

200TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 11 February 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.37 pm on Wednesday, 11 February 1998.

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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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 10 December 1997, be taken as read and confirmed.

Carried.

At this stage it was moved by Councillor Lay, seconded by Councillor Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, to nominate Council representatives for the Special Conference of the Local Government Association of N.S.W. on Airport Issues which arose out of the Local Government Conference held in 1997.

Carried.

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

SPECIAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION OF N.S.W., 27 FEBRUARY 1998 - AIRPORT ISSUES - REPRESENTATION BY COUNCILLORS

That the Mayor and Councillors Bush, Harcourt and Lay be nominated as Council's representatives at the Special Conference of the Local Government Association of N.S.W. regarding Airport Issues to be held at the Masonic Centre Ballroom, Sydney on 27 February 1998.

Carried.

MINUTE BY THE MAYOR

11 February, 1998

PUBLIC RELATIONS - REQUEST FOR A SORRY BOOK (2013755)

I have received correspondence from a number of residents requesting that Council sponsor a "Sorry Book".

Established by Australians for Native Title, the Sorry Books give ordinary Australians the chance to record their personal apologies for past wrongs done to indigenous Australians, notably the Stolen Children and their families. People can simply sign their names.

The Human Rights Commission has welcomed the move and will incorporate the return of these books into its program for National Sorry Day on May 26.

GENERAL MANAGER

This initiative has been undertaken in the absence of an apology by the Federal Government on behalf of non-indigenous Australians.

I believe the sponsoring of a Sorry Book would be in line with Council's commitment to reconciliation.

Recommendation:

That Council approve the establishment of Sorry Books for South Sydney residents to be placed in Council's libraries and that residents be notified that the books are available for their signatures.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

The Mayor instructed that the notification of the residents be handled by the Media Liaison Unit.

MINUTE BY THE MAYOR

11 February, 1998

**COMMITTEES - STUDY INTO THE EFFECT ON THE
INNER CITY OF NO SECOND AIRPORT (2012531)**

The Federal government recently released the recent Auditor's report by the Snowy Mountains Engineering Corporation (SMEC) into the Badgerys Creek EIS. The Auditor's report found that the environmental, social and economic consequences of a "do nothing" approach to a second airport were not investigated in the EIS process.

The SMEC Auditor's report stated that:

"If the Commonwealth Government chooses not to proceed with a second airport then it would be without an understanding of the resultant environmental impacts which may result at Sydney (Kingsford Smith) Airport....(KSA) could be expanded above 30 million passengers, (and) there should at least be some broad analysis of the major impacts of this so it can be compared with the impacts of the proposed second airport..." p.35.

GENERAL MANAGER

I have serious concerns that inner city residents will become subject to more noise, more pollution, and more traffic congestion if the Federal Government adopts a 'do nothing' approach to Badgerys Creek.

Recommendation:

That given the deficiencies of the Badgerys Creek EIS, Council contribute \$20,000 to the commissioning of a study to examine the consequences for residents of the inner city if a second airport at Badgerys Creek is not built, for which funds be voted from the 1997/1998 Revenue Estimates. This study will also examine the impact on western Sydney if the second airport at Badgerys Creek is abandoned and the site used for other purposes, namely residential.

Further, the Mayor write to other affected Councils and representative bodies to assist with the funding of the study.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

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

MINUTE BY THE MAYOR

11 February, 1998

**PUBLIC RELATIONS - MARGARET MCGUIRE -
100 YEARS OF AGE (2012160)**

It is with pleasure that I advise Council that Margaret McGuire, a long time resident of the South Sydney areas, will turn 100 years of age on Sunday, 15 February 1998.

Margaret lived in the John Northcott Flats for many years and is now living in Missionholme for Senior Citizens in Redfern Street, Redfern.

GENERAL MANAGER

RECOMMENDATION:

That a letter of congratulations and a display of flowers be presented to Margaret McGuire on reaching 100 years of age.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

10 February, 1998

**PUBLIC RELATIONS - SISTER CITY RELATIONSHIP -
FORMULATION WITH PARKES SHIRE COUNCIL (2004847)**

Council on 23 October 1996, approved of Parkes Shire Council being approached with a view to formulating a Sister City Relationship with South Sydney Council. Correspondence has been exchanged between both Councils and a letter has now been received from the General Manager of Parkes Shire Council inviting Council to visit Parkes to discuss areas of mutual interest and benefits to both Councils.

Some of the areas of possible interest mentioned in the letter include:-

- ▶ Staff Exchange
- ▶ Salary Systems, Competencies, Training Etc.
- ▶ Information Technology
- ▶ Council Insurances
- ▶ Holidays for Children
- ▶ Link between historical societies
- ▶ Chamber of Commerce Relationships
- ▶ Rugby League Coaching Clinics

Council in 1996, had approved of the Mayor, interested Councillors, the General Manager and the Civic Affairs Manager/Public Officer visiting Parkes Shire Council to discuss Sister City Relationship and it is suggested that this approval be now re-confirmed.

GENERAL MANAGER

RECOMMENDATION

That approval be given to the Mayor and interested Councillors, the General Manager and the Civic Affairs Manager/Public Officer visiting Parkes Shire Council on a date to be arranged to discuss arrangements for Sister Cities relationships, and that any accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 1997/98 Revenue Estimates (EBE.77LO and 77MO – EAA.77LO and 77MO).

J.W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

29 January, 1998

PERSONNEL - APPOINTMENT OF DIRECTOR'S POSITIONS (2002856)

A minute by the General Manager dated 29 January 1998, 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.

Recommendation:

That:-

- (1) Mr Peter Chaffe be appointed to the position of Director of Employment Services from 23 February 1998;
- (2) Mr James Harrison be appointed to the position of Director of Planning and Building;
- (3) Mr Grahame Dearsley be appointed to the position of Director of Health and Community Services;

GENERAL MANAGER

- (4) all appointments be subject to the recommended candidates entering into a 5 year performance based contract;
- (5) the General Manager and the Mayor of South Sydney be delegated to negotiate such contracts on behalf of Council with the recommended candidates.

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

At this stage the Mayor congratulated on behalf of Council the abovementioned Directors on their appointment to the positions.

The Mayor then thanked the outgoing Director of Employment Services, Mr Geoff Lewis, for his dedicated service to Council over the past 40 years.

The Deputy Mayor, Councillor Harcourt, also thanked Geoff Lewis for his service at Council and in particular, his participation and involvement on Council's Joint Consultative Committee.

MINUTE BY THE GENERAL MANAGER

30 January, 1998

PERSONNEL - RESTRUCTURE OF EMPLOYMENT SERVICES AND ORGANISATIONAL DEVELOPMENT DEPARTMENTS (2004285)

A minute by the General Manager dated 30 January 1998, 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.

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 287 signatures appended from residents of Erskineville, objecting to the development at Nos. 15 - 23A Knight Street, Erskineville and also to the amount of development in Erskineville generally.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 47 signatures appended from residents and visitors of Darlinghurst objecting to the proposed 24 hour licensed gaming establishment operating from No. 42 Oxford Street, Darlinghurst.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 15 signatures appended from residents of Hordern Street and Church Street, Newtown, objecting to the proposed use of the Coopers Arms Hotel as a Backpacker Hostel.

Received.

4.

Councillor Deftereos tabled a petition with approximately 22 signatures appended from residents of Kings Cross, objecting to the Development Application at Nos. 119 Macleay Street, Potts Point.

Received.

QUESTIONS WITHOUT NOTICE

1.

CORBEN STREET, NO. 30, SURRY HILLS - REMOVAL OF GUM TREE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014815)**Question:**

I have had representations regarding Council's Tree Preservation Orders. When allowing a tree to be removed, what notification is undertaken?

Are all property holders who would enjoy the tree through shade, etc. being asked to comment?

Could Council Officers report on the granting of removal at No. 30 Corben Street, Surry Hills, of a mature gum which shades not only abutting properties, but nearby properties?

Answer by the Mayor:

I have made enquiries and I will have the relevant officer inform you on the situation.

2.

PARKING - VICTORIA STREET, DARLINGHURST - PROPOSAL OF TIME LIMIT PARKING AND PLANTING OF KERB BLISTERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P51-00335)**Question:**

I've received complaints regarding the landscaping and parking arrangements on the northern end of Victoria Street, Darlinghurst. The kerb blisters between the angle parking zones have not been planted. The kerb along the western wall of St. Vincents College has unlimited parking and one vehicle has been there for three months - some vehicles are marked "for sale" and I understand people are living and sleeping in others.

I would be grateful if the kerb blisters could be planted and if consideration could be given to putting a time limit on the kerb-side parking. Also, could officers please check if any of the vehicles have been abandoned?

Answer by the Mayor:

I will ask Council Officers to carry out investigations for you, as it will involve various departments and I will have a report prepared for the Councillors Information Service.

GENERAL MANAGER

3.

BUILDING - CORNER WARD AVENUE AND ROSLYN STREET, KINGS CROSS - ANTI-SOCIAL BEHAVIOUR - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2013947)

Question:

Could the Director of Health and Community Services request the Kings Cross Place Managers to give priority to solving a problem at the corners of Ward Avenue and Roslyn Street where four men with apparent psychiatric disorders make a thorough nuisance of themselves and terrorise local residents?

Could a report be available for the next Council Meeting?

Answer by the Mayor:

I am not too sure if it is part of the brief of the Kings Cross Place Management, but the matter should be raised with them and taken up with the relevant authorities.

It is certainly not a priority. It is other authorities responsibility and if they are going to be tied down with individual cases, then the role that they have been employed to do will never be completed. May I add that their role was for a 12 month period and then be reviewed, but certainly I will raise that with them.

4.

SPORTS FACILITIES - FUTURE ACTIVE RECREATIONAL NEEDS OF THE SOUTH WARD - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017514)

Question:

Could the Director of Planning and Building and the Director of Public Works and Services prepare a joint report on the future active recreational needs of the South Ward in terms of facilities and opportunities that exist and will be necessary according to present and future population trends around Green Square and Sydney Park?

Answer by the Mayor:

I will have the appropriate Officer prepare a report.

5.

PARKING - COMMITMENT OF MORE PARKING PATROL OFFICERS IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P51-00291)**Question:**

South Sydney Council has adopted a policy of not issuing parking permits for multiple occupancy developments. The Labor party insists that people who buy inner city units don't drive. Residents of South Sydney City Council claim there is a disproportionate quotient between Council's ability to enforce such a policy via a desperately inadequate number of parking patrol officers.

Residents demand that this policy of less parking facility be backed up with the commitment of more patrol staff. Is the Labor party willing to meet this commitment?

Answer by the Mayor:

That will not be agreed to, but we will have a report prepared.

6.

DEVELOPMENT - ADVERTISING OF DEVELOPMENT APPLICATIONS FOR SOUTH SYDNEY IN LOCAL NEWSPAPERS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (D52-00159)**Question:**

All Councillors have received representations from residents across South Sydney City Council in regard to Development Applications being advertised in a local newspaper. This view has been demanded by the Independents for the last three years for the community and approve a policy of advertising Development Applications in a local newspaper?

