffic noise associated with the proposed later closer times;
- (5) That the proposal would set an undesirable precedent;
- (6) That the proposal would not be in the public interest;

- (7) That the proposal has not been accompanied with adequate measures to satisfactory resolve likely impacts on the amenity of the area.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

24.

RILEY STREET, NOS. 165 - 167, DARLINGHURST – ERECT 16 STUDIO APARTMENTS – DEVELOPMENT APPLICATION (U97-00562)

Councillor Waters 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:-

That the Council as the responsible authority refuses its consent to the application submitted by Mr J Huxley, with the authority of the owners for permission to construct three additional floors to contain eight one bedroom units with commercial ground floor space for the following reasons:-

- (1) The proposal would detract from and be unsympathetic to the heritage qualities of the building;
- (2) The proposal would detract from and be unsympathetic to adjoining heritage items and the streetscape in general;
- (3) The proposed development would adversely impact on the amenity of adjoining property in Norman Street through loss of privacy and a sense of overbearing;
- (4) That adequate provision has not been made to ensure that the amenity of resident of levels 1 and 2 can be maintained as this amenity is dependent upon new openings in the existing boundary wall and the proposition that adjoining land will not be developed;
- (5) The proposal, given site constraints, is an overdevelopment of the site;
- (6) The proposal given the circumstances of the case is not considered to be in the public interest.

Carried.

25.

RAPER STREET, NOS. 38-44 AND NOS 50-54, NEWTOWN – ERECT EIGHT TERRACES – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U97-00666)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council resolves that the State Environmental Planning Policy No. 1 objection against the development standards relating to height in Clause 11 of Local Environmental Plan No. 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons:

The increase in height is acceptable in terms of residential amenity impacts will not detract from the character of the existing street scope in terms of bulk and scale.

- (B) That the Council as the responsible authority grants its consent to the Development Application submitted by Yenoran Pty Ltd, with the authority of Yenoran Pty Ltd, for permission to erect 8 terraces and to subdivide the land, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing nos. 04-1A-04-4A, 05-B1, 05-B2, 06-B1, 06-B4, 07-B, 08-B, 09-B, 10 dated 18 October 1997;
 - (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, (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 plan of subdivisions be submitted with the building application and approved prior to occupation, that provides a restriction as to user on 38-44 Raper Street, allocating four of the car parking spaces to 50-56 Raper Street;
 - (4)
 - (a) That the distance from the tiled surface of the first floor rear deck of No. 56 Raper Street to the top of the existing brickwork of the adjoining boundary wall of Nos. 82 - 84 O'Connell Street be set at a minimum of 2.2m.;
 - (b) That a structure for the purposes of privacy and security be positioned on the boundary wall across the first storey rear deck of No. 56 Raper Street to a design determined with consultation with the adjoining neighbour and to the satisfaction of the Director of Planning and Building;
 - (5) That a maximum of 8 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) (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	\$18,048	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 5,400	2E97002.BGYO
Accessibility And Transport	\$ 64	2E97006.BGYO
Management	\$ 272	2E97007.BGYO
Total	\$23,784	

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 / 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.

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.

- (7) That landscaping with four advanced trees minimum high 2m be undertaken at appropriate n the backyards of the proposed properties;
- (8) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (9) That 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, descent, 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;
- (10) 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 final linen plan;

and the following adopted standard conditions:

- (11) LDA21 - No resident parking for residential flat developments;
- (12) LDA376 - Hours of building work;
- (13) LDA384 - New alignment levels;

- (14) LDA386 - Road Opening Permit;
- (15) LDA387 - Footway crossings;
- (16) LDA389 - Stormwater disposal requirements;
- (17) LDA392 - No obstruction to public way;
- (18) LDA394 - Cost of alteration to signposting;
- (19) LDA351 - Building Application required;
- (20) LDA153 - Reflectivity of external glazing;
- (21) LDA151 - Schedule of finishes;
- (22) LDA161 - Provide common television aerial;
- (23) LDA367 - Timing device on alarms;
- (24) LDA368 - Display of street numbers;
- (25) LDA373 - Disabled access provision;
- (26) LDA377 - Construction noise regulation;
- (27) LDA393 - Delivery of refuse skips;
- (28) LDA377 - Construction noise regulation;
- (29) hsc103 - Environmental site assessment being carried out;
- (30) HSC500 - Premises to be ventilated;
- (31) hsc700 - Compliance with code for Garbage Handling System;
- (32) 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.

26.

BELMONT STREET, NO. 225, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO DWELLING – BUILDING APPLICATION (Q97-00694)

(A) That the Council, as the responsible authority, grants its consent to the application submitted by E Lukaszewski for permission to erect a ground floor extension and first floor addition at the abovementioned premises, all in accordance with amended plans dated 22 October, 1997, subject to the following conditions, namely:-

- (1) That the lower part of the window serving the second upper storey bedroom shall be fitted with obscure glazing and be fixed in position so it cannot be opened;
- (2) That details of the existing and proposed drainage system including details of gutters shall be submitted for approval before installation is commenced. Design calculations prepared by a competent person are also to be included;
- (3) That the area of glazing to the windows serving each habitable room shall be increased to not less than one tenth of the floor area of the room, further details of which shall be submitted for approval;

and the following adopted standard conditions:

- (4) BC2 - Compliance with Local Government Act 1993;
- (5) BC3 - Compliance with conditions on plan;
- (6) BC8 - Details of contractor;
- (7) BC11 - Inform Council for inspections;
- (8) BC63 - Survey Certificate for finished building;
- (9) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (10) BC111 - Hours of work;
- (11) BC113 - Work to comply with noise standards;
- (12) BC114 - Existing building to be kept in stable condition;
- (13) BC123 - Demolition to comply with standard;
- (14) BC167 - Structural details and certification to be submitted;

- (15) BC168 - Structural justification of existing building;
 - (16) BC189 - Termite protection;
 - (17) BC175 - Comply with Timber Framing Code;
 - (18) BC337 - Construction of boundary walls;
 - (19) BC340 - Non-flammable sarking materials;
 - (20) BC341 - Roof lights in dwellings;
 - (21) BC421 - Private stairs construction;
 - (22) BC528 - Fire detectors and alarm system;
 - (23) BC601 - Water closets and shower compartments;
 - (24) BC603 - Damp and weatherproofing;
 - (25) BC609 - Natural light and ventilation;
 - (26) BC617 - Rain or dampness penetration;
 - (27) BC618 - Flashing to be provided;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

27.

RAILWAY PARADE NO.79, ERSKINEVILLE – RECTIFICATION OF AN UNAUTHORISED LATTICE ON TOP OF THE BRICK FENCE AT REAR – BUILDING APPLICATION (Q97-00775)

That the applicant be advised that the unauthorised lattice on top of the brick fence is unacceptable in a heritage conservation area on urban design grounds and shall be removed within 21 days. However, for safety reasons only, part of the lattice at the side of the proposed deck can remain to a maximum height of 1m above the deck level and to the second step down the courtyard. That a notice of proposed order be issued under the Local Government Act to this effect.

(DBP Report 1.12.97)

Carried.

28.

SHORT STREET PARK, PADDINGTON – FENCING OF RESERVE (2012122)

That Council pursuant to a report by the Director of Public Works and Services dated 1 December 1997 approve of the fencing of the Short Street Park, Paddington, at both Short Street and Little Dowling Street, with the erection of a gate in accordance with the residents request.

(DPWS Report 1.12.97)

Carried.

29.

WILLIAM STREET, NOS. 234 – 236, POTTS POINT – ERECTION OF SERVICES APARTMENT BUILDING WITH GROUND FLOOR RETAIL USE – DEVELOPMENT APPLICATION (U97-00883)

That consideration of the report by the Director of Planning and Building dated 2 December 1997, be deferred for further discussions between the applicant and the Director of Planning and Building about a floor space ratio of 5:1 and enlarged lightwell.

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:-

- (A) That the Council, as the consent authority, resolves to support the objection pursuant to State Environmental Planning Policy No. 1 (only insofar as it relates to a variation in the floor space ratio limit to 5.4:1) in relation to the development standard regarding Clause 11 of Local Environmental Plan No. 101 (Floor Space Ratio), on the basis that compliance with the standard would be both unnecessary and unreasonable in the circumstances for the following reasons:
 - (1) That the proposed excess floor space to 5.4:1 will not result in a development that will be inconsistent with adjoining developments or have significant adverse environmental impacts.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Wolff Architecture Pty Ltd, with the authority of Commonwealth Bank of Australia for permission to erect a serviced apartment building at 234-236 William Street, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans dated 25 September 1997 and numbered DA01, DA02, and