Answer by the Mayor:

The matter is currently under investigation.

7.

PROPERTIES - PROPOSED CULTURAL CENTRE AT VICTORIA PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016325)**Question:**

At the last full Council Meeting of 1997, every member of the Labor Party Caucus unashamedly and vigorously defended and verbally denigrated the Independents for questioning both the results and principle of the marketing

plan to justify the building of a cultural centre on the site of the bowling club in Victoria Park.

Is the Mayor firstly going to apologise for the attack and secondly concede that the Independents were right, thirdly give justification to the press release published in the Bulletin and Sydney Morning Herald as to the reasoning behind the backflip?

Answer by the Mayor:

The answer to your first question is no. It was not a backflip, it was about listening to the community and about their concerns about a cultural centre on the park. The Labor party on this Council decided that it was in the interest of the community to have the former bowling club site returned to the people as open space. We believe that was the right decision after we had been out there listening to the people and it was unfortunate leading up to that decision that there was a lot of misinformation pedalled by certain members of the community about what was going to happen on that site. In view of the concerns expressed and listening to the people, I think the Labor party was justified in returning the park to the people.

REPORT OF THE FINANCE COMMITTEE

4 February 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton, Greg Waters

At the commencement of business at 6.37 pm those present were:-

Councillors - Deftereos, Fenton, Macken Waters.

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

That the Report of the Finance Committee of its meeting of 4 February 1998, be received and the recommendations set out below for Items 1 to 9, inclusive, and 11 to 18, inclusive, be adopted. The recommendation for Item 10 being shown as immediately following such Item.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

PHILLIP STREET, NO. 37, WATERLOO - SALE OF LAND FOR UNPAID RATES AND CHARGES (2002092)

That arising from consideration of a report by the Director of Finance dated 12 January 1998, action be taken to sell Property No. 37 Phillip Street, Waterloo under the provisions of Sections 713 to 726 inclusive of the Local Government Act 1993.

Carried.

2.

SHERBROOKE STREET, NO. 23, DARLINGHURST - SALE OF LAND FOR UNPAID RATES AND CHARGES (2016493)

That arising from consideration of a report by the Director of Finance dated 12 January 1998 action be taken to sell Property No. 23 Sherbrooke Street, Darlinghurst under the provisions of Sections 713 to 726 inclusive of the Local Government Act 1993.

Carried.

3.

RATES - ELIZABETH STREET, NO. 691, WATERLOO - SALE OF LAND FOR UNPAID RATES AND CHARGES (5087675)

That arising from consideration of a report by the Director of Finance dated 12 January 1998, action be taken to sell Property No. 691 Elizabeth Street, Waterloo under the provisions of Sections 713 to 726 inclusive of the Local Government Act 1993.

Carried.

4.

RATES - POSTPONEMENT OF RATES UNDER SECTION 160C OF THE LOCAL GOVERNMENT ACT 1919 - WRITING OFF - YEAR 1993 (2003142)

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

That arising from consideration of a report by the Director of Finance dated 12 January 1998, approval be granted for rates and extra (interest) charges amounting to \$13596.71, as listed in the schedule accompanying the abovementioned report, postponed during 1993, under the provisions of Section 160C of the Local Government Act 1919, being written out of the

GENERAL MANAGER

Postponed Rates Suspense Account under Sections 585 to 599 of the new Local Government Act 1993, as not recoverable at law.

Carried.

5.

**STREETS - DUNNING AVENUE, LANE WAY AT REAR NOS. 154 - 164,
ROSEBERY - SALE OF LAND FOR UNPAID RATES AND CHARGES
(2015168)**

That arising from consideration of a report by the Director of Finance dated 12 January 1998 action be taken to sell land at rear No.154 - 164 Dunning Avenue, Rosebery and at rear Nos. 1 - 11 Durdans Avenue, Rosebery under the provisions of Sections 713 to 726 inclusive of the Local Government Act 1993.

Carried.

6.

RATES - PENSIONERS - WRITING OFF AFTER FIVE YEARS (2014303)

That arising from consideration of a report by the Director of Finance dated 12 January 1998, approval be granted for an amount of \$198,409.06 that remains unpaid for rates and interest levied in the year 1993 and due by eligible pensioners being written off and abandoned under Section 582 of the Local Government Act 1993.

Carried.

7.

ADMINISTRATION - POLICY REGISTER - UPDATE (2000089)

That the recommendation as contained in the report by the Director of Corporate Services dated 27 November 1997, in respect of the Conduct Money Subpoenas Policy, be approved and adopted.

Carried.

8.

**STREETS - CLEMENT STREET, EAST OF WARATAH STREET,
RUSHCUTTERS BAY - PROPOSED NAMING AS CLEMENT PLACE
(2017131)**

That approval be given to the advertising and action under the policy adopted by Council on 14 February 1996, to rename the section of Clement Street, east

of Waratah Street, Rushcutters Bay as shown on plan no. S6-324/133 as Clement Place.

(ADPWS Report 27.11.97)

Carried.

9.

STREETS - UNNAMED LANE BETWEEN ROSEBUD LANE AND VERONA STREET, PADDINGTON - PROPOSED NAMING AS IONA LANE (2015959)

That approval be given to advertising and action under the policy adopted by Council on 14 February 1996, to name the lane between Rosebud Lane and Verona Street, Paddington, as shown on plan no. S4-549/95, as Iona Lane, Paddington.

(ADPWS Report 14.1.98)

Carried.

10.

DONATIONS - SYDNEY GAY AND LESBIAN MARDI GRAS (2014734)

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Macken:-

That approval be given to a sponsorship of \$30,000 to the Sydney Gay and Lesbian Mardi Gras to assist with the continued safe running of the Sydney Gay and Lesbian Mardi Gras and Festival for which funds are available within the current Revenue Estimates and that Sydney Gay and Lesbian Mardi Gras Ltd., be advised that future requests for sponsorship must relate to specific events.

Carried.

11.

CONFERENCES/MEETINGS - AUSTRALIAN DISABILITY BIENNIAL - ELEGANT SOLUTIONS - NATIONAL CONFERENCE ADELAIDE MAY 1998- PHYSICAL ACCESS FOR PEOPLE WITH DISABILITIES (2117124)

That arising from consideration of a report by the Director of Health and Community Services dated 29 January 1998, approval be given for the Mayor, or his representative, the Chairperson of Council's Access Committee for People with Disabilities and the Aged and Disability Services Manager, to attend the Australian Disability Biennial in Adelaide from 6 to 10 May 1998, and

GENERAL MANAGER

that payment of registration fees of \$450 each, travelling expenses, accommodation and subsistence be borne by Council (funds for which are available in the 1997/98 Revenue Estimates (KEB.77RO)

Carried.

12.

DONATIONS - WATERLOO COMMUNITY DEVELOPMENT PROJECT (2015191)

That arising from consideration of a report by the Director of Health and Community Services dated 30 January 1998, approval be given to a donation of \$14,500, under the provision of Section.356 of the Local Government Act 1993, to the Waterloo Community Development Project towards the cost of programs for 1998, for which funds are to be made available in the 1997/98 Revenue Estimates.

Carried.

13.

STREETS – MANAGEMENT PLAN – WORKS 1997/98 – PUBLIC WORKS AND SERVICES DEPARTMENT - CONSTRUCTION BRANCH – QUARTERLY REPORT FOR PERIOD ENDING 31 DECEMBER 1997 (S56-02169)

That the report by the Acting Director of Public Works and Services dated 12 January 1998, presenting the Quarterly Progress Report on the 1997/98 Works Programme (Construction Branch) for the period ending 31 December 1997, be received and noted.

Carried.

14.

COMMUNICATIONS - CALL CENTRE – ESTABLISHMENT (2014313)

That arising from consideration of a report by the Director of Corporate Services dated 30 January 1998, it be resolved that:-

- (1) support be given in principle to the establishment of a Telephone Call Centre for South Sydney Council.
- (2) an Impact Analysis be undertaken into how the establishment of a Telephone Call Centre will affect Council's Business Units and customers.

GENERAL MANAGER

(3) \$40,000 be voted to meet the cost of the Impact Analysis.

Carried.

15.

STREETS – SOUTH SYDNEY COMMUNITY ROAD SAFETY AUDIT – POSSIBILITY OF REBATES FOR LIGHTING INSTALLED BY PROPERTY OWNERS – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014547)

That arising from consideration of a report by the Director of Finance dated 30 January 1998, no action be taken to offer rebates to property owners who have installed lights outside their properties in poorly lit locations.

Carried.

16.

FINANCE – PROPOSED CLOSURE - COMMONWEALTH BANK BRANCH AT ERSKINEVILLE (R51-00083)

That the minute by the Director of Finance dated 30 January 1998, in respect of the above, be received and noted.

Carried.

17.

PROFESSIONAL SERVICES - FLEET MANAGEMENT – FUEL CARD TRIAL RESULTS (2012356)

That arising from consideration of a report by the Director of Corporate Services dated 8 January 1998, it be resolved that the use of the Shell Fuel Card be continued and extended to:-

- (1) all fleet leaseback vehicles;
- (2) fleet utilities in the Trades Group, Corporate Services Department (ten vehicles);
- (3) fleet vehicles (unleaded) in other departments as considered appropriate by the Director;
- (4) permit refueling on RRD's and the leaseback agreement be amended accordingly.

- (5) Control and operation of the scheme (except for Stock Control) be the responsibility of the Fleet Management Section, Public Works and Services Department.

Carried.

18.

**PROPERTIES – REQUEST FOR TEMPORARY STORAGE OF MATERIALS
– SYDNEY GAY AND LESBIAN MARDI GRAS LTD.(2016720)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer, dated 3 February 1998, approval be given to:-

- (1) the Sydney Gay and Lesbian Mardi Gras Ltd. storing excess workshop materials at Council's premises No. 136, Joynton Avenue, Zetland until 9 March 1998, at no cost to Mardi Gras;
- (2) a suitable insurance cover being effected to cover the materials being stored.

Carried.

REPORT OF THE FINANCE COMMITTEE

(CONFIDENTIAL MATTERS)

4 February 1998

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 2 and 3 - Personnel Matters

Items 1,4,5,6,7,8,9. – Lease and Contractual Matters

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

That the Report of the Finance Committee of its meeting of 4 February 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, and 5 to 9, inclusive, be adopted. The recommendation for Item 4 being shown as immediately following such Item.

GENERAL MANAGER

1.

LEASING - RENT ABATEMENT ON COUNCIL'S PREMISES NOS. 137 - 155 PALMER STREET, EAST SYDNEY (L52-00183)

That the recommendation as contained in the report by the Director of Corporate Services dated 20 January 1998, regarding Beehive Industries Co-operative Ltd., being granted a one month rent abatement of \$8,000 for their use of Council's premises, part ground floor, Nos. 137-155, Palmer Street, East Sydney, be approved and adopted.

Carried.

2.

PERSONNEL - HEALTH AND COMMUNITY SERVICES DEPARTMENT KITCHEN STAFF - NINE DAY FORTNIGHT (D51-00147)

That arising from consideration of a report by the Director of Health and Community Services dated 20 January 1998, Council grant its approval to the introduction of a nine day fortnight for a trial period of 3 months in both of Council's kitchens in accordance with the Terms and Conditions outlined in Council's letter to the General Secretary of the Municipal Employees Union (MEU) dated 7 January 1998, and confirmed by return letter from the MEU dated 14 January 1998.

Carried.

3.

PERSONNEL - GENERAL MANAGER - CONTRACT VARIATION – (2002856)

That the recommendation as contained in the report by the Director of Employment Services dated 16 January 1998, regarding the abovementioned matter, be approved and adopted.

Carried.

4.

PROPERTIES - BROADWAY NOS. 147-179, ULTIMO – REDEVELOPMENT SITE (P56-00048)

That the recommendation as contained in the report by the Director of Corporate Services dated 30 January 1998, be approved and adopted, subject to the wording in Clause (2) of the "Acceptable Terms and Conditions" in the report being amended as follows, namely:-

- Point 1 – the insertion after the last word “costs” of the words “any other cash payments due to Council”.
- Point 2 – the insertion between the words “guarantee” and “for” of the words “or similar” where appearing in the first line.
- Point 3 – the deletion of point 3 and the insertion of a new point 3, namely:-
- (3) The cash payment is made to Council in approximately January 1999.

At this stage at 7.35 p.m., it was moved by the Mayor, seconded by Councillor Harcourt:-

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

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

The Mayor and Councillors Bush, Deftereos, Fenton, Fowler, Harcourt, Lay and Macken:

At 7.45 p.m. the Council Meeting resumed.

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

The Supervising Committee Clerk read out the following recommendation namely:-

That the recommendation as contained in the report by the Director of Corporate Services dated 30 January 1998, be approved and adopted, subject to the wording in Clause (1) under the “Benefits” heading Point 3, being amended to read as follows:-

- (3) A cash payment of \$5.875M payable by Walker Corporation Ltd. in January 1999, -

Point 2 Also to the deletion of Point 2, Clause (2) under the “Acceptable Terms and Conditions” heading, and the insertion in lieu thereof, of the new Point 2 namely:-

A corporate guarantee during the 10 year lease to cover the lease obligations of the Central Queensland University,

The addition of the following new points Nos. 5 and 6 under the “Acceptable Terms and Conditions” heading, namely:-

- (5) A lump sum payment equal to 6 months rental paid in advance at commencement of the lease to cover rental commitment.
- (6) A Put and Call Option giving Council the right to call on Walker Corporation to purchase the site and any building works upon the site for a pre determined sum, if pre determined conditions or practical completion dates of the educational facility and or the entire project are not met

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

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

5.

LEASING - PROPOSED LEASE TO LEE PARKS PTY LTD – LAND BOUNDED BY ROSLYN STREET, WARD AVENUE AND KELLETT STREET, KINGS CROSS (L02-00353)

That approval be given to rescinding the Resolution of Council dated 11 June 1997, in regard to the offer made to Lee Parks Pty Ltd., to lease Council's premises known as the land bounded by Roslyn Street, Ward Avenue and Kellett Street, Kings Cross. (Area 1=40m2)

(DCS Report 2.2.98)

Carried.

6.

PROPERTIES - ADMINISTRATION BUILDING – MAINTENANCE OF NO.140 JOYNTON AVENUE, ZETLAND – DANGEROUS CARPET HAZARD – AIR CONDITIONING (5265590)

That the recommendation as contained in the report by the Director of Corporate Services dated 3 February 1998, regarding the abovementioned matter, be approved and adopted.

Carried.

7.

PROPERTIES – TENDER FOR ARCHITECTURAL SERVICES – CIVIC ADMINISTRATION CENTRE (2013555)

That the recommendation as contained in the report by the Director of Corporate Services dated 3 February 1998, regarding the tender for architectural services for the Civic Administration Building, be approved and adopted.

Carried.

8.

LEASING – REDFERN TOWN HALL – NO. 73 PITT STREET, REDFERN – APPLICATION FROM REDFERN LEGAL CENTRE TO LEASE (2001064)

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

That Redfern Legal Centre be offered a five year lease with a five year option of Council premises, part refurbished rooms at Redfern Town Hall from a date to be determined, such offer to be in accordance with the recommendation of the Director of Corporate Services in the report dated 3 February 1998.

Carried.

9.

LEASING – REDFERN LEGAL CENTRE - TEMPORARY RELOCATION FROM REDFERN TOWN HALL TO NO. 195, GEORGE STREET, REDFERN (2001064)

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

That approval be given for a donation of \$11,476 in order that the relocation expenses of the Redfern Legal Centre from Redfern Town Hall to No. 195 George Street, Redfern may be met, for which funds are available from 1997/98 Revenue Estimates.

(DCS Report 2.2.98)

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

4 February 1998

PRESENT**Councillor Sonia Fenton (Chairperson)****Councillors – Margaret Deftereos, Sean Macken, Greg Waters .**

At the commencement of business at 7.20 pm those present were -

Councillors:- Deftereos, Fenton, Macken and Waters.

Moved by the Chairperson Councillor Fenton, seconded by Councillor Macken

That the Report of the Community Services Committee of its meeting of 4 February 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

PUBLIC RELATIONS - COMMUNITY CONSULTATION PROGRAM - 1998 (P58-00295)

That arising from consideration of a minute by the Civic Affairs Manager/Public Officer dated 14 January 1998, approval be given:-

- (1) to the Community Consultation Meetings being conducted on a quarterly basis, as per the following dates:

March	30	Central Ward	Kepos St A/C, Redfern
June	1	South Ward	Brown St C/C, Newtown
Sept	14	North Ward	Kings Cross C/C, Potts Pt
Nov	9	South Ward	Alexandria Town Hall, Alex

-involving an expenditure of \$16,000 for which \$8,000 has been provided for in the 1997/98 Estimates and provision will be made in the 1998/99 Estimates for the balance of the expenditure (EBN account);

- (2) to the continuation of the Community Consultation Program under the current arrangements and basis.

Carried.

GENERAL MANAGER

2.

**PUBLIC RELATIONS - YOUTH WEEK AWARDS - PRESENTATION
(5273446)**

That arising from consideration of a report by the Director of Health and Community Services dated 29 January 1998, it be resolved that:-

- (1) the Nominations which have been presented in this report for the Individual Category all be presented certificates for their achievements within the community;
- (2) the Nomination of Chillin Wit Da Girls nomination under the group category be presented with the Group Certificate Award;
- (3) the Betty Makin Scholarship of \$500 for the Educational Category be awarded to the Shopfront Youth Information Centre and the Cleveland Street High School's Student Representative Council;
- (4) the Betty Makin Scholarship of \$500 for the General Category be presented to PACT Youth Theatre;
- (5) these Awards be presented at the Ceremony and Civic Reception by the Mayor of South Sydney City Council on Friday, 20 February 1998, at 7.00 p.m at Erskineville Town Hall.

Carried.

3.

**CELEBRATIONS - SENIORS' WEEK 1998, 15 -22 MARCH 1998 -
PROGRAM (2012750)**

That arising from consideration of a report by the Director of Health and Community Services dated 30 January 1998 approval be given to:-

- (a) support the concept of Seniors' Week as proposed by the Premier of New South Wales which is scheduled for Sunday 15 March to Sunday 22 March 1998;
- (b) the conduct of the proposed "Let's be Active" program at a cost of \$10,000 for which provision has been made in the 1997/98 Budget (KEA.0009.77FO).

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

4 February 1998

PRESENT**The Mayor, Councillor Vic Smith (Chairperson)****Councillors - John Bush, John Fowler, Christine Harcourt, Jill Lay.**

At the commencement of business at 6.43 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 4 February 1998, be received and the recommendations set out below for Items 1, 3 to 13, inclusive, 15, 16, 19, 21, 23 to 26, inclusive, and 29 to 31, inclusive, be adopted. The recommendations for Items 2, 14, 17, 18, 20, 22, 27, 28 and 32 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MEAGHER STREET, NO. 11, CHIPPENDALE - CONVERT EXISTING INDUSTRIAL BUILDING INTO FIVE UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00490)

(A) That Council is satisfied that the State Environmental Planning Policy No.1 objections against the development standards relating to the maximum height limit of 6m and the parking requirement of one space per unit within Local Environmental Plan No.66 are well founded and compliance is therefore unnecessary and unreasonable for the following reasons:-

- (1) That the proposed height and bulk of the proposal are acceptable in relation to the existing building and surrounding development;
- (2) That the non-provision of parking is supported and is consistent with Council's policies to promote sustainable development;
- (3) That the proposal will not result in any significant adverse environmental impacts.

GENERAL MANAGER

- (B) That the Council as the responsible authority grants its consent to the application submitted by the Caldis Cook Group, with the authority of Kelejon Mushrooms Pty Ltd, for permission to carry out alterations and additions including the conversion of the abovementioned existing building into 5 residential units, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA-01AB dated October, 1997;
 - (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, unless the development to which it relates is commenced (the applicant is advised that an application can be made to Council when the period expires, for an extension of one year);
 - (3) That all ground floor western perforated metal grilles shall be openable to assist in moving furniture;
 - (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 the building application shall be accompanied by a letter from a qualified and practising structural engineer, verifying the walls of the existing building can be retained through the construction process, including any recommendation for specific works or building techniques to ensure retention of the building fabric proposed to be retained (to the satisfaction of the Director of Planning and Building prior to the release of the building application);
- (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	\$7,444	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$2,226	2E97002.BGYO
Accessibility And Transport	\$ 28	2E97006.BGYO
Management	\$ 112	2E97007.BGYO
Total	\$9,810	

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.

GENERAL MANAGER

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

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

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

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

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

- (7) 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;
- (8) That the premises shall be ventilated in accordance with the requirements of AS 1668.2 – 1991, Section 4;
- (9) That plans and specifications showing details of:-

- (a) all required 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;

and the following adopted standard conditions:

- (10) BC26 - Comply with BCA;
- (11) LDA351 - Building Application required;
- (12) LDA152 - Schedule of finishes;
- (13) LDA153 - Reflectivity of external glazing;
- (14) LDA161 - Provide common television aerial;
- (15) LDA251 – Only clean water to discharge;
- (16) LDA367 - Timing device on alarms;
- (17) LDA376 - Hours of building work;
- (18) LDA377 - Construction noise regulation;
- (19) LDA384 - New alignment levels;
- (20) LDA387 - Footway crossings;
- (21) LDA389 - Stormwater disposal requirements;
- (22) LDA391 - Builder's Hoarding Permits;
- (23) LDA392 - No obstruction to public way;
- (24) LDA393 - Delivery of refuse skips;
- (25) LDA394 - Cost of alteration to signposting;
- (26) LDA396 - Works within boundaries;
- (27) LDA399 - Cost of consequential roadworks;
- (28) hsc500 - Premises to be ventilated;
- (29) hsc001 - Compliance to Director of Health and Community Services;

- (30) hsc018 - Sanitary facilities;
- (31) hsc111 - Liquid wastes to sewer;
- (32) hsc700 - Compliance with code for Garbage Handling System;
- (33) hsc709 - Garbage room;
- (34) 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, access, 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.