DA03 as held on Council file U97-00883, except as amended by the conditions below;

- (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, (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;
- (4) That proposed floor level seven shall be deleted from the plan;
- (5) That a certificate be provided with the Building Application from a registered surveyor to confirm that the floorspace ratio does not exceed 5:1. The floorspace calculation is to be in accordance with the definition of gross floor area under Environmental Planning and Assessment Model Provisions, 1980 and plans submitted are to clearly indicate the areas included/excluded from the calculations;
- (6) That the development shall incorporate light wells on the western boundary of levels one to six that match in dimension the two northernmost light well areas existing on No. 230-232 William Street to the satisfaction of the Director of Planning and Building;
- (7) That planter boxes 1 metre in height and 700mm in width or privacy screens shall be located along terrace areas on the western facade of level six to the satisfaction of the Director of Planning and Building;
- (8) (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 Open Space/Townscape/ Public Domain	\$37,603	2E97001.BGYO
Accessibility And Transport Management	\$ 134 \$ 561	2E97002.BGYO 2E97006.BGYO 2E97007.BGYO
Total	\$49,549	

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.

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.

- (9) That a separate application shall be submitted at the appropriate time for the specific use of the ground floor retail component;
- (10) That 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 any proposed commercial 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:

- (11) LDA36 - Loading only within confines of the site;
- (12) LDA153 - Reflectivity of external glazing;
- (13) LDA161 - Provide common television aerial;
- (14) LDA165 - Provide garbage room on-site;
- (15) LDA170 - Commercial daily garbage collection;
- (16) LDA201 - Make separate application for sign;
- (17) LDA257 - Regulation of noise transmissions;
- (18) LDA351 - Building Application required;
- (19) LDA368 - Display of street numbers;
- (20) LDA374 - Disabled entry;
- (21) LDA376 - Hours of building work;
- (22) LDA377 - Construction noise regulation;
- (23) LDA384 - New alignment levels;
- (24) LDA387 - Footway crossings;
- (25) LDA389 - Stormwater disposal requirements;
- (26) LDA391 - Builder's Hoarding Permits;
- (27) LDA392 - No obstruction to public way;
- (28) LDA393 - Delivery of refuse skips;
- (29) LDA394 - Cost of alteration to signposting;
- (30) BC26 - Comply with BCA;
- (31) HSC103 - Environmental site assessment being carried out;
- (32) HSC001 - Compliance to Director of Health and Community Services;
- (33) HSC101 - Not give rise to emissions into the environment;
- (34) HSC111 - Liquid wastes to sewer;

- (35) HSC700 - Compliance with code for Garbage Handling System;
- (36) HSC705 - Construction of garbage room;
- (37) HSC706 - Storage of recyclables;
- (38) HSC711 - Commercial contract (trade waste);
- (39) HSC800 - Use of appliances emitting intrusive noise;
- (40) That the south western corner unit on level 6 be deleted and replaced by a non-trafficable roof. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building.

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.

30.

**BEACONSFIELD STREET, NO.25, BEACONSFIELD – TERRACE –
DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN
CONSENT (U97-00807)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

- (A) That the Council resolves that the State Environmental Planning Policy No. 1 objection against the development standards relating to FSR in Clause 10 of Local Environmental Plan 114 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons:-

That the increase in FSR is acceptable in terms of residential amenity impacts will not detract from the character of the existing streetscape in terms of bulk and scale.

- (B) That the Council as the responsible authority grants its consent to the Development Application submitted by KDI Project Management

Development, with the authority of Mr J Heirtrey, for permission to demolish the 5 existing dwellings and warehouse and to erect 17 townhouses and 3 studio units and 20 parking spaces, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans drawing No. 5015/DA01 - 5075/DA10 dated August 1997;
- (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, (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 maximum of 17 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;
- (4) (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	\$ 42,873	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 12,838	2E97002.BGYO
Accessibility And Transport	\$ 164	2E97006.BGYO
Management	\$ 652	2E97007.BGYO
Total	\$56,527	

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.

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.