2.

CHURCH STREET, NO. 72, CAMPERDOWN - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U97-01072)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler :-

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by Bryan Purkis Architects, with the authority of CA and WD Starr, for permission to erect a two storey extension to the rear of the existing terrace house, subject to the following conditions:-
 - (1) That the development shall be generally in accordance with plans reference WD 516-01;
 - (2) That the proposal shall be amended to the satisfaction of the Director of Planning and Building to include:

- (a) Deletion of the rear deck;
- (b) Setting the first floor addition back to accord with the rear building alignment of the adjoining premises, No. 70 Church Street;
- (c) Provision of one or two vertically proportioned window openings to replace the proposed glazing in the rear façade;

-details to be submitted in the building application;

and the following adopted standard conditions:

- (3) LDA163 - New brickwork to match existing;
- (4) LDA351 - Building Application required;
- (5) LDA367 - Timing device on alarms;
- (6) LDA376 - Hours of building work;
- (7) LDA377 - Construction noise regulation;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA392 - No obstruction to public way;
- (10) LDA393 - Delivery of refuse skips.

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, 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.

3.

ALBION STREET, NO. 67, SURRY HILLS - EXTEND OPERATING HOURS OF REFRESHMENT ROOM - DEVELOPMENT APPLICATION (U97-00914)

- (A) That the Council as the responsible authority grant its consent to the application submitted by Michael Ball and Simon Hart with the authority of Mrs a Kafalias for permission to extend the hours of operation of the existing café, subject to the following conditions, namely:-
- (1) That the hours of operation shall be limited from 7.00 a.m. to 7.00 p.m. for a 12 month period, after which they shall revert to 9.00 a.m. to 5.00 p.m. and that the applicant be advised that prior to the expiry of the 12 month trial, a further application may be lodged seeking Council's consideration of the continuation of the proposed hours;
 - (2) That the outdoor seating to the rear of the premises including the upper level deck seating shall be removed;
 - (3) That a seating on the pavement shall be provided at any time;
 - (4) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an offensive noise" as defined in the Noise Control Act, 1975;
 - (5) That an acoustic consultant's report shall be submitted to Council demonstrating that the premises mechanical ventilation systems comply with condition (4) above and this consent shall not become operative until such report is submitted to Council;
 - (6) That no external lighting shall be used at the rear of the premises adjacent to No 69 Albion Street other than low level lighting to enable patrons to safely access toilets;
 - (7) That no music or entertainment shall be provided other than low level recorded background music;
 - (8) That all seating for patrons shall be confined to the ground floor of the premises at all times.

GENERAL MANAGER

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 applicant be advised that strict compliance with the conditions of this consent will be necessary for Council to consider a continuation of 7.00 p.m. closing after the trial period, and that legal action will be taken if there is any breach of the conditions of this consent.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

ELIZABETH STREET, NO. 771, ZETLAND - EXTEND THREE APPROVED GARAGES AND CONSTRUCT STUDIOS AND BATHROOMS ABOVE - DEVELOPMENT APPLICATION (U97-00868)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr V Jimenez, with the authority of Mrs E Jimenez and Mr H Ferrer, for permission to extend the three approved garages on Christies Lane and to construct studios above, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with the undated drawing numbered C3 submitted in November 1997;
 - (2) That the design of the Christies Lane facade of the buildings shall be modulated by the inclusion of small parapets above the roof surface on the end and dividing walls and by centralising the rear facing dormer window over each garage, to the satisfaction of the Director of Planning and Building;
 - (3) That the proposed studios and garages shall be used in conjunction with the associated dwelling houses and shall not be separately occupied at any time;
 - (4) That the materials and external finishes used for the garages and studios shall match those used for the associated dwellings, to the satisfaction of the Director of Planning and Building;

GENERAL MANAGER

- (5) 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;
- (6) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (7) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (8) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (9) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (10) 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 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;
- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (12) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975.

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

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

- (B) That the applicant be advised that an application should be lodged under s.102 of the Environmental Planning and Assessment Act 1979 if the applicant wishes Council to consider amending a previous consent by deleting a condition.

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

Carried.

5.

STREETS - EASTERN DISTRIBUTOR - COMPLETION - REQUEST FOR LIMIT ON OPERATION OF BUS/TRANSIT LANES ON OXFORD STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (T02-00172)

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

That the report by the Director of Public Works and Services dated 30 December 1997, regarding bus priority improvement proposals for Oxford Street, be received and noted.

Carried.

6.

VICTORIA STREET, NOS. 274 - 290, DARLINGHURST - USE OF RESTAURANT AS A NIGHT CLUB AND EXTENSION OF HOURS - DEVELOPMENT APPLICATION (U97-01031)

- (A) That the Council, as the responsible authority, refuses its consent to the application submitted by Mr P Miller, with the authority of the Registered Proprietors Strata Plan 40507, for permission to extend the hours of the existing restaurant, to increase its capacity and to use it as a nightclub , for the following reasons, namely:-
- (1) That the extended hours would adversely affect the amenity of nearby residences;
 - (2) That the extended hours would reduce the amenity of flats within the building;

- (3) That the increase in capacity would increase the parking demand in the area and no parking provision is made for the increased number of patrons;
 - (4) That the use of the site as a nightclub would constitute an undesirable intrusion of late night Kings Cross type uses into Darlinghurst and a residential area;
 - (5) That approval in the circumstances would not be in the public interest.
- (B) That the applicants be advised that the consent under which the existing restaurant operates contains a condition requiring provision of 50 off-street car spaces, failing which the use shall cease. Proof of the availability of parking must be provided to the satisfaction of the Director of Planning and Building within one month of the date of this resolution. If no satisfactory provision is made, the existing consent shall be deemed by the Council to have lapsed.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

ROSE STREET, NOS. 72 - 74, CHIPPENDALE - EXTENDED HOTEL TRADING HOURS - DEVELOPMENT APPLICATION (U97-00897)

At the Council Meeting, Councillor Macken 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 Wayne Boyle and Associates, with the authority of Watova Holdings Pty Ltd, for permission to extend the hours of operation, subject to the following conditions:-
- (1) That the hours of operation shall be restricted to between Mondays to Saturdays 11 a.m.-12 a.m. midnight and Sundays 12 noon to 10 p.m.;
 - (2) That the extension of hours shall cease after a period of 12 months from the date of this consent, ie the hours shall revert to 11.00am to 11.00pm Monday to Saturday and 12.00 noon to 8.00pm on Sunday. The applicant is advised that a further application may be lodged before the expiration of the 12 month trial period to Council's consideration of the continuation of the proposed hours;

and the following adopted standard conditions:

GENERAL MANAGER

- (3) hsc801 - Noise from premises;
- (4) LDA360 - Amusement machines not permitted;
- (5) LDA371 - No dancing;
- (6) LDA372 - No entertainment;

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.

8.

WATKIN STREET, NO. 18, NEWTOWN - GROUND AND FIRST FLOOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING DECK (U97-01059)

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

That the application submitted by Phillip Sutton for permission to carry out alterations and additions at the abovementioned premises, be deferred to the next Planning and Development Committee meeting to be held on 18 February 1998 as requested by the applicant in fax dated 4 February 1998.

Carried.

9.

VICTORIA STREET, NO. 98, POTTS POINT – CONVERT EXISTING TERRACE INTO THREE APARTMENTS – DEVELOPMENT APPLICATION (U97-00173)

- (A) That the Council, as the responsible authority, refuses its consent to the application submitted by Larcombe and Solomon, with the authority of Mr P Lawson, for permission to carry out alterations and additions to a terrace and erect an attached studio dwelling with ground level parking to create a total of 3 dwellings, for the following reasons, namely:-

GENERAL MANAGER

- (1) That the proposal would result in adverse overshadowing impacts;
 - (2) That the proposed building on the Tusculum Lane elevation is considered inappropriate in relation to its height and bulk;
 - (3) That the proposal would be responsible for adverse privacy impacts;
 - (4) That the proposal is considered to be an overdevelopment;
 - (5) That the proposal does not comply with South Sydney Development Control Plan 1997 in relation to the Development on Rear Lanes Policy;
 - (6) That the 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.

10.

WATERLOO STREET, NOS. 54-56, SURRY HILLS – ADDITION OF 2 RESIDENTIAL UNITS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00732)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr A Taussig, with the authority of Mr A Taussig and Ms J Penglase for permission to erect a rear residential flat building containing 2 dwellings and to change the use of the existing building to commercial, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated 11 September 1997 as held on Council file U97-00732;
 - (2) That the ground floor storage area No. 7 be deleted from the plan;
 - (3) That the ground floor parking area incorporate a garbage storage area to the satisfaction of the Director of Planning and Building;
 - (4) That the proposed storage area No.5 be reduced by 5m² to the satisfaction of the Director of Planning and Building;
 - (5) That a separate application shall be submitted at the appropriate time for the specific use of the ground and first floor areas of the commercial terrace portion of the development;

GENERAL MANAGER

- (6) That the floor space ratio shall not exceed 2:1;
- (7) That 2 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;
- (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	\$1,940	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 600	2E97002.BGYO
Accessibility And Transport	\$ 9	2E97006.BGYO
Management	\$ 37	2E97007.BGYO
Total	\$2,586	

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.

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

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 lodgment of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

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

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

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs,

will **not** be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

and the following adopted standard conditions:-

- (9) LDA152 - Schedule of finishes;
 - (10) LDA161 - Provide common television aerial;
 - (11) LDA376 - Hours of building work;
 - (12) LDA384 - New alignment levels;
 - (13) LDA387 - Footway crossings;
 - (14) LDA389 - Stormwater disposal requirements;
 - (15) LDA391 - Builder's Hoarding Permits;
 - (16) LDA392 - No obstruction to public way;
 - (17) LDA393 - Delivery of refuse skips.
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (2) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
 - (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (4) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;

- (5) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That 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;
- (8) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (9) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (10) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (11) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (12) 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;
- (13) A multiple station smoke alarm system shall be installed throughout the building. The system shall meet the following minimum requirements:-
 - (a) All detectors shall satisfy Australian Standard 3786 or an approved equivalent code or listing;
 - (b) The system shall be connected to a permanent 240 Volt power supply and be equipped with a secondary means of power to activate the system in the event of failure of the primary supply;
 - (c) All electrical works shall comply with the appropriate requirements of Australian Standard 3000;
 - (d) The system shall be provided with approved control and monitoring equipment;
 - (e) The system shall be placed on a maintenance and testing

schedule so as to ensure ongoing operational integrity;

- (f) That all relevant sections of the BCA shall be complied with;
- (14) That stair 3 shall be separated from Unit 1 by construction having a minimum fire resistance level of 60/60/60;
- (15) That the storage room on the upper level of the existing building shall not be used for habitable purposes;
- (16) That the ceiling beneath the storage room on the upper level of the existing building shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (17) That stair 2 shall be separated to the minimum fire resistance level of 60/60/60;
- (18) That window openings in the eastern wall of the existing building shall be -/60/- fire windows.
- (C) That a Development Application shall be lodged within 14 days of this consent for the existing home occupation which operates from the existing terraces.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

GARDENERS ROAD, NO. 352, ROSEBERY – BUILDING APPLICATION - RESCISSION OF RESOLUTION OF COUNCIL OF 12 NOVEMBER 1997 (Q95-00662)

That the application be deferred to the Planning and Development Committee meeting to be held on 4 March 1998, as requested by the applicant in fax dated 4 February 1998.

Carried.

12.

MOORGATE STREET, NOS. 9-27, CHIPPENDALE – SECTION 102 AMENDMENT TO DEVELOPMENT APPROVAL – AMEND PARAPET OF CONVERTED WAREHOUSE (U97-00078)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Grant Samuels Property Services Pty Ltd to

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amend, pursuant to Section 102 of the Environmental Planning and Assessment Act, the consent granted by the resolution of Council on 26 March 1997 for permission to convert the building into a residential flat building, involving the erection of mezzanine levels and an additional storey, subject, inter alia, to condition (1), namely:-

- (1) That the development shall be generally in accordance with plans 372-01DA to 372-07DA inclusive;

-being amended only insofar as will provide for the following:

The addition in condition (1) of the new words "as amended by plan 372-06E".

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

Carried.

13.

NEWMAN STREET, NO.69, NEWTOWN – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING – DEVELOPMENT APPLICATION (U97-01085)

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by Graham Bakewell, with the authority of William Mark Watson, for permission to carry out alterations and additions to the existing dwelling, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans drawing No DA 01 submitted on 24 November 1997;
- (2) That the rear roof over the kitchen shall be redesigned as a skillion roof with a maximum pitch of 5° to a maximum height of 3.3 metres on the eastern boundary;
- (3) That the wall on the eastern boundary be rendered to match the existing fabric of the building;

and the following adopted standard conditions:-

- (4) LDA351 - Building Application required;
- (5) LDA376 - Hours of building work;
- (6) LDA389 - Stormwater disposal requirements;
- (7) LDA392 - No obstruction to public way;

- (8) LDA393 - Delivery of refuse skips;
- (9) HSC500 - Premises to be ventilated;
- (10) HSC800 - Use of appliances emitting intrusive noise.

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

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

Carried.

14.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay :-

- (A) 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 101 is well founded and compliance is therefore unnecessary and unreasonable in this instance for the following reason:

That the increase in floor space is acceptable in terms of amenity impacts and will not increase the height, bulk or density of the building or be visible from the street.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr J Whittington with the authority of same for permission to extend the ground floor of the existing boarding house into part of the rear light-well at the above premises subject to the following conditions, namely:-
 - (1) LDA0 plan Nos. 55053, dated November 1994, as amended by the following conditions;
 - (2) That the proposed wall on the southern boundary, adjacent to unit 3, 156 Crown street shall be reduced so that at no point shall the height of that wall exceed 2.3m measured from existing ground level;
 - (3) LDA153 - Reflectivity of external glazing;

- (4) LDA376 - Hours of building work;
 - (5) LDA392 - No obstruction to public way;
 - (6) LDA393 - Delivery of refuse skips;
 - (7) hsc500 - Premises to be ventilated;
 - (8) hsc200 - Compliance with Food Premises Code;
 - (9) hsc201 - Plans and specifications for food premises;
 - (10) That the glazing shall be non-combustible glass complying with the requirements of the Building Code of Australia. The building application shall be accompanied by details certifying compliance or the roof material shall be changed to an alternative finish complying with the Building Code of Australia;
 - (11) That the single door to the rear yard proposed for the extension shall be deleted.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

GERARD STREET, NO.68, ALEXANDRIA – ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U97-01079)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr and Mrs J Hindmarsh for permission to carry out alterations and additions at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plan held on Council file U97-01079;
 - (2) That the front dormer window shall be reduced in height, have a maximum width of 1.2m and be vertically proportioned, in accordance with guidelines within Development Control Plan 1997, with the redesign being to the satisfaction of the Director of Planning and Building prior to the release of the building application;
 - (3) That the metal roofing to the front dormer window shall match the existing roofing;
 - (4) That the side southern boundary wall extension shall be rendered,

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bagged or painted a light finish prior to the release of a Certificate of Occupation;

- (5) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;
- (7) LDA367 - Timing device on alarms;
- (8) LDA376 - Hours of building work;
- (9) LDA377 - Construction noise regulation;
- (10) LDA384 - New alignment levels;
- (11) LDA389 - Stormwater disposal requirements;
- (12) LDA392 - No obstruction to public way;
- (13) LDA393 - Delivery of refuse skips;
- (14) LDA396 - Works within boundaries;
- (15) hsc100 - Removal of spoil from site;
- (16) hsc500 - Premises to be ventilated;
- (17) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

16.

**CLEVELAND STREET, NO.103, CHIPPENDALE – EXTENSION OF HOURS
– DEVELOPMENT APPLICATION (U97-00783)**

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr M J Samuel, with the authority of Dexplain Pty Ltd, for an extension of operating hours and live entertainment at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans and information held on Council file U97-00783;
 - (2) That the hours of operation of the hotel shall be restricted to 11.00am to 12 midnight Mondays to Saturdays and 12 noon to 10pm Sundays, with all patrons vacating the premises by the closing time;
 - (3) That the hours in which live entertainment is conducted within the premises shall be restricted to between 12 noon and 3.00 p.m. Sundays to Tuesdays (no night time entertainment), and 12 noon to 3.00 p.m. Wednesdays to Saturdays thence 7.00 pm to 11.45 p.m. with the performers finishing in time to fully vacate the premises no later than 10 minutes after the closing time and subject to the provisions of condition (2) above;
 - (4) That the band or performers shall only play at the designated stage area in the western section of the hotel;
 - (5) That the use of the premises shall not give rise to:-
 - (a) the transmission of vibration to any place of different occupancy;
 - (b) noise levels above the ambient background noise, when measured at the nearest residential boundary;
 - (c) an “offensive noise” as defined in the Noise Control Act, 1975.
 - (6) That the licensee and/or manager shall ensure that both sets of doors to the entrance and exit to Cleveland Street shall be kept closed while bands are playing, as for all other windows and doors, except for short periods only to allow direct ingress and egress of patrons;
 - (7) That at no times shall the openings on the Vine Street side of the hotel be used for entry to the hotel premises, all entry shall be via the Cleveland Street entrances;

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- (8) That no speakers or amplifiers shall be provided within the eastern bar/bistro area;
- (9) That at no time shall the designated car parking area be used as a beer garden, pool table area, gaming area, seating or other like purpose and shall only be used for the parking of two vehicles;
- (10) That signs shall be posted and remain in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to the amenity of local residents;
- (11) That the licensee and hotel staff shall prevent patrons removing glasses and opened cans or bottles from the premises;
- (12) That the emptying of glasses and cans from the premises shall not occur later than 8.00pm and no earlier than 8.00 a.m. on any day of the week;
- (13) That at least one security guard shall be in attendance after 8.30pm on nights when bands are playing, (two on Friday and Saturday) with security staff being responsible for regularly patrolling the surrounding area, including for 30 minutes after closing time;
- (14) That the endorsed Code of Practice dated 22 September, 1997 for the hotel shall be fully implemented and complied with.

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, 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.

17.

BOURKE STREET, NO. 700, REDFERN – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING – BUILDING APPLICATION (Q97-00936)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken :-

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- (A) That the Council, as the responsible authority, grant its consent to the application submitted by Mr R Sorby and Ms S Loane for permission to demolish the existing extension at the rear of premises and construct new extension at the abovementioned premises, all in accordance with the submitted plans numbered A01, A03 received on 16 October 1997 and A02A, A04A, SK01 received on 7 November 1997, subject to the following conditions, namely:-
- (1) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if 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;
 - (2) That clothes washing facilities shall be provided comprising at least one washtub and space for a washing machine in accordance with Part 3.8.3 of the BCA;
 - (3) That for the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;
 - (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (6) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (7) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
 - (8) That the gates at the rear boundary of the premises shall open inside the subject premises;
 - (9) That the proposed fire place and flue shall comply part 3.7.3 of

the BCA and the height of the flue shall be increased by 300mm (as shown in red on plan number A02A);

- (10) That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;

and the following adopted standard conditions:

- (11) BC2 - Compliance with Local Government Act 1993;
- (12) BC3 - Compliance with conditions on plan;
- (13) BC8 - Details of contractor;
- (14) BC11 - Inform Council for inspections;
- (15) BC15 - Approval relates to coloured work;
- (16) BC20 - Premises to remain as single dwelling;
- (17) BC63 - Survey Certificate for finished building;
- (18) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (19) BC111 - Hours of work;
- (20) BC113 - Work to comply with noise standards;
- (21) BC114 - Existing building to be kept in stable condition;
- (22) BC116 - New work not to encroach boundaries;
- (23) BC119 - Requirements when excavating below footings;
- (24) BC123 - Demolition to comply with standard;
- (25) BC167 - Structural details and certification to be submitted;
- (26) BC170 - Structural certificate upon completion;
- (27) BC175 - Comply with Timber Framing Code;
- (28) BC176 - Approval for permanent work only;

- (29) BC184 - Foundation material under slabs;
 - (30) BC186 - No structural work until approval granted;
 - (31) BC337 - Construction of boundary walls;
 - (32) BC340 - Non-flammable sarking materials;
 - (33) BC341 - Roof lights in dwellings;
 - (34) BC352 - Glazing materials;
 - (35) BC529 - Smoke alarm systems;
 - (36) BC601 - Water closets and shower compartments;
 - (37) BC603 - Damp and weatherproofing;
 - (38) BC608 - Ceiling heights;
 - (39) BC609 - Natural light and ventilation;
 - (40) BC617 - Rain or dampness penetration;
 - (41) BC618 - Flashing to be provided;
 - (42) HSC800 - Use of appliances emitting intrusive noise.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

BARCOM AVENUE, NO. 115, DARLINGHURST – ERECT GARAGE DOOR AND SPACE FOR TWO OFF STREET PARKING SPACES – BUILDING APPLICATION (Q97-00884)

That the application submitted by Kris Torma for permission to carry out new building work comprising garage door in boundary fence and 2 off-street parking spaces at the abovementioned premises, be deferred to the next Planning and Development Committee to be held on 18 February 1998, for a Visit of Inspection to be carried out on Saturday 21 February 1998, at a time to be determined at the Committee

Carried.

19.