- (5) That the developer must comply with Council's Code of Standard Requirements for the discharge of Stormwater from Private Property.
 - (a) On-site stormwater detention is required. Stormwater is to be discharged by gravity to Council drainage system. Only allow one connection per gully pit;
 - (b) No stormwater line is allowed to run along the footways of Victoria Lane and Queen Street as proposed. All private stormwater lines must be run within the property boundary. The lay out of stormwater system should be redesigned so that the private connection to Council gully pit is at 90 degree to the building line;
- (6) That the developer must submit a proposed design alignment levels to the Public Works and Services Department for approval and adopt the approved alignment levels for the design of the building floor levels before Building Application submission;

- (7) That the developer is responsible for the costs of abolishing any unused driveway(s) and reinstatement of the kerb;
- (8) That proposed angle parking (must be 60 degree rear to kerb) is subject to Traffic Committee's approval and further detailed submission from the developer to Public Works and Services Branch;
- (9) That the proposed angle parking must be designed to be compatible with the proposed traffic management scheme at the intersection of Queen Street and Beaconsfield Street, required for a separate development in Beaconsfield Street; The angle parking proposed in Queen Street at the intersection with Queens Lane must be redesigned to cater for movement of trucks to/from the adjacent premises;
- (10) That the developer shall be responsible for all costs associated with the design, construction, and signposting of the proposed angle parking in Queen Street;
- (11) That the developer must submit detailed angle parking plan to Public Works and Services Department for referral to Traffic Committee;
- (12) That the developer must provide corner splays of 2.5m x 2.5m and 1m x 1m at the intersections of Beaconsfield Street and Victoria Lane, and Beaconsfield Street and Queen Street respectively;
- (13) 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;
- (14) That any external glazing shall have a reflectivity not exceeding 20%;
- (15) That only common television aerial shall be installed;
- (16) 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;

- (17) 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;
- (18) That the building shall be so designed as to give full compliance with all aspects of Standards Association of Australia Code AS 1428-1977 - "Design Rules for Access by the Disabled";
- (19) 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;
- (20) That all relevant sections of the BCA shall be complied with;
and subject to the following standard condition, namely:-
 - (21) LDA21 - No resident parking for residential flat developments;
 - (22) LDA251 – Only clear water to be discharged;
 - (23) LDA376 - Hours of building work;
 - (24) LDA384 - New alignment levels;
 - (25) LDA387 - Footway crossings;
 - (26) LDA389 - Stormwater disposal requirements;
 - (27) LDA392 - No obstruction to public way;
 - (28) LDA394 - Cost of alteration to signposting;
 - (29) LDA396 - Works within boundaries;
 - (30) LDA399 - Cost of consequential roadworks;
 - (31) LDA377 - Construction noise regulation;
 - (32) hsc103 - Environmental site assessment being carried out;
 - (33) hsc500 - Premises to be ventilated;
 - (34) hsc700 - Compliance with code for Garbage Handling System;

- (35) hsc800 - Use of appliances emitting intrusive noise;
- (36) hsc019 - Plans and specifications;
- (37) That the three studio units and the associated decks above the garages on Victoria Lane shall be deleted and replaced by an appropriate roof form, details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building.

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.

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That in approving this application Council would consider an amendment which would incorporate the floor space lost in the deletion of the rear studios into attics on a reduced number of terraces of a wider frontage to Queen Street.

Carried.

31.

DUNBLANE STREET, NOS. 16-30, CAMPERDOWN – DEMOLISH EXISTING BUILDING AND ERECT 29 UNITS MOTEL COMPLEX WITH PARKING (U97-00523)

- (A) That the Council as the responsible authority grants its consent to the application submitted by A & C Design Team, with the authority Mrs T and Mr M Hwang, for permission to demolish the existing buildings and erect a new building containing 29 motel units and 28 parking spaces, subject to the following conditions, namely:
 - (1) That the development shall be generally in accordance with drawings marked job No. 318/97 number DA01/1 to DA08/A dated May 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	\$31,357	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 9,270	2E97002.BGYO
Accessibility And Transport	\$ 106	2E97006.BGYO
Community	\$pending	
Library	\$pending	
Management	\$ 446	2E97007.BGYO
Total	\$41,179	

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 / 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.

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 the building shall be used as a motel at all times, providing short term accommodation to visitors and shall not be used as a residential flat building at any time;
- (4) That all units in the development shall be under common management and the management shall be responsible for overall operation and maintenance of the motel as a single complex, to the satisfaction of the Director of Planning and Building;

- (5) That a total of 27 off street parking spaces and one space for service vehicles shall be provided, to the satisfaction of the Director of Planning and Building;
- (6) That the car park access ramp shall be redesigned to include suitable transitions at each end and greater width where the ramp curves so as to comply with the requirements of DCP 11 and AS 2890.1, to the satisfaction of the Director of Planning and Building;
- (7) That guests shall be permitted to use the pool during daylight hours only and house rules shall be devised to ensure that the behaviour of guests respects the amenity of nearby residential properties. Guests shall be made aware of these restrictions through written information displayed in each unit and adjacent to the pool area and motel staff shall be responsible for ensuring that these restrictions are observed, to the satisfaction of the Director of Planning and Building;
- (8) That mechanical ventilation and air conditioning plant associated with the building shall be located away from adjacent residential properties and insulated to minimise the nuisance caused by noise and discharged air, to the satisfaction of the Director of Planning and Building;
- (9) That the planting beds provided on balconies above ground level shall be a minimum of 1400mm in height and shall be extended along the western elevation of all balconies adjacent to the western boundary of the site, to the satisfaction of the Director of Planning and Building;
- (10) That the car park and the car park access ramp shall be designed with sufficient head room and manoeuvring space to accommodate 12 seat mini buses, to the satisfaction of the Director of Planning and Building;
- (11) That the developer shall carry out or meet the total cost of pedestrian network improvement works in the immediate vicinity of the site as determined by Council up to a value of \$10000. A bank guarantee for \$10000 shall be lodged with Council prior to release of the Building Application and either used to fund the works or cancelled if the developer undertakes the works, to the satisfaction of the Director of Public Works and Services and the Director of Planning and Building;
- (12) That an additional exit stair shall be provided in the building that shall comply fully with the requirements of Part D of the BCA with specific attention directed to Clause D1.4(a) of the BCA;

- (13) That the car park being ventilated in accordance with Australian Standard 1668 – 1991.1 Section 7.6 and Australian Standard 1668.2 – 1991, Section 4.4;
- (14) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the garbage room or garbage receptacle storage area;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (15) That only clean and unpolluted water shall be permitted to discharge from the subject development to Council's stormwater drainage system;

and the following adopted standard conditions:

- (16) LDA201 - Make separate application for sign;
- (17) LDA376 - Hours of building work;
- (18) LDA384 - New alignment levels;
- (19) LDA387 - Footway crossings;
- (20) LDA388 - Stormwater disposal details;
- (21) LDA389 - Stormwater disposal requirements;
- (22) LDA391 - Builder's Hoarding Permits;
- (23) LDA392 - No obstruction to public way;
- (24) LDA394 - Cost of alteration to signposting;
- (25) LDA152 - Schedule of finishes;
- (26) LDA12 - Applicant to liaise with Sydney Water;
- (27) LDA45 - Parking and driveways to be kept clear;
- (28) LDA101 - Provide landscaping plan;
- (29) LDA161 - Provide common television aerial;
- (30) HSC103 - Environmental site assessment being carried out;
- (31) HSC500 - Premises to be ventilated;

- (32) HSC555 - Bathroom ventilation;
- (33) HSC111 - Liquid wastes to sewer;
- (34) HSC018 - Sanitary facilities;
- (35) HSC700 - Compliance with code for Garbage Handling System;
- (36) HSC800 - Use of appliances emitting intrusive noise;
- (37) BC26 - Comply with BCA;
- (38) LDA351 - BA required;
- (39) That one parking space adjacent to the lift in the car park shall be marked and set aside as a set down area for guests arriving and leaving by mini bus and two additional spaces within the car park shall be set aside for mini bus parking to the satisfaction of the Director of Planning and Building;
- (40) That the motel shall not be serviced by coaches or buses over 12 seats in capacity at any time and mini buses of 12 seats or less that service the development shall be directed by motel management to use the set down space in the car park and not to pick up or set down passengers in Dunblane Street, to the satisfaction of the Director of Planning and Building.

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 of the following:
 - (1) That the proposed location of the garbage room be referred to Cleansing Services Branch, Public Works and Services Department for approval;
 - (2) That the owners attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes;
 - (3) 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 notified of the Council's decision.

Carried.

32.