KELLETT STREET, NO.50, POTTS POINT – CONTINUED USE OF PREMISES AS A BROTHEL WITH 24 HOURS OPERATION – DEVELOPMENT APPLICATION (U97-00800)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ms H Dempsey, owner, for permission to use the premises as a brothel, subject to the following conditions, namely;-
- (1) That the development shall be generally in accordance with plans submitted on 5 September 1997;
 - (2) That the number of sex workers on the premises at any one time shall not exceed 7;
 - (3) That the outside of the premises are kept in a clean and tidy condition at all times;
 - (4) That no solicitation associated in any way with the premises shall occur on the streets, or within the premises in view of the public;
 - (5) That clients are to be requested not to loiter outside premises and shall be required to wait in the designated reception area;
 - (6) That trade waste arrangements for the premises be finalised to the satisfaction of the Director, Public Works and Services;
 - (7) That any future changes to the trade waste arrangements for the premises be approved in writing by the Director of Public Works and Services, South Sydney Council, prior to their implementation and that a trade waste contractor be engaged prior to the commencement of any operations’;
 - (8) That the applicant ensures that at all times Council has a copy of the current trade waste contract, including contact details for the trade waste company as well as details of the services being provided including the number of times the service will be provided on a weekly basis, which days the service is to be provided, from what specific location, and at what times the pick up will be;
 - (9) 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;
 - (10) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation

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is commenced;

- (11) That no patron access to the rear lane (Kellett Way) shall be permitted;
- (12) That the first floor lattice screen shall be removed within 14 days of the date of this consent;
- (13) 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. Such building application to carry out the works contained in Parts (A) & (B) shall be lodged within 1 month of the date of this consent or the use shall cease;

and the following adopted standard conditions:

- (14) hsc401 - Cleanliness of premises
- (15) hsc402 - Clean linen
- (16) hsc403 - Linen receptacles
- (17) hsc405 - Laundering
- (18) hsc406 - Sanitary facilities
- (19) hsc410 - Supply of condoms
- (20) hsc411 - Contaminated waste disposal
- (21) hsc413 - STD information
- (22) hsc416 - Health check-ups
- (23) hsc801 - Noise from premises;
- (24) hsc419 - Public Health Act offences.

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (2) 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;
 - (3) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (4) 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;
 - (5) That a suitable fire detection and alarm system shall be installed throughout the premises;
 - (6) That self-closing solid core doors not less than 35mm thick shall be provided to all bedrooms.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

20.

KNOX STREET, NOS. 5-5A, ROSE STREET, NOS. 11-21 AND CITY ROAD NO. 20A, CHIPPENDALE – DEMOLISH BUILDINGS AND ERECT A 60 UNIT RESIDENTIAL DEVELOPMENT – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00983)

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the maximum height limit of 9m (subject to redesign of "Building B") within Local Environmental Plan No.66 is well founded and compliance is therefore unnecessary and unreasonable for the following reason:-

That the proposed height of buildings within the development (except Building B) has adequate regard to the nature of adjoining development, site constraints, urban design and heritage considerations and will not result in significantly adverse impacts

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on the surrounding area.

- (B) 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 Mr J & M Esber, for permission to convert an existing building fronting Knox Street, demolish other buildings on the site, and improvements to Knox Street and construct a residential development containing 60 units and basement parking, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has satisfied the Director of Planning and Building as to the matters outlined below, with details in response to the conditions below being lodged within three months of the date of this deferred commencement consent;
 - (a) Deletion of the top two levels of Building B;
 - (b) Revision of the roof form of Building B (retained as flat though reduced in size);
 - (c) Stepping the northern half of Building A out to Rose Street and extended to occupy the full width of Rose Street frontage;
 - (d) Greater architectural relief to the façade to Rose Street, by the use of projecting awnings and the like;
 - (e) Provision of a minimum 6m internal separation between buildings D and E;
 - (f) Deletion of the north-western most balconies on the first two levels and the equivalent space on the upper level of Building C;
 - (2) That the development shall be generally in accordance with plans numbered 93153 DA01A-07A, 8, 9A, 10-22 and landscape plans, dated 1 October 1997;
 - (3) 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);
 - (4) That the through site link shall include a ramp to Rose Street with a grade of not more than 1:12, of adequate width for a wheelchair;
 - (5) That a security system shall be installed to prevent public access

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through the site and that access to the site for visitors be by way of an intercom system, subject to fire egress requirements;

- (6) That detailed plans indicating public domain improvements, landscaping, footpath treatment and paving for Knox Street, (between the site and City Road), shall be lodged prior to or with the Building Application for the consideration of the Director of Public Works and Services and the Director of Planning and Building, which shall in turn be referred to the Local Traffic Committee and placed on public exhibition, if necessary, with the developer being responsible for the cost of providing the street improvements and any necessary statutory processes, and in this regard an appropriate bank guarantee (with the cost estimate prepared by a practising Quantity Surveyor and to cover other associated road works) approved by the Director of Public Works and Services shall be lodged prior to issuing building approval;
- (7) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (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	\$136,829	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 40,725	2E97002.BGYO
Accessibility And Transport	\$ 482	2E97006.BGYO
Management	\$ 1,962	2E97007.BGYO
Total	\$179,998	

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.

- (9) That a maximum of 60 car parking spaces shall be provided, to include one car wash bay and one disabled space (near the lift) with the remainder being allocated such that at least 9 visitors spaces are provided;
- (10) That the basement car park shall be accessible to visitors by an intercom(s) at the car park entry;
- (11) The car park layout and ramp grades shall comply with relevant Australian Standards and Council's DCP 11 (with mirrors in the car park, where appropriate);
- (12) That all garbage from the development shall be presented to Knox Street;
- (13) That a construction management plan shall be lodged with the building application and to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services (also including measures for the abatement of noise and suppression of dust), prior to the release of the building application;
- (14) That the breakdown of demolition material and excavation material, except for that necessary to remove the material from the site, shall not be carried out on site unless prior approval has been obtained and sandstone material shall be recycled and reused for landscaping and building works as far as is practical. The Building Application shall be accompanied by details of how it is proposed to reuse the sandstone;

- (15) That the Building Application shall be accompanied by a letter from a qualified and practising structural engineer, verifying the walls and buildings at Nos. 6-10 Elim Place can be retained through the construction and excavation process, including any recommendations for specific works or building techniques to ensure retention of the boundary walls proposed to be retained (to the satisfaction of the Director of Planning and Building);
- (16) That adequate privacy screening shall be erected on the elevated balconies in the south western section of the site, to be detailed in the Building Application and to the satisfaction of the Director of Planning and Building;
- (17) That details of all roof top open space shall be provided at the building application stage, including hardworks to physically inhibit access and to protect privacy to adjoining sites;
- (18) That an independent heritage archaeologist shall be on site for excavation works, who shall be responsible for recording any significant relics and appropriate action if found;
- (19) 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 building approval;
- (20) That bicycle storage facilities in accordance with Council's Development Control Plan No.11 shall be provided in the parking area;
- (21) That the eastern boundary wall shall be retained (or rebuilt with matching bricks) and existing openings in the wall shall be fully removed;
- (22) That a landscaping plan for the site 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;
- (g) details of treatment to all roof terrace areas, including hard works to ensure access is restricted from edges of buildings to ensure privacy and safety; and
- (h) treatment of the transition between Elim Place and the development to prohibit vehicular movement and encourage pedestrian movement;

-it is noted that the proposed landscape design does not meet the commitments outlined in the Statement of Environmental Effects. It is recommended the landscape treatment be discussed with the Landscape Section (present contact: Ms Frances Hamilton, telephone 9300 4249).

- (23) That the developer shall provide a system of "on-site" detention of stormwater and limit the rate of discharge of stormwater from the site, to a rate set by the Director of Public Works and Services;
- (24) That the windows and doors in the building to Rose Street and Knox Street shall have timber joinery;
- (25) 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;
 - (d) the recycling storage area;
 -shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (26) That the developer shall where necessary, construct or reconstruct at the developer's cost, roads and drainage works to the satisfaction of the Director of Public Works and Services;
- (27) That the developer shall include with the Building Application a plan detailing the building alignment levels as approved by the Director of Public Works and Services. Further, the developer shall pay for the application fees for consideration of these levels;
- (28) That the eastern wall of Building D shall be rendered, bagged or painted a light finish, to assist reflection of indirect light;

- (29) That the walls adjoining 8 and 10 Elim Place shall be fully retained and the extension shall be of matching brick (from within the site) and shall not extend above the apex of the gable of No. 10 Elim Place;
- (30) That the extension of Building D shall be of materials to match the existing building, from within the site where possible;
- (31) That buildings A, B, C and E shall include solar panels and gas boosters for all the energy needs of those buildings;
- (32) That the proposed stairways to Building 'D' shall be fire isolated and redesigned to comply fully with the requirements of Parts C and D of the BCA, with specific attention directed to Clauses D1.3 and D1.7 of the BCA;
- (33) That the developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;
- (34) That the developer shall erect signs to the satisfaction of the Director of Public Works and Services indicating the vehicular entries/exits;
- (35) That the premises shall be ventilated to comply with the BCA, Council's Ventilation Code and relevant Australian Standards;

and the following adopted standard conditions:

- (36) LDA44 - Driving in forward direction only;
- (37) LDA152 - Schedule of finishes;
- (38) LDA153 - Reflectivity of external glazing;
- (39) LDA160 - Provide service ducts within building;
- (40) LDA162 - Provide common aerial for each building;
- (41) LDA166 - Provide screening for garbage area;
- (42) LDA172 - Projections beyond street alignment;
- (43) LDA252 - Discharge to atmosphere to comply;
- (44) LDA351 - Building Application required;
- (45) LDA367 - Timing device on alarms;

- (46) LDA368 - Display of street numbers;
- (47) LDA369 - Allocation of street numbers;
- (48) LDA376 - Hours of building work;
- (49) LDA377 - Construction noise regulation;
- (50) LDA387 - Footway crossings;
- (51) LDA391 - Builder's Hoarding Permits;
- (52) LDA392 - No obstruction to public way;
- (53) LDA393 - Delivery of refuse skips;
- (54) LDA394 - Cost of alteration to signposting;
- (55) LDA396 - Works within boundaries;
- (56) hsc500 - Premises to be ventilated;
- (57) hsc700 - Compliance with code for Garbage Handling System;
- (58) hsc101 - Not give rise to emissions into the environment;
- (59) hsc018 - Sanitary facilities;
- (60) hsc111 - Liquid wastes to sewer;
- (61) hsc705 - Construction of garbage room;
- (62) hsc700 - Compliance with code for Garbage Handling System;
- (63) hsc800 - Use of appliances emitting intrusive noise;
- (64) hsc018 - Sanitary facilities;
- (65) That the applicant shall be responsible for establishing and maintaining (for the duration of excavation and construction) a 24 hour telephone "hotline", for residents within the surrounding area to contact with construction/excavation concerns, and this number shall be established and circulated to the same surrounding area notified of the development application (by a letter box drop) prior to commencement of excavation, with any complaints to the hotline to be forwarded immediately to the site manager for attention;

- (66) That direct access to the ground level units to Knox Street be provided, where possible, to be detailed in the Building Application.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, 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.
- (E) That the Council would give favorable consideration to public domain improvements to Rose Street and Elim Place, paid for by the developer and offset against the required Section 94 Contribution.