BOURKE STREET, NOS. 782-822, WATERLOO – DEMOLITION OF SEVERAL BUILDING AND STRUCTURES – SOME BUILDINGS EXCLUDED (Q97-00906)

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 Mr B Levy for permission to demolish the indicated buildings at the abovementioned premises, all in accordance with the submitted unnumbered plan received on 8 October 1997, subject to the following conditions, namely:-
- (1) That all buildings coloured green on the submitted plan are excluded from this approval and shall remain;
 - (2) That all buildings coloured orange (buildings 2, part of 33, 34 and 34a identified in the Godden and Mackay report) shall be subject to further research being carried out on their heritage significance and shall remain. An amended plan together with further heritage study shall be submitted to Council for consideration and determination prior to any work being undertaken on these buildings;
 - (3) That structural details and structural certificate from a registered structural engineer shall be submitted showing how the heritage items will be protected during the demolition and remain structurally safe prior to any demolition taking place on the site;

- (4) 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 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;
- (5) That prior to any demolition occurring on site photographic archival record shall be carried out by or under the supervision of a Heritage Consultant recognised by the Department of Urban Affairs and Planning and Heritage Office following the methodology published by the NSW Department of Urban Affairs and Planning and the NSW Heritage Office. 3 copies of this record shall be provided to Council one copy of which shall be referred to the State Library, one copy for Council's Library and one for Council's records;
- (6) That the demolition work and subsequent vacant site not give rise to dust that could be injurious to the health of members of the public. To this end, the applicant shall provide suitable sprinklers or water trucks to keep potential sources of dust moist. The method shall be submitted to Council for approval prior to commencement of work;
- (7) That the trucks carrying demolition material shall follow the following routes:
 - Route for trucks heading west:
Right into Bourke Street – Right into Crescent Street – Left into South Dowling Street – Left into Cleveland Street;
 - Route for trucks heading south:
Right into Bourke Street – Right into Crescent Street – Left on to South Dowling Street – Left into Cleveland Street – Left into Botany Road;

-or such other routes as maybe approved in writing by the Council;
- (8) That in the event that the building or structures on the site are demolished and building work does not commence within three months of this event, then the site shall be landscaped. In this regard, a plan of proposed works shall be submitted to Council for approval and the works executed in accordance with that approval within three months of the demolition taking place;

- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) 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;
- (11) 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;
- (12) That the applicant shall provide for all trucks to be satisfactorily washed down prior to leaving the site;
- (13) That prior to any demolition occurring on-site the applicant shall provide details of any contamination in the buildings or structures to be demolished together with the means for dealing with those contaminants, endorsed by the Environmental Protection Authority;

and the following adopted standard conditions:

- (14) BC2 - Compliance with Local Government Act 1993;
- (15) BC8 - Details of contractor;
- (16) BC29 - Comply with Work Cover requirements;
- (17) BC112 - Hours of work except for site cranes;
- (18) BC113 - Work to comply with noise standards;
- (19) BC123 - Demolition to comply with standard;
- (20) BC193 - Owner responsible for repair of footpath;
- (21) BC196 - Public Way to be adequately supported;
- (22) HSC800 - Use of appliances emitting intrusive noise;
- (23) HSC100A – Safe handling and removal of asbestos;
- (24) LDA420 - Demolition material breakdown;
- (25) That no plant or machinery shall be removed from any building for which approval to demolish has not been obtained without the prior written consent of Council;

- (26) That the sandstone blocks which form part of buildings to be demolished (and in particular those in buildings L and K of the Mauri Bros. Thompson site identified by Godden and Mackay) shall be retained and stored on-site for re-use on the site;
 - (27) That a Heritage Consultant recognised by the Department of Urban Affairs and Planning and Heritage Office shall be appointed to oversee the demolition of those structures which adjoin buildings to be retained to ensure that the Heritage significance of those buildings is not compromised. The name of that Heritage Consultant shall be advised to Council prior to work commencing on-site.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
 - (C) That upon receipt of further information detailed in Condition A(2) Council seek the views of the Royal Australian Institute of Architects, the National Trust, Institute of Engineers, Art Deco Society and Heritage Office.
 - (D) That in consultation with the Heritage Consultant, consideration be given to retaining some industrial items of historic interest as part of a landscape feature on the site.

Carried.

At 8.29 p.m. the meeting terminated.

Confirmed at a meeting of South Sydney City Council
held on 1998

CHAIRPERSON

GENERAL MANAGER