At the request of Councillor Lay, and by consent, the motion was amended by the addition of clauses (F) and (G) to the recommendation, namely:-

- (F) That the issue of the 15 minute parking in Knox Street be referred to the Traffic Committee;
- (G) That the developer in consultation with the Council's Officers develop a plan for improvements to Rose, Elim and Knox Street, to be submitted prior to or with the Building Application and this also go back to the community for consultation.

Motion, as amended by consent, carried.

21.

BAYSWATER ROAD, NOS. 20-26, POTTS POINT – TO EXTEND HOURS AND FORMALISE ENTERTAINMENT IN AN EXISTING CAFE – DEVELOPMENT APPLICATION (U97-00969)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Timarda Investments Pty Ltd, with the authority of Axtean Pty Ltd, for permission to extend the hours of operation of the premises known as the 'Underground Café' to 12 noon until 6am, daily, and to use the premises as a place of public entertainment catering for up to 300 patrons, subject to the following conditions, namely:-

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- (1) That the development be generally in accordance with the plans numbered 85 – 181;
- (2) That the operator of the premises shall, in consultation with the Kings Cross Police, enter into the soon to be finalised Kings Cross Licensing Accord;
- (3) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (4) That an acoustic consultant's report shall be submitted with the building application showing how it is intended to comply with condition (3) above and also the Liquor Administration Board's noise requirements;
- (5) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (6) That the hours of operation be limited to 12 noon until 6.00a.m. daily.

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

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

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

GENERAL MANAGER

- (1) That smoke hazard management shall comply fully with the requirements of Clause E 2.2 of the Building Code of Australia;

and the following adopted standard conditions:

- (2) BC426 - Exit doors, shutters and grilles;
 - (3) BC501 - Fire extinguisher;
 - (4) BC507 - Hose reels;
 - (5) BC508 - Hydrants;
 - (6) BC524 - Emergency lighting;
 - (7) BC525 - Exit signs;
 - (8) BC806 - No entertainment;
 - (9) BC503 - Fire blanket;
 - (10) BC827 - Separation entertainment areas;
 - (11) BC26 - Comply with BCA.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

CHURCH PLACE, NO.7, PADDINGTON – EXTENSIONS TO GROUND FLOOR TOGETHER WITH THE ERECTION OF A FIRST FLOOR TIMBER DECK AND DOUBLE DOORS TO REAR –BUILDING APPLICATION (Q97-01061)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr M J Statham for permission to extend the ground floor and erect a timber deck to the rear at the abovementioned premises, all in accordance with submitted plan numbered 1A dated 18 November, 1997, subject to the following conditions, namely:-
- (1) That the timber deck be reduced in size so as not to project further than 1.2m from the existing rear dormer wall;
 - (2) That all work to boundary fences to match existing;

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- (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (5) 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;
- (6) 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:

- (7) BC2 - Compliance with Local Government Act 1993;
- (8) BC3 - Compliance with conditions on plan;
- (9) BC8 - Details of contractor;
- (10) BC11 - Inform Council for inspections;
- (11) BC15 - Approval relates to coloured work;
- (12) BC34 - Brickwork to match existing;
- (13) BC63 - Survey Certificate for finished building;
- (14) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (15) BC111 - Hours of work;
- (16) BC113 - Work to comply with noise standards;
- (17) BC114 - Existing building to be kept in stable condition;
- (18) BC116 - New work not to encroach boundaries;
- (19) BC167 - Structural details and certification to be submitted;
- (20) BC170 - Structural certificate upon completion;
- (21) BC175 - Comply with Timber Framing Code;

- (22) BC340 - Non-flammable sarking materials;
 - (23) BC337 - Construction of boundary walls;
 - (24) BC341 - Roof lights in dwellings;
 - (25) BC352 - Glazing materials;
 - (26) BC529 - Smoke alarm systems;
 - (27) BC608 - Ceiling heights;
 - (28) BC609 - Natural light and ventilation;
 - (29) BC611 - Ventilation of bathrooms/laundries;
 - (30) HSC500 - Premises to be ventilated;
 - (31) HSC800 - Use of appliances emitting intrusive noise;
 - (32) BC617 - Rain or dampness penetration;
 - (33) BC618 - Flashing to be provided;
 - (34) BC619 - Clothes washing facilities shall be provided.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

That the application submitted by Mr M J Statham for permission to extend the ground floor and erect a timber deck to the rear at the abovementioned premises, be deferred to the next Planning and Development Committee to be held on 18 February 1998.

Motion, as amended by consent, carried.

23.

CITY ROAD, NO. 1001, VICTORIA PARK, CHIPPENDALE – ALTERATIONS AND ADDITIONS TO SWIMMING COMPLEX – DEVELOPMENT APPLICATION (U97-00375)

- (A) That the Council as the responsible authority, in respect of development application U97-00375 grant its consent to the application submitted by Mr Joel Johnson, Councils Parks Development Manager for

refurbishment, alterations and additions to the Victoria Park Pool Complex at 1001 City Road Chippendale, generally in accordance with the submitted plans Nos. GL01, DW02, GA03-GA08, DA08 prepared by Michael Davies Associates Pty Ltd, for the Public Works and Services Department, South Sydney Council, subject to the following conditions, namely:-

- (1) That for the purpose of child safety, all new or replacement hot water systems shall be designed to delivery hot water to a maximum of fifty (50) degrees Celsius and/or install safety devices such as child resistant taps, single lever mixing taps and automatic flow reduction devices;
- (2) That for the purpose of child safety, children's access to hazards outside the crèche playroom be restricted by the inclusion of secondary child safety gates and/or fencing to points of entry or exit;
- (3) That plans detailing the fit out of the crèche facility shall be submitted to the satisfaction of the Director of Health and Community Services;
- (4) That signs be displayed in prominent locations requesting persons shower before entering the pool;
- (5) That a separate development application to be submitted to Council for each use of the roof top stage after daylight hours;
- (6) That the building application to include details of the following:-
 - (a) provision of male and female change rooms at each end of the building;
 - (b) the location of heated blanket rolls and means of storage;
 - (c) Details of all lighting, including security lighting.
 - (d) Details of skylight security;
 - (e) The location of tables in the barbeque area;
- (7) That the construction, fitout and finishing of the premises comply with Food (General) Regulation 1992 and the National Code for the Construction and Fitout of Food Premises;
- (8) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;*
 - (b) the garbage room;

- (c) sanitary facilities;
- (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

and the following adopted standard conditions:

- (9) LDA351 - Building Application required;
- (10) LDA392 - No obstruction to public way;
- (11) LDA396 - Works within boundaries;
- (12) hsc103 - Environmental site assessment being carried out;
- (13) hsc500 - Premises to be ventilated;
- (14) hsc018 - Sanitary facilities;
- (15) hsc301 - Cooking of food only if air handling system is provided;
- (16) hsc700 - Compliance with code for Garbage Handling System;
- (17) hsc800 - Use of appliances emitting intrusive noise.

The reason for the Council's consent being granted subject to the above mentioned conditions, is as follows:

That the granting of unrestricted consent would be likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise and, further, would not be in the public interest.

- (B) That a Plan of Management be formulated relating to the Victoria Park Pool complex which addresses the issues raised in this report including:-
 - (1) Unloading from the internal access road;
 - (2) The extent of public use of the internal road system within the park as a vehicular access way to the pool for "pick up and set down" of persons using the pool;
 - (3) The use of the roof stage and the need for development consent for each separate use of the stage after daylight hours. A well formulated plan of management may replace the need for

development consent being obtained for each separate use of the stage after daylight hours;

- (4) Provision of visitor car parking. The potential for the former bowling club car park to be reinstated for pool users. Should the bowling club be refurbished and used as a bowling club, the potential for rotational use of the car park with the pool complex;
- (5) The role of the café and its relationship to the swimming pool and the need to respect the privacy of pool users;
- (6) Potential conflict of music in the aerobics room and music from the roof stage should both facilities be used at the same time.

Carried.

24.

ABERCROMBIE STREET, NOS. 13-21, CHIPPENDALE – CONVERT EXISTING BUILDING INTO 27 RESIDENTIAL UNITS AND 3 SHOPS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00520)

- (A) That the Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 12m maximum height limit contained in Local Environmental Plan No.66 and the requirement for one car space per unit are well founded and that compliance is unnecessary for the following reasons:
 - (1) The proposed increase in the height of the building will not be highly visible from the ground and will not have a detrimental impact on the streetscape or adjacent properties;
 - (2) The requirement for one car space per unit would result in unacceptable impact with regard to additional traffic, a lack of human activity at ground level and the impact on the heritage and streetscape value of the building.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Oceania Clarke Partnership Pty Ltd, with the authority of Coopers (450) Pty Ltd, for permission to carry out partial demolition, erect new structures and convert two existing buildings to contain 27 residential units and 3 non-residential tenancies with no parking spaces, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with drawings numbered 1 and 2 titled 'Amended DA' dated September 1997;

(2) (A) Section 94 Contributions

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$43,532	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$13,011	2E97002.BGYO
Accessibility And Transport	\$ 172	2E97006.BGYO
Management	\$ 654	2E97007.BGYO
Total	\$57,369	

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

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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 developer shall be responsible for carrying out and meeting the cost of works to integrate Blackfriars Place into the open space provided on site, subject to the conditions of lease, to the satisfaction of the Director of Planning and Building;
- (4) That in order to improve pedestrian safety in the immediate vicinity of the site, the developer shall meet the total cost of design, construction and supervision of on street improvement

- works (such as footpath widening and pedestrian thresholds) to the value of \$25000 as determined in consultation with the Director of Planning and Building, subject to the approval of the South Sydney Traffic Committee. A bank guarantee shall be lodged prior to approval of a building application to cover the cost of these works, which will be cancelled if the developer carries out the works to Council's satisfaction;
- (5) That 9 secure bicycle parking spaces for residents shall be provided in accordance with DCP 11 within the proposed building envelope (ie. not within the courtyard) and 3 bicycle spaces for visitors located to the satisfaction of the Director of Planning and Building;
 - (6) That the balconies proposed over Blackfriars Place shall be deleted;
 - (7) That the proposed additional level on the building fronting Blackfriars Street shall be redesigned and reduced in size so that it fits within the envelope created by the existing parapet, is less visible from the ground and has a reduced impact on the heritage value of the building, to the satisfaction of the Director of Planning and Building;
 - (8) That the roof and/or top level of the buildings facing Abercrombie Street shall be redesigned so that the front wall is not higher than the existing parapet to the satisfaction of the Director of Planning and Building;
 - (9) That the balconies to units 22, 23 and 24 shall be deleted and the external walkway reduced to the minimum size necessary to provide access to the units, to the satisfaction of the Director of planning and building;
 - (10) That the applicant shall provide for any additional trees required along the frontages of the property to implement Councils Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services;
 - (11) That the garbage storage area shall not be located within the proposed courtyard;
 - (12) That 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, plant numbers and sizes (container size and height) and irrigation.

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

- (13) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (14) That the developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;

and the following adopted standard conditions:

- (15) LDA12 - Applicant to liaise with Sydney Water;
- (16) LDA21 - No resident parking for residential flat developments;
- (17) LDA152 - Schedule of finishes;
- (18) LDA153 - Reflectivity of external glazing;
- (19) LDA160 - Provide service ducts within building;
- (20) LDA161 - Provide common television aerial;
- (21) LDA172 - Projections beyond street alignment;
- (22) LDA365 - Consolidation of lots;
- (23) LDA367 - Timing device on alarms;
- (24) LDA368 - Display of street numbers;
- (25) LDA369 - Allocation of street numbers;
- (26) LDA376 - Hours of building work;
- (27) LDA377 - Construction noise regulation;
- (28) LDA384 - New alignment levels;
- (29) LDA389 - Stormwater disposal requirements;
- (30) LDA391 - Builder's Hoarding Permits;
- (31) LDA392 - No obstruction to public way;

- (32) LDA393 - Delivery of refuse skips;
- (33) LDA394 - Cost of alteration to signposting;
- (34) LDA399 - Cost of consequential roadworks;
- (35) HSC103 - Environmental site assessment being carried out;
- (36) HSC111 - Liquid wastes to sewer;
- (37) HSC500 - Premises to be ventilated;
- (38) HSC706 - Storage of recyclables;
- (39) HSC709 - Garbage room;
- (40) HSC800 - Use of appliances emitting intrusive noise.

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

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

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

- (1) BC319 - Solid core entrance doors to units;
- (2) BC426 - Exit doors, shutters and grilles;
- (3) BC501 - Fire extinguisher;
- (4) BC507 - Hose reels;
- (5) BC508 - Hydrants;
- (6) BC524 - Emergency lighting;
- (7) BC525 - Exit signs;
- (8) BC528 - Fire detectors and alarm system;
- (9) BC602 - Clothes washing and drying facilities;
- (10) BC609 - Natural light and ventilation;
- (11) BC611 - Ventilation of bathrooms/laundries;

- (12) BC612 - Wall sound transmissions;
 - (13) BC614 - Floor sound transmissions;
 - (14) BC978 - Floor requirements;
 - (15) BC986 - Residential sprinkler system;
 - (16) BC26 - Comply with BCA;
 - (17) BC910 - Fire alarm bells;
 - (18) BC951 - Good housekeeping;
 - (19) BC952 - Egress paths kept free of obstructions;
 - (20) BC953 - Electrical installations to be inspected;
 - (21) LDA351 - Building Application required.
- (D) That 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.
- (E) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

25.

SELWYN STREET, NO. 49, PADDINGTON – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00905)

- (A) That it is advised that Council is satisfied that the State Environmental Planning Policy No 1 objection against the development standard pertaining to height within Clause 11 of Local Environmental Plan No 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason:-

The additional height will result in a building which will not impose any significant environmental effect.

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- (B) That the Council as the responsible authority grants its consent to the development application submitted by Grose Bradley Architects P/L, with the authority of Mr P Barry for alterations and additions to the abovementioned premises including a new third level, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA01-DA04 and dated August, 1997 and September, 1997;
 - (2) That screening measures (such as louvres) shall be incorporated on the new first floor windows so as to prevent privacy loss for adjoining neighbours. Details (at a scale of 1:20) are to be submitted with the building application to the satisfaction of the Director of Planning and Building;
 - (3) That the materials of the proposed new level shall match the existing building;
 - (4) 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;

and the following adopted standard conditions:

- (5) HSC800 - Use of appliances emitting intrusive noise;
- (6) LDA376 - Hours of building work;
- (7) LDA389 - Stormwater disposal requirements;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips.

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

Carried.

26.

WATKIN STREET, NO.19, NEWTOWN – ADDITION OF ATTIC ROOM – DEVELOPMENT APPLICATION (U97-00581)

- (A) That it is advised that Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to floor space ratio in Clauses 10(2) of Local Environmental Plan No. 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-
- (1) That the proposal is identical to an approved application for the premises which adjoins to the north.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Ms M J Zvargulis (owner) for permission to convert attic space into a solarium room including a front dormer window and rear projection from the roof plane with extended eave line, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA01 and held on Council file U97-00581;
 - (2) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
 - (3) That the proposed front dormer window shall be constructed in timber joinery and the roof materials shall match the existing to the satisfaction of the Director of Planning and Building;
 - (4) 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;
 - (5) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise

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Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems;

- (6) 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;
- (7) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (8) That the building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (9) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (10) 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;
- (11) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (12) 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;
- (13) That all proposed work shall be wholly within the boundaries of the subject site;
- (14) 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:-

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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.

27.

GRIFFIN STREET, NO. 12, SURRY HILLS - ERECT 2 NEW SINGLE DWELLINGS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00728)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken :-

- (A) That the Council as the responsible authority grants its consent to the application submitted by L. Carniato (owner) for permission to demolish the existing building on the site and erect two, two-storey dwellings and torrens title subdivision into two allotments at 12 Griffin Street, Surry Hills, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans amended plans DA02(A), DA03(A), DA04(A) and dated August 1997;
 - (2) That the front dormer attic windows must be proportioned at a ratio of 1.5:1 measured from sill to ceiling of window frame. Details shall be submitted with the building application;
 - (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 final linen plan;
 - (4) That a final application for subdivision under Part XII of the Local Government Act 1919 shall be submitted to Council;
 - (5) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of one year);
 - (6) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and

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Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -

- (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) size and proportion of windows and doors;
- (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
Open Space/Townscape/ Public Domain	\$ 944	2E97002.BGYO
Accessibility And Transport	\$ 12	2E97006.BGYO
Management	\$ 48	2E97007.BGYO
Total	\$4,163	

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.

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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 building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (9) That the 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;
- (10) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (11) 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;
- (12) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (13) 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;
- (14) That details of the manner in which it is intended to remove spoil and rubbish from the site during the course of demolition, excavation or refurbishment operations as well as measures to be adopted for the eradication of any vermin from the site shall be submitted to the Health and Community Services Department and approval obtained prior to the commencement of the work;
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (16) 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;

- (17) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced.

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.

28.

BUILDING - ENCROACHMENT OF BUILDINGS OR BALCONIES ON THE PUBLIC WAY AND/OR ADJOINING PROPERTIES - POLICY (B54-00653)

That approval be given to:-

- (a) the Encroachment of Buildings or Balconies upon, over or under the public way policy attached to the report of the Director of Public Works and Services and the Director of Planning and Building dated 30 January being adopted.

- (b) the annual fee for an encroachment being calculated using the formula:

$$\text{FEE} = \$100 \times \text{LENGTH OF FRONTAGE ENCROACHED UPON (m)} \times \text{AVERAGE ENCROACHMENT WIDTH (m)} \times \text{NUMBER OF FLOORS}$$

-and that Council's scale of fees and charges being amended to include this fee.

- (c) the building damage bond calculated in the Building Application being renamed the BUILDING DAMAGE AND ENCROACHMENT REMOVAL BOND.
- (d) the Planning and Building Department, in consultation with the Public Works and Services Department, preparing policy guidelines identifying the circumstances where Council may support encroachment of architectural elements over the footway.

(DPWS Report 30.1.98)

At the request of the Mayor, and by consent, the motion was amended by the deletion of Appendix 1 accompanying the joint report of the Director of Planning and Building and the Director of Public Works and Services dated 30 January 1998 and the insertion in lieu thereof of Appendix 1A accompanying the report of the Director of Public Works and Services dated 30 January 1998.

Motion, as amended by consent, carried.

29.

PLANNING - PADDINGTON TOWN HALL - REZONING (2013758)

That Council's resolution of the meeting dated 10 December 1997, stating:-

“That approval be given for Council to publicly exhibit the Draft Local Environmental 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.”

-be rescinded and that Council resolve:

“That approval be given for Council to publicly exhibit for a period of eight weeks the Draft Local Environmental Plan and Draft Plan of Management for Paddington Town Hall in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997, titled *LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council.*”

(DPB Report 2/2/98)

Carried.

30.

PLANNING - STUDIES - LOCAL AGENDA 21 (2014100)

That Council:-

- (a) support the research project proposed to be undertaken by Stella Whittaker;

- (b) allocate up to \$6,000 towards the cost of the project, to be transferred from the Strategic Planning 1997/98 Works Program account, GW97008 Energy/Water Minimisation DCP.

(DPB Report 2/2/98)

Carried.

31.

CROWN STREET, NO. 169, DARLINGHURST - AMENDMENT TO CONSENT TO ERECT GARAGE WITH STUDIO ACCOMMODATION - DEVELOPMENT APPLICATION (U96-00830)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr R Muncaster for permission to amend development consent by altering the approved roof shape and constructing a 3rd level within the building, as set out below:-
 - (1) the deletion of conditions numbered (1), (2) and (3) of Council's resolution of 27 February 1997, namely:-
 - (a) That the development shall be generally in accordance with submitted drawings numbered 1 and 2 dated September 1996;
 - (b) That the mezzanine level shall be deleted and the roof replaced with a 30 degrees pitched roof located 2.4m above the 1st floor so that the ridge is reduced to approximately 7m above the ground;
 - (c) That the proposed windows facing Burnell Place shall be increased in height so that the ratio of their height to width is at least 1.5:1;

and insertion in lieu thereof the following condition:-

- (1) That the development shall be generally in accordance with the amended drawings numbered 1 and 2 dated December 1997.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

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32.

MACLEAY STREET, NO. 119, POTTS POINT - CHANGE OF USE TO HOTEL AND CHANGE OF HOURS - DEVELOPMENT APPLICATION (U97-00929)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay :-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Robertson and Marks Architects with the authority of Holpin Pty Ltd for permission to use the premises as a hotel, for the following reasons, namely:-
- (1) That the proposal represents an undesirable encroachment of late night activity northwards from the established Kings Cross entertainment precinct into the residential areas of Potts Point;
 - (2) That the proposed use would be likely to cause disruption to the amenity of residential properties in the vicinity of the site, particularly in the early hours of the morning;
 - (3) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of this matter be advised of Council's decision.

Carried.

REPORT ON THE MANAGEMENT REVIEW COMMITTEE

10 February, 1998

PRESENT

Business commenced at 5.40pm. Those in attendance were:

The Mayor and Councillors Bush, Deftereos, Fenton, Harcourt, Lay and Macken.

Apologies were received from Councillors Fowler and Waters.

The Committee **recommended** the following:

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ADMINISTRATION – MANAGEMENT PLAN 1997/2000 – REPORT FOR PERIOD ENDED 31 DECEMBER, 1997 (2013185)

That the report by the General Manager dated 6 February 1998, on the Management Plan 1997/2000 for the period ended 31 December, 1997, be received and noted.

Carried.

At 7.55 p.m. the meeting terminated.

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

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER