

206TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 13 May 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.50 pm on Wednesday, 13 May 1998.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 8 April 1998, be taken as read and confirmed.

Carried.

Leave of Absence - Councillor Harcourt

A request was received from Councillor Harcourt for leave of absence from the Council meetings on 27 May and 10 June 1998.

It was moved by Councillor Waters, seconded by Councillor Fenton:-

That leave of absence be granted to Councillor Harcourt from the Council meetings on 27 May and 10 June 1998.

Carried.

MINUTE BY THE MAYOR

11 May 1998

**PUBLIC RELATIONS - DEATH OF COLLEEN
SHIRLEY "MUM" SMITH (2004380)**

It is with regret that I inform Council of the recent death of Colleen Shirley Smith, better known as "Mum Shirl".

Mum Shirl was well known in the community, especially in the Redfern area, for her work in caring and fostering children of unemployed and homeless parents, the children of jailed fathers and single mothers. She took time also to visit prisoners in jail and to appear on behalf of children in the Children's Court, and her work also involved the formation and membership of numerous Aboriginal Organisations, beginning in the 1960's.

During her lifetime she was recognised and awarded numerous honours for community work, including Aboriginal of the Year in 1990, an MBE, a Medal of Order of Australia and was named by the National Trust as one of Australia's living National Treasures, chosen by popular vote.

GENERAL MANAGER

Mum Shirl will be sadly missed by all who knew her and it is recommended that a letter under signature by the Mayor be forwarded to members of her family, expressing the condolences of Council.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

It was moved as an amendment by Councillor Lay, seconded by Councillor Fowler, that a report be submitted to Council after consultation with the members of the family of Colleen Shirley "Mum" Smith on the possibility of providing an annual scholarship for people in the Aboriginal Community in honour of her name.

Motion, as amended by Councillor Lay, carried.

MINUTE BY THE MAYOR

4 May 1998

PUBLIC RELATIONS - "SAVE DOUGLAS STREET PARK" RALLY - SATURDAY, 16 MAY 1998 (2011258)

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

On Monday, 18 May 1998 the Central Sydney Area Health Service proposes to auction for development the Douglas Street People's Park in Douglas Street, Redfern.

For forty years until 1974 the block of land, owned by the Rachel Forster Hospital, was vacant.

In 1974 residents petitioned the then South Sydney Council to acquire the vacant block for use as a public park, and as an off-street play space for the children living in Douglas Street.

After months of community action, residents took matters into their own hands and on Saturday 22 February 1975 removed the corrugated iron fence surrounding the vacant block and in one day created the Douglas Street People's Park.

Following the residents' action the Board of the Rachel Forster Hospital capitulated and for the last 23 years management of the park has resided with South Sydney Council.

GENERAL MANAGER

It is proposed to hold a rally and sausage sizzle on Saturday, 16 May 1998 from 11.00 am to 1.00 pm in support of the protection of the Douglas Street People's Park and to protest its proposed auction by the Central Sydney Area Health Service.

RECOMMENDATION

That Council agree to hold a rally and sausage sizzle on Saturday, 16 May 1998 from 11.00 am to 1.00 pm in support of the Douglas Street People's Park and to protest its proposed auction by the Central Sydney Area Health Service, and for which funds are available in the 1997/98 Budget Estimates (EBC 77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

At this stage the Mayor stated that Council had been informed from the Central Sydney Area Health Service of the withdrawal of sale at this time.

At the request of Councillor Deftereos, the Mayor indicated that he would seek information from the State Government on whether the land will be temporarily or permanently withdrawn from sale.

MINUTE BY THE MAYOR

13 May 1998

PROPERTIES - PARK STREET DEPOT - DEMOLITION AND PLAN OF MANAGEMENT (2014376)

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

It was identified in the Open Space Study, adopted by Council on 24 September, 1997 that "all open space in South Sydney contributes positively to the lifestyle of the community".

This is of particular significance with the increased gentrification of our community and the appreciation for additional open space. A value such as this is clearly recognised

GENERAL MANAGER

and any opportunity to meet the expectations of the community should be addressed by Council.

During April, 1996 the operations of the Park Street Depot were transferred to the Gibbon Street Depot. Since that time the Park Street Depot has remained vacant and surplus to Council's operational needs.

Mindful of the Open Space Study findings it is noted that an existing recreation area exists next door to the Depot it would be an ideal time to demolish the existing structure and convert the site into additional park space for the community.

RECOMMENDATION

That Council staff take the necessary action to have the Park Street Depot structure demolished using Property Reserve Funds and prepare a Plan of Management in consultation with the community for establishment of a recreation area.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

6 May 1998

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

The Mayor and Councillor Sonia Fenton, the General Manager and the Civic Affairs Manager/Public Officer visited Parkes Shire Council in April to discuss Sister City Relationships.

Council's representatives met with the Mayor of Parkes, Councillor Robert Wilson and Councillor Yvonne Hutton, Councillor John Allan, Councillor Ken Keith, Councillor Bev Laing, the General Manager Mr. Alan Mc Cormack and the Promotions Officer Mr. Michael Greenwood.

A number of issues were discussed and it was agreed that consideration be given to the following programs being put into place:-

GENERAL MANAGER

- (a) Kids in the Bush Program
- (b) Youth Issues
- (c) Domestic Waste Disposal
- (d) Exchange for school leavers for work experience,
- (e) Staff Exchange in the area of Information Technology, Employment Services and Rating
- (f) Assisting Parkes in their efforts to have the South Sydney District Rugby League Club play matches in Parkes
- (g) Exchange Visits by Council Sporting teams

Parkes Council has now written to Council advising that they have endorsed the programs and suggesting that the programs be put into place as quickly as possible so as to keep the momentum going. They have also nominated contact officers from their Council to discuss the programs

I therefore seek Council's endorsement to the programs and also seek Council's approval to:-

- (a) the General Manager being authorised to nominate relevant officers to initiate immediate discussions with officers from Parkes Council.
- (b) the General Manager being given delegated authority to approve of staff exchanges between the two Councils.

RECOMMENDATION:

- (a) That Council endorse the programs detailed in this minute, with a view to immediately commencing arrangements and the General Manager be authorised to nominate relevant officers to initiate discussions with officers of Parkes Shire Council.
- (b) That authority to delegate to the General Manager to approve of staff exchanges between Parkes Shire Council and South Sydney Council.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Fenton, the Mayor directed the General Manager to liaise with Council's Library Services Manager on providing a section of Council's main library for books relating to Parkes.

GENERAL MANAGER

MINUTE BY THE MAYOR

11 May 1998

ANTISOCIAL ACTIVITIES - JUVENILE CRIME IN WOOLLOOMOOLOO - PROPOSALS FOR ACTION BY COUNCIL (2016504)

I have recently received calls from residents and businesses in the Woolloomooloo area regarding the problems experienced with crime and violence in this area. Also, today I addressed members of the Woolloomooloo Safety Forum, on this issue.

In response, Council is fast-tracking it's plans to provide responsive services to this community.

Council is restructuring it's Leisure Centre program operating from Woolloomooloo from a general Recreation program to a structure which provides services for youth and children.

We are currently negotiating with the Plunkett St school to set up an out of school hours Children's Program for children aged 5-12 years in an unused area of the school to provide activities and supervision for children during school holidays and after school. Programs would begin immediately after school during term and would be provided till 6pm each weekday and during the day on Saturdays. During school holidays a vacation program will operate from Monday till Saturday. The programs would be integrated with those programs offered by the school, providing children with greater access to a range of quality programs to better meet their needs. This would also provide a closer link and greater supervision of the outdoor court area.

Our staff are currently conducting the Woolloomooloo Kids Project in conjunction with the Plunkett St school, the NSW Government Departments of Education and Community Services, the Woolloomooloo Community Centre and the UTS. This project is a proactive program working with a number of troubled children in an attempt to increase their social experiences and improve their self esteem. The program includes dance and mural activities, culminating in a performance during NAIDOC Week in July 1998.

Funding has been sought from the Federal Department of Health and Family Services for a 20 hour per week Family Support Worker. Should this application prove to be successful, this worker would work in with the Children's program to provide practical support to families in this area.

Council will also commence the redesign of the outdoor court area adjacent to Sydney Place, enabling it to be used for a greater array of activities. This would also resolve some of the occupational health and safety problems and ultimately provide an improved resource for use by all the community.

Council plans to better use this space by planning regular games events at lunch time and after school which could include shared use by Business, Police, Council and the

GENERAL MANAGER

Community, including children and youth. This will be used as the beginning of a consultative mechanism with the youth and children in the area, as well as a sports development program. The sports development program would be provided in conjunction with the Department of Sport and Recreation and the Police Citizens Youth Club. This could also involve using positive role models in the sporting arena, for example the Sydney Swans and the South Sydney District Rugby League Football Club.

A further initiative involves the redesign and modification of the Juanita Neilsen Centre to make it a more suitable location to house Council's Youth and Health and Fitness programs. We will continue with the restructure of this service in order to provide an improved youth program from the Juanita Neilsen Centre and consult with the community, specifically the youth in the area on the types of programs to be provided from this service.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That the minute by the Mayor be endorsed and the actions as detailed in the minute, be implemented.

Carried.

MINUTE BY THE MAYOR

13 May 1998

FINANCE - STUDY INTO THE EFFECTS OF A GST AND OTHER FEDERAL GOVERNMENT TAX REFORMS ON LOCAL GOVERNMENT (G51-00306)

I recently received correspondence from the Australian Centre for Regional & Local Government Studies at the University of Canberra, seeking Council's support for a study into the likely impact of the impending Goods and Services Tax on Local Government.

The study would not just examine the implications of the GST upon Local Government but also wider issues such as the effect of the total taxation system on Local Government, with particular regard to intergovernmental financial transfers (and fiscal equalisation). It is apparent that changes to the tax mix have the potential to affect Local Government. It is also apparent that cash-strapped State governments are increasingly eyeing Local Government's basic revenue base of property taxes. Local Government has to be more proactive in preparing for these likely eventualities.

GENERAL MANAGER

As Council is no doubt aware, a Federal election is likely in the next few months. The Treasurer's budget speech last night signaled the Government's desire for significant reform of the tax system and the Federal Government has declared its intention to introduce a GST.

With this tax package due to be announced soon, it would be timely for Council to investigate its' implications, and in the interests of our ratepayers for Council to be proactive on this issue. As this study would be valuable to Local Government generally it would be reasonable to seek financial assistance from other Councils.

The study will enable us to determine the costs to Council of such reforms and advise the community generally. It will provide a valuable basis for Local Government to enter into policy discussions regarding tax reform with the Federal Government.

Recommendation:

That Council contributes \$15,000 to the commissioning of a study by the Australian Centre for Regional & Local Government Studies, at the University of Canberra, into the impact of a Goods and Services tax upon Local Government, and that the \$15,000 be voted and added to the current budget.

Further, that the Mayor write to other Councils and the Local Government and Shires Association to assist with the funding of the study.

Councillor Vic Smith (SGD)
Mayor

Moved by the Mayor, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

11 May 1998

**COUNCILLORS - DEPUTY MAYOR - INVITATION TO ATTEND
TAIPEI TO SPEAK ON PROSTITUTION LAW REFORM AND
COUNCIL'S BROTHEL POLICY (2016186)**

The Deputy Mayor, Councillor Christine Harcourt has been invited by the Speaker of the Taipei City Council to attend a Conference in that city from 23-27 May, 1998, inclusive and to speak on prostitution law reform in Australia, in particular the implementations of South Sydney Council's Brothel Policy.

GENERAL MANAGER

As this is a formal invitation from the Taipei City Council recognising some of the work done at South Sydney Council, Councillor Harcourt has asked if Council could pay half the cost of air fares approximately (\$460) and daily expenses from 23 to 27 May 1998. The Conference organisers are to meet the cost of accommodation.

Representatives from other countries will be in attendance at the Conference and will provide first hand knowledge of the problems of prostitution in their countries and how these problems are being addressed. It is considered that the attendance at the Conference by Councillor Harcourt will be of great benefit to Council.

Recommendation:

That approval be given to Council paying half the cost of the airfare for the Deputy Mayor, Councillor Christine Harcourt to visit Taipei and attend a Conference to speak on prostitution law reform in Australia, in particular the implementation of South Sydney Council's Brothel Policy and also to the payment of daily expenses from 23 to 27 May 1998, for which funds are available in the 1997/98 Revenue Estimates (EBE-77MO,77RO).

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

13 May 1998

**PLANNING - PREPARATION OF GREEN SQUARE LEP/DCP -
CONSULTANT'S INPUT (2016397)**

On 8 April 1998 Council resolved to endorse the principles of the Green Square Structural Masterplan and the preparation of staged LEPs/DCPs to enable redevelopment of the Green Square area. This planning process is progressing, with the view to have a Stage 1 Draft LEP and the bones of a DCP prepared by the beginning of June 1998. On 7 April last, a meeting was held with the Minister, representatives of Council, the Department of Urban Affairs and Planning and the South Sydney Development Corporation. At that meeting it was agreed that a Stage 1 LEP would be drafted over the ensuing 8 weeks and that a further meeting takes place at the end of that period to review progress. It is anticipated that workshops with the community and landowners will be held to allow input before the draft is finalised for exhibition.

GENERAL MANAGER

are available in account No. GW97001-660 Green Square Masterplan – Strategic Planning 1997/98 Budget Estimates.

J.W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Harcourt

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

Carried.

MINUTE BY THE GENERAL MANAGER

6 May 1998

COUNCILLORS - PAYMENT OF MAYOR/COUNCILLORS FEES FOR 1998/99 PERIOD (2004430)

Council on 14 May 1997, resolved to accept the maximum fee determined by the Local Government Remuneration Tribunal for the period 1 July 1997 to 30 June 1998, as set out hereunder:-

Councillor/Member Annual Fee	\$13,150
Mayor/Chairperson	\$31,500

The Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act, 1993 has now made a determination under Section 234 with respect to the annual remuneration fees payable to Mayors/Councillors of Local Councils for the period from 1 July 1998 to 30 June 1999.

Under the determinations of the Tribunal, South Sydney Council has been ranked in Category 1, along with 15 other Councils.

The fees allocated for Category 1 Councils for the 1998/99 period are the same as the previous 1997/98 period.

They are as follows, namely:-

	Minimum	Maximum
Councillor/Member Annual Fees	\$ 7,500	\$13,150
Mayor/Chairperson	\$15,000	\$31,500

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

GENERAL MANAGER

In keeping with Section 248 of the Local Government Act, a Council must pay each Councillor an annual fee in accordance with the Tribunal determination.

Council must pay the same fee for each Councillor.

A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Funds have been provided for the Mayor and Councillors fees in the 1998/99 Estimates.

The question of the fixing of annual fees for the Mayor and Councillors for the period from 1 July 1998 to 30 June 1999, is submitted for the determination of Council.

J.W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Bush:-

That Council accepts the maximum fee as determined by the Local Government Remuneration Tribunal as follows, namely:-

Councillor/Member Annual Fees	\$13,150
Mayor/Chairperson	\$31,500

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

-for which funds are available in the 1998/99 Revenue Estimates.

Carried.

MINUTE BY THE GENERAL MANAGER

13 May 1998

COMMUNITY SERVICES - DEFAMATION ACTION AGAINST MR DICK BENNETT ON BEHALF OF THE AGED AND DISABILITY SERVICES MANAGER (2014512)

A Minute by the General Manager dated 13 May 1998, was circulated to all Councillors prior to the Council Meeting.

GENERAL MANAGER

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

At this stage and at 7.30 p.m., it was moved by Councillor Deftereos, seconded by Councillor Bush:-

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

Carried.

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

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

At 7.37 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 the Minute by the General Manager dated 13 May 1998, regarding defamation action, be approved and adopted.

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.)

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 137 signatures appended from residents of South Sydney Council area and Marrickville Council area objecting to the proposed development at Nos. 3 - 19 Brown Street, Camperdown, for various environmental reasons.

Received.

2.

Councillor Harcourt tabled a petition with approximately 636 signatures appended from residents objecting to the proposal for a private hospital

development within the grounds of the Sydney University Colleges for reasons of traffic, parking, noise, security and environmental problems.

Received.

3.

Councillor Macken tabled a petition with approximately 21 signatures appended from residents of Alexandria and Erskineville requesting Council to prohibit Australian Mobile Radio from servicing vehicles at No. 260 Henderson Road, Alexandria.

Received.

QUESTIONS WITHOUT NOTICE

1.

STREETS - CORNER ROCKWALL CRESCENT AND MACLEAY STREET - COMPLAINT REGARDING BLOCKED STORM WATER DRAIN - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2009339)

Question:

I have received a complaint from a resident regarding an overflowing and blocked storm water drain at the corner of Rockwall Crescent, Macleay Street, Potts Point.

The drain was emptied of water by Council on Tuesday, 12 May 1998, but the resident is of the opinion that the problem of the blocked drain has not been rectified.

As this has been a problem for a considerable time with, I am told, many residents complaining to Council, could the Director of Public Works investigate the matter as soon as possible?

Answer by the Mayor:

That matter is already being addressed. I will have a response prepared for the Councillors Information Service in relation to that matter.

2.

KNIGHT STREET, ERSKINEVILLE - REPAIR OF EQUIPMENT IN PLAYGROUND - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P52-00127)

Question:

Could the Director of Public Works and Services please investigate the state of playground equipment and soft fall surface on the playground at the reserve at the end of Knight Street, Erskineville. As a matter of urgency, could the seat on the spring based animal be repaired?

Answer by the Mayor:

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

3.

TREES - QUEEN AND WILSON STREETS, NEWTOWN - MAINTENANCE OF STREET PLANTING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2005363)

Question:

Could the street planting on the northern side of the Queen Street/Wilson Street intersection at Newtown be looked at as it appears to be in need of weeding or other maintenance?

Answer by the Mayor:

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

4.

ST NEOT AVENUE, NOS. 3 - 5, POTTS POINT - REPAIR OF PALISADE SAFETY FENCE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2014286)

Question:

I live in a unit at Nos. 3 - 5 St. Neot Avenue, Potts Point, and the site of the apartment building straddles the Council steps between the upper and lower sections of St. Neot Avenue.

It has been brought to my attention that the palisade safety fence is rusted through and could be dangerous.

Could the relevant Council Officer investigate and report to the Mayor and Councillors via the Councillors Information Service?

Answer by the Mayor:

I will have that matter investigated tomorrow and have a response prepared for the Councillors Information Service.

5.

PUBLIC TRANSPORT - EXTENSION OF THE EASTERN SUBURBS RAILWAY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P59-00007)

Question:

RAGE (Road Action Group East, which has been generously supported by Council in the past), seeks South Sydney Council's support by requesting a report on the extension of the Eastern Suburbs Railway:

- (1) Motives of Waverley Council - celebrity class;
- (2) Public transport usage. Access;
- (3) Through traffic 1.5 million cars;
- (4) Support from South Sydney Council.

Answer by the Mayor:

In support of that proposal, some of the expressions being put by some of the community is that by putting a train to Bondi Beach, it will encourage people living in the Western Suburbs to visit Bondi Beach. Whether there is a train station at Bondi Beach or not, the people from the Western Suburbs will and certainly are entitled to access Bondi Beach or any other beach in Sydney. So I agree that if there is a rail link to the beach, it will certainly allow for a reduction in motor vehicles accessing the South Sydney area to get to the Eastern Suburbs. I will have a report prepared for the first Committee in June.

6.

ANTI-SOCIAL ACTIVITIES - LEGAL OPINION REGARDING ADVERTISEMENTS TAPED TO TELEGRAPH POLES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A55-00040)

Question:

Could legal opinion be sought on possible alternatives in gaining successful prosecutions against bands, the venues or agencies that commission advertisements taped to poles?

Answer by the Mayor:

I will ask both the Director of Planning and Building and Director of Public Works and Services to prepare a joint report because it is the Waste Services Branch of Council that has to remove the advertising from the telegraph poles and whilst it is an eyesore, we are endeavoring to remove it as soon as they are put on the poles. It is something we need to address.

7.

**PUBLIC RELATIONS - LETTER OF CONGRATULATIONS TO THE
FEDERAL GOVERNMENT - QUESTION WITHOUT NOTICE BY
COUNCILLOR BUSH (2015977)**

Question:

Could the General manager write to the Federal Government and the Treasurer offering congratulations to them from the residents of South Sydney Council on a job well done with the budget and return of Defence land to the people of Sydney for recreational use?

Answer by the Mayor:

No. The question is a bit premature.

REPORT OF THE FINANCE COMMITTEE

6 May 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillor – Greg Waters

At the commencement of business at 6.39 pm those present were:-

The Mayor and Councillor Waters.

Apology:

An apology for non-attendance at the meeting was received from Councillors Fenton and Macken.

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

GENERAL MANAGER

That the Report of the Finance Committee of its meeting of 6 May 1998, be received and the recommendations set out below for Items 1 to 6, inclusive, and 8 to 11, inclusive, be adopted. The recommendation for Item 7 being shown as immediately following such Item.

Carried.

There was no quorum present during the Finance Committee meeting. The Mayor and Councillor Waters who were present, **recommended** the following:-

1.

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

That arising from consideration of a report by the Director of Public Works and Services dated 6 April 1998, approval be given to:-

- (1) naming the unnamed section of roadway between Verona Street and Rosebud Lane, Paddington as Iona Lane;
- (2) erecting street nameplates with Iona Lane;
- (3) advertising and Gazetting of the new name and notification of relevant authorities made under the Policy adopted on 14 February 1996.

Carried.

2.

MYRTLE STREET, NO. 32, CHIPPENDALE - MR L WELLINGS AND MR P MARTIN - REFUND OF OVERPAYMENT OF RATES (2016200)

That arising from consideration of a report by the Director of Finance dated 3 April 1998, approval be given to refund without prejudice overpaid rates of \$2,233.76 to Mr L Wellings and Mr P Martin in respect of the property No. 32 Myrtle Street, Chippendale.

Carried.

3.

CONFERENCES - 1998 ROYAL AUSTRALIAN PLANNING INSTITUTE NATIONAL CONGRESS, BRISBANE CONVENTION CENTRE - ATTENDANCE BY COUNCIL REPRESENTATIVES (2005025)

That arising from consideration of a report by the Director of Planning and Building dated 30 April 1998, approval be granted for the Mayor, interested Councillors, the General Manager and the Director of Planning and Building to attend the Royal Australian Planning Institute National Congress to be held at the Brisbane Convention Centre, from 6 to 10 July and that payment of

GENERAL MANAGER

registration fees of \$700 travelling expenses, accommodation and subsistence be borne by Council, funds for which are available in the 1997/1998 Revenue Estimates accounts EBE77R0, EBE77M0, EAA77R0, EAA77M0, GMD77M0, GMD77R0.

Carried.

4.

STREETS - MANAGEMENT PLAN - WORKS 1997/98 - PUBLIC WORKS AND SERVICES DEPARTMENT, CONSTRUCTION BRANCH - QUARTERLY REPORT FOR PERIOD ENDING 31 MARCH 1998 (S56-02169)

That the report by the Director of Public Works and Services dated 20 April 1998, presenting the Quarterly Progress Report of the 1997/98 Works Programme (Construction Branch) for the period ending 31 March 1998, be received and noted.

At the request of Councillor Fenton, and by consent, the motion was amended by the addition of the following new Clause (B), namely:-

- (B) That the Director of Public Works and Services give a high priority to footway reconstructions in the next quarterly period.

Motion, as amended by consent, carried.

5.

ONSLow AVENUE, NO. 11, ELIZABETH BAY - REPAIR OF RETAINING WALL (2010094)

That arising from consideration of a report by the Director of Public Works and Services dated 29 April 1998, Council increase its without prejudice offer to the Philippine Consul General from \$13,525 to \$17,445 for the rebuilding of a section of the boundary wall of No. 11 Onslow Ave, Elizabeth Bay, subject to the signing of a release form preventing any further claims against Council, for which funds are available in the 1997/98 Revenue Estimates of this Department (CMN.77FO - Budget Transfer required).

Carried.

6.

BOUNDARIES - SOUTH SYDNEY COUNCIL - SUBURB BOUNDARIES OF RUSHCUTTERS BAY AND DARLINGHURST (B52-00003)

That arising from consideration of a report by the Director of Public Works and Services dated 28 April 1998, approval be given for the invitation (by letter drop) of the 10 properties in Bayswater Road and McLachlan Avenue, ie.

No. 123A, Nos. 123-127, Nos. 129-131, Nos. 133-135, Nos. 137-141, Nos. 143-151, Nos. 153-167 and No. 159A Bayswater Road, No. 28 Barcom Avenue and No. 1A McLachlan Avenue, to comment on the proposal of moving the boundary of Rushcutters Bay suburb to the rear of their properties to follow the railway viaduct and that after receiving submissions, a further report be prepared for Council.

Carried.

7.

STREETS - STREET TRADING AND DISPLAYS - GOODS FOR SALE - POLICY (L52-00237, S52-00030, S56-02171)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Bush:-

That the matter be deferred to review the discussions from the briefing held by Council on 6 May 1998.

Carried.

8.

CONFERENCES - LOCAL GOVERNMENT ROAD SAFETY CONFERENCE AND COUNCILLORS SESSION, 15 TO 17 JULY 1998, COOGEE HOLIDAY INN, SYDNEY - ATTENDANCE BY COUNCIL REPRESENTATIVES (2004120)

That arising from consideration of a report by the Director of Public Works and Services dated 29 April 1998, Council approve the attendance of interested Councillors at the Local Government Road Safety Conference to be held at the Holiday Inn Coogee Beach on 16-17 July 1998 and/or the "Councillors' Session" to be hosted by the Local Government & Shires Association on the evening of 15 July 1998 at the same venue, for which funds are available in the 1997/98 Revenue Estimates.

Carried.

9.

DOUGLAS STREET, NO. 38, REDFERN - PROPOSED TRANSFER OF CSAHS LAND - PARKLAND (2011258)

That arising from consideration of a report by the Acting Director of Corporate Services dated 1 May 1998, Council endorse the action taken by His Worship the Mayor, Councillor Vic Smith, requesting The Hon. Andrew Refshauge,

M.P., Deputy Premier to transfer the park at No. 38 Douglas Street, Redfern to Council for its care, control and maintenance in perpetuity.

Carried.

10.

**PLANT AND ASSETS - PUBLIC WORKS AND SERVICES DEPARTMENT -
SUPPLY, DELIVERY AND INSTALLATION OF LARGE STONE SAW FOR
USE BY THE STONEYARD SECTION (2016781)**

That arising from consideration of a report by the Director of Public Works and Services dated 29 April 1998, it be resolved that Council:-

- (a) accept the tender from Australian Marble Machines for the supply, delivery, installation and commissioning of masonry saw NBS2001 for \$97,400 with optional laser alignment device (\$2,200) and optional pendant board (\$2,700) for a total price of \$102,300;
- (b) approve the purchase from Bastel Pty Ltd of a 1200mm diameter diamond tipped saw blade (for sandstone) for \$2,700;
- (c) approve the purchase of a WATER-SAC water recycling tank system, including water pumps, from Australian Marble Machines for \$9,784;
- (d) vote funds of \$4,000 for the construction of necessary ancillary concrete works at the Euston Road Depot;
- (e) funds for above expenditure totalling \$118,784 to be made available from savings (approximately \$250,000) achieved in the purchase of 18 trucks, Plant and Assets Budget Reference Nos. 214-022, 214-023, 214-024.

Carried.

11.

**FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD
ENDING 24 APRIL 1998 (2015594)**

That the Investment Report by the Director of Finance dated 6 May 1998, be received and noted.

Carried.

The Finance Committee Meeting terminated at 7.13 p.m.

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REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**WEDNESDAY, 6 MAY 1998 AT 7.14 PM**

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matters) 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.

Apology:

An apology for non-attendance at the meeting was received from Councillors Fenton and Macken.

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

Item 1 - Personnel Matter

Item 2 - Financial Matter

Item 3 - Leasing Matter

Item 4 - Property Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 6 May 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted. The recommendation for Item 4 being shown as immediately following such Item.

There was no quorum present during the Finance Committee (Confidential Matters) meeting. The Mayor and Councillor Waters who were present **recommended** the following:-

1.

**COMPUTERISATION - INFORMATION TECHNOLOGY SECTION -
RESTRUCTURE (2001791)**

- (A) That the recommendation as contained in the report by the Director of Corporate Services dated 24 April 1998, in respect of the restructure of the Information Technology Section, Corporate Services Department, be approved and adopted.

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- (B) That the Director of Corporate Services submit a report to Committee on the use of Personal Computers (P.C.'s) by Council Staff.

Carried.

2.

FINANCE - 1997/98 BUDGET ADDITIONS - REVISED (2017792)

That the report by the Director of Finance dated 3 April 1998, regarding the above matter, be received and noted.

Carried.

3.

LEASING - PART WATERLOO TOWN HALL - NO. 770 ELIZABETH STREET, WATERLOO - ROOMS AT REAR - APPLICATION BY INNER SYDNEY REGIONAL COUNCIL FOR SOCIAL DEVELOPMENT CO-OP LIMITED (2016507)

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 30 April 1998, in respect of the leasing of rooms at the rear of Waterloo Town Hall to the Inner Sydney Regional Council for Social Development Co-op, be approved and adopted.

Carried.

4.

PROPERTIES - DISPOSAL OF NO. 30A AND NO. 30B PITT STREET, REDFERN (P06-00335)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay :-

That Council approves to negotiate the sale of the subject properties to the adjoining owners from Nos. 33 to 55 William Street, Redfern, inclusive, and to obtain legal advice on:-

- (a) the placing of a caveat over the sites in regards to future extension of the fence line;
- (b) payment of the purchase of installments in the case of hardship; mortgages and;

(c) the impact of the adjoining rights-of-way on all properties.

Carried.

The Finance Confidential Meeting terminated at 7.30 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

6 May, 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillor – Greg Waters.

At the commencement of business at 7.42 pm those present were:-

The Mayor and Councillor Waters.

Apology:

An apology for non-attendance at the meeting was received from Councillors Fenton and Macken.

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

That the Report of the Community Services Committee of its meeting of 6 May 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted. The recommendation for Item 4 being shown as immediately following such Item.

Carried.

There was no quorum present during the Community Services Committee meeting. The Mayor and Councillor Waters who were present, **recommended** the following:-

1.

COMMUNITY SERVICES - AGED SERVICES - SUPPLY OF MEALS ON WHEELS TO THREE SERVICES IN WOOLLAHRA (2011989)

That arising from consideration of a report by the Director of Health and Community Services dated 8 April 1998, Council grants its approval to

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contracts being signed for the supply of meals on wheels to the three organizations in Woollahra as listed in the abovementioned report, at \$4.20 (bulk) and \$4.50 (individually packaged), for two years from 1 July 1998 with a clause showing either party can cancel the contact with three months notice in writing.

Carried.

2.

HEALTH - COMMUNITY SERVICES - "CARING FOR CHILDREN AND CARING FOR INFANTS" - NUTRITION WORKSHOPS FOR CHILD CARE CENTRE STAFF (H51-00089)

That arising from consideration of a report by the Director of Health and Community Services dated 6 April 1998, approval be given to the use of Erskineville Town Hall free of charge by the CSAHS on 2 June 1998, 16 June 1998, 20 October 1998 and 27 October 1998 for the conduct of "Caring for Children and Caring for Infants" nutrition workshop for Child Care Centre Staff.

Carried.

3.

PARKS - PARK ON CORNER OF BALFOUR STREET AND BARTLEY STREET, CHIPPENDALE - PROPOSED NAMING DEDICATION AND UPGRADE WORKS (2010532)

That arising from consideration of a report by the Director of Public Works and Services dated 28 April 1998, approval be given to:-

- (1) a letterbox drop of Chippendale residents seeking opinion and comment on the proposed naming dedication of the park on the corner of Balfour Street and Bartley Street, Chippendale to "Strickland Park" and that the leaflet contain proposals for minor upgrade works for which community comment and input will also be sought;
- (2) a subsequent report being submitted to Council outlining the results of the community consultation with recommendations to proceed with the proposal if favourable community opinion is received.

Carried.

4.

PARKS - RUSHCUTTERS BAY PLAN OF MANAGEMENT - ENDORSEMENT OF STEERING COMMITTEE MEMBERS (2008533)

This matter was submitted to Council without recommendation.

Moved by Councillor Fenton, seconded by Councillor Macken :-

That arising from consideration of a report by the Director of Public Works and Services dated 4 May 1998, Council approve the community members, except the two candidates who did not apply before the closing date, being deleted and those members that have been nominated or participated in the first steering committee meeting as being members of the Rushcutters Bay Park Plan of Management Steering Committee, additional to the Councillors and Council officers already approved.

Carried.

The Community Services Committee Meeting terminated at 7.46 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

6 May 1998

PRESENT

Councillor Christine Harcourt (Chairperson)

The Mayor Vic Smith and Councillors - John Bush, John Fowler, Jill Lay,

At the commencement of business at 6.42 pm, those present were -

Councillors - Bush, Fowler, Harcourt, Lay.

That the Report of the Planning and Development Committee of its meeting of 1 April 1998, be received and the recommendations set out below for Items 2, 4 to 9, inclusive, 11, 14, 16, 18, 20 to 23, inclusive, 25, 26, 28 to 32, inclusive, 35 and 36, be adopted. The recommendations for Items 1, 3, 10, 12, 13, 15, 17, 19, 24, 27, 33 and 34 having been dealt with as shown immediately following such Items.

Carried.

1.

LANG ROAD, NO. 82, CENTENNIAL PARK - ERECT REAR FIRST FLOOR MASTER BEDROOM, ROBE, ENSUITE AND BALCONY - BUILDING APPLICATION (Q98-00159)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Gordon & Valich for permission to carry out new building work comprising new first floor master bedroom, ensuite, robe,

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balcony and other minor alterations to the ground floor at the abovementioned premises, all in accordance with submitted plans numbered BA01-BA06 and specification received on 24 February 1998, subject to the following conditions, namely:-

- (1) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
- (2) That compliance shall be given to all of the conditions shown on the approved plan;
- (3) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall be informed in writing **prior to the commencement of work** of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;

-and the Council shall be immediately informed in writing if:-

- (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (4) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council Officers;
 - (5) That the approval shall only relate to the work shown coloured on the approved plans;
 - (6) That the use of the premises shall remain as dwelling in single occupation only;
 - (7) That the hours and days during which building work may be carried out shall be restricted to between 7.00 am and 5.00 pm Mondays to Fridays and 7.00 am and 3.00 pm Saturdays with no work being carried out on Sundays or Public Holidays;
 - (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (9) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;
- (10) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (11) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
- (12) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (13) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (14) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (15) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (16) 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;
- (17) 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;
- (18) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (19) That the toilet shall be ventilated by means of an approved air handling system, exhausting at least 25 1/s;
- (20) That plans and specifications showing details of all proposed air handling systems shall be submitted to the Planning and Building Department and approval obtained before the installation is commenced;

- (21) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
 - (22) 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
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

That the application submitted by Gordon & Valich for permission to carry out new building work at the abovementioned premises, be deferred to the next Planning and Development Committee Meeting to be held on 20 May 1998.

Motion, as amended by consent, carried.

2.

CROWN STREET, NOS.496-512, SURRY HILLS - CHANGE OF USE TO A CAR REPAIR STATION - DEVELOPMENT APPLICATION (U97-00146)

That the application submitted by Trivett Classic Garage Pty Ltd, to operate a proposed car repair station within the lower ground floor of the existing building be deferred to the next Planning and Development Committee meeting to be held on 20 May 1998.

Carried.

3.

SELWYN STREET, NO.20, PADDINGTON - ALTERATIONS AND ADDITIONS TO DWELLING AND STUDIO ABOVE GARAGE - DEVELOPMENT APPLICATION (U97-00871)

- (A) That the Council, as the responsible authority grants its consent, to the application submitted by Mr A J Kernaghan, for permission to undertake alterations and additions at the subject premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plan Nos: 97056 sheet 2 dated August 1997 as amended by 98111 sheets 1&2 dated February 1998;
- (2) That the roof addition to the main dwelling shall be reduced in height so that the maximum height at the ridge shall not exceed 10m from natural ground level at that point, as defined by submitted plan, sheet 2, February 1998, or 2.7m from the existing roof and the angle of the roof slope fronting Selwyn Street be reduced to a maximum of 12° measured from the horizontal. Details shall be provided with the Building Application;
- (3) That the roof of the garage and loft shall be redesigned to provide for a pitched roof with slopes facing north and south and gable ends facing east and west. Windows shall be inserted into these gable ends with the window facing east to Iris Street being reduced to a single double hung window vertically proportioned of a ratio 0.5:1. Details shall be provided with the Building Application;
- (4) That the overall external height of the garage and loft shall be reduced to 5.4m above natural ground level;
- (5) That the first floor balcony at the rear of the development shall be appropriately screened on either side to a height not less than 1.6m from finished floor level. Details shall be provided with the Building Application;
- (6) That the proposed second floor balcony at the rear of the development shall be deleted from the proposal. Replacement with a Juliet style balcony may be acceptable. Details shall be provided with the Building Application;
- (7) That the roof of the ground floor rear extension to the main dwelling shall be reduced in height so that the maximum external height shall not exceed 3m from natural ground level at any point, as defined by submitted plan, sheet 2, February 1998;
- (8) That the loft/studio unit hereby approved shall only be used for purposes ancillary to the main dwelling house and shall not be used as a separate dwelling at any time;

and the following adopted standard conditions:

- (9) LDA152 - Schedule of finishes;
- (10) LDA153 - Reflectivity of external glazing;
- (11) LDA351 - Building Application required;

- (12) LDA384 - New alignment levels;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) hsc500 - Premises to be ventilated;
- (16) hsc800 - Use of appliances emitting intrusive noise;
- (17) LDA257 - Regulation of noise transmissions.

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

At the request of Councillor Harcourt and by consent the motion was amended by the addition of a Part (C) to the recommendation, namely:-

- (C) That Council resolves to support the State Environmental Planning Policy No.1 objection against the height limit contained in Clause 11 of the Local Environmental Plan No.107 as compliance with the standard in this instance would be unreasonable and unnecessary for the following reasons:

- ◊ The proposal generally complies with all relevant performance related criteria in Part F of Development Control Plan 1997 (Urban design);
- ◊ The additional height would not cause harm to the amenity of adjoining residential occupiers or to the area generally.

Motion, as amended by consent, carried.

4.

LEVEY STREET, NOS. 13-15, CHIPPENDALE - CONVERSION OF RESIDENCE TO ADDITIONAL OFFICE AND SHOWROOM - DEVELOPMENT APPLICATION (U97-01086)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Nick Mascitelli Imports Pty Ltd (owner), for permission to change the use of the top (third) floor from residence to additional office and showroom space associated with the existing clothing/footwear warehouse and a bedroom for occasional habitation, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans submitted with the application;

- (2) That a maximum of 7 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;
- (3) That the hours of operation shall be restricted to between 9.00 a.m. and 5.00 p.m. Mondays to Fridays inclusive;
- (4) 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:

- (5) LDA34 - Maintain existing loading dock;
- (6) LDA37 - Loading within confines of building;
- (7) LDA38 - Articulated service prohibited;
- (8) LDA44 - Driving in forward direction only;
- (9) LDA47 - Loading, parking and access to be kept clear;
- (10) LDA166 - Provide screening for garbage area;
- (11) LDA167 - No garbage on public way;
- (12) LDA362 - No retail sales;
- (13) LDA367 - Timing device on alarms;
- (14) hsc018 - Sanitary facilities;
- (15) hsc500 - Premises to be ventilated;
- (16) 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 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.

5.

CROWN STREET, NOS. 161-163, DARLINGHURST - ALTERATIONS AND ADDITIONS TO RESIDENTIAL AND COMMERCIAL BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00047)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Armitage Johannsen with the authority of Mr D Grego for permission to carry out alterations and additions to existing terraces for commercial use with studio unit in attic and erection of new studio unit at rear, and strata subdivision, subject to the following conditions, namely: -
- (1) That the development shall be generally in accordance with plans dated 2 October, 1997 and numbered 9712 DA01-04 issue A as held on Council file U98-00047;
 - (2) That the proposed front dormer window to No.161 Crown Street be amended to accord with South Sydney Council Development Control Plan 1997, ie of vertical to horizontal proportions not exceeding 1.5:1. Details to be submitted with the Building Application;
 - (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 one of the garage spaces fronting Burnell place shall be deleted from the proposal and the proposed studio redesigned to provide the following:
 - (a) ground level pedestrian access from Burnell Lane to the studio unit and through to the remainder of the site;
 - (b) an internal stairway to the studio unit;
 - (5) That the external access stair to the studio unit be deleted from the proposal;
 - (6) That the two remaining parking spaces shall be allocated to the office uses on the ground and first floor and the draft strata plan amended accordingly;

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(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	\$2932	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$876	2E97002.BGYO
Accessibility And Transport	\$ 12	2E97006.BGYO
Management	\$ 44	2E97007.BGYO

Total \$3,864

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

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

where:

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

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

Payment shall be made (before the release of the approved building plans / before the use is commenced or the premises occupied whichever occurs first.) **(Delete as applicable)**

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

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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.

- (8) 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;
- (9) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and

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

- (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) proposed fences;
 - (e) size and proportion of windows and doors;
- (10) That any external glazing shall have a reflectivity not exceeding 20%;
- (11) That the new windows in the front elevation shall be constructed in timber joinery;
- (12) That any proposed new brickwork proposed shall match the existing;
- (13) That a separate application shall be submitted at the appropriate time for the specific use of the office spaces hereby approved;
- (14) 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;
- (15) 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;
- (16) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (17) 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;

- (18) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (19) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (20) 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;
- (21) That a certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act 1994 shall be submitted to Council with the final plan of subdivision.
- (22) That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems.

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

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

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

Carried.

6.

CHARLES STREET, NO.41, ERSKINEVILLE - BUILD STUDIO ABOVE EXISTING GARAGE - DEVELOPMENT APPLICATION (U97-01145)

That the application submitted by Mr A Velliss, with the authority of Mr Z & Mrs L Trandafilovic, for permission to extend the garage and erect a first storey, extending to the side boundary, for use as a studio in connection with the existing residence be deferred as requested by the applicant in fax dated 6 May 1998.

Carried.

7.

HENDERSON ROAD, NOS. 146-150, ALEXANDRIA - EXTEND HOTEL TRADING HOURS - DEVELOPMENT APPLICATION (U97-00934)

The application submitted by Ms A Wright (owner) for permission to extend the trading hours of the hotel until 3am Mondays to Saturdays be deferred to the next Planning and Building Committee to be held on 20 May 1998.

Carried.

8.

WILLIAM STREET, NOS. 244-246, POTTS POINT - SECTION 102 APPLICATION TO VARY CONSENT FOR RESIDENTIAL FLAT BUILDING (U97-00539)

(A) That the Council as the responsible authority refuses its consent to an application pursuant to Section 102 to amend a development consent for a residential flat building so as to use part of the rooftop communal open space as private open space, for the following reasons, namely:-

- (1) That the building has a shortfall in open space in terms of DCP 1 and DCP 1997;
- (2) That a reduction in communal open space would provide a disbenefit to residents of the building in general which would not be offset by the benefit to the two units advantaged;
- (3) That approval 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.

9.

HANSARD STREET, NO.14, ZETLAND - DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO TERRACE HOUSES - DEVELOPMENT APPLICATION (U97-01046)

(A) That the Council as the responsible authority grants its consent to the application submitted by R and C McElhone (owners) for permission to demolish the existing dwelling and erect 2 two storey terrace houses, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawings numbered DA 01 to DA 08 inclusive dated November 1997;

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- (2) That the existing eastern corner pillar of the front and curved dividing wall shall be retained (or rebuilt and finished in matching materials if not structurally practical) to the satisfaction of the Director of Planning and Building;
- (3) That each lot shall have separate stormwater drainage to the satisfaction of the Director of Public Works and Services;
- (4) That windows and doors shall be constructed in timber joinery or wide profile aluminium frames, to the satisfaction of the Director of Planning and Building;
- (5) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;

and the following adopted standard conditions:

- (6) LDA384 - New alignment levels;
- (7) LDA389 - Stormwater disposal requirements;
- (8) LDA399 - Cost of consequential roadworks;
- (9) LDA12 - Applicant to liaise with Sydney Water;
- (10) LDA152 - Schedule of finishes;
- (11) LDA376 - Hours of building work;
- (12) LDA387 - Footway crossings;
- (13) HSC018 - Sanitary facilities;
- (14) HSC500 - Premises to be ventilated;
- (15) HSC800 - Use of appliances emitting intrusive noise;
- (16) LDA351 - Building Application required.

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

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

- (B) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved

condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;

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

Carried.

10.

WILLIAM STREET, NOS. 234 - 236, POTTS POINT - AMENDMENTS TO AN APPROVED SERVICED APARTMENT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00077)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Wolff Architecture Pty Ltd, with the authority of the Commonwealth Bank of Australia for permission to carry out amendments to an approved multilevel mixed use development involving variation of lightwells and a revised floor layout, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA001 - DA004 dated January 1998;
 - (2) That this consent shall after a period of two years from the date this consent becomes effective, (the applicant is advised that an application can be made to the Council before the period expires, for an extension of one year);
 - (3) That a certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to the release of the approved building plans;
 - (4) That a certificate shall be provided with the building application from a registered surveyor to confirm that the floor space ratio does not exceed 5.4:1. The floor space calculation is to be in accordance with the definition of gross floor area under Environmental Planning and Assessment Model Provisions, 1980, and plans submitted clearly to indicate the areas included / excluded from the calculations;
 - (5) That the floor to ceiling heights of levels 1 to 6 be increased to 2.7 metres;

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- (6) That the solid balustrades on levels 3, 4 and 5 of the William Street facade shall be deleted and replaced with open balustrades to the satisfaction of the Director of Planning and Building;
- (7) That planter boxes 1 metre in height and 700mm in width or privacy screens shall be located along terrace areas on the western facade of level six to the satisfaction of the Director of Planning and Building;
- (8) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$38,352	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$11,458	2E97002.BGYO
Accessibility And Transport	\$ 136	2E97006.BGYO
Management	\$ 578	2E97007.BGYO
Total	\$50,524	

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

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

where:

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

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

Payment shall be made (before the release of the approved building plans / before the use is commenced or the premises occupied whichever occurs first.) **(Delete as applicable)**

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

(B) Works in Kind

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

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

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

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

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

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will **not** be off-set against Section 94 Contributions and, if carried

out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (9) That a separate application shall be submitted at the appropriate time for the specific use of the ground floor retail component;
- (10) That plans and specifications showing details of:
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to any proposed commercial food preparation and storage areas

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

and the following adopted standard conditions:

- (11) LDA36 - Loading only within confines of the site;
- (12) LDA153 - Reflectivity of external glazing;
- (13) LDA161 - Provide common television aerial;
- (14) LDA165 - Provide garbage room on-site;
- (15) LDA170 - Commercial daily garbage collection;
- (16) LDA201 - Make separate application for sign;
- (17) LDA257 - Regulation of noise transmissions;
- (18) LDA351 - Building Application required;
- (19) LDA368 - Display of street numbers;
- (20) LDA374 - Disabled entry;
- (21) LDA376 - Hours of building work;
- (22) LDA377 - Construction noise regulation;
- (23) LDA384 - New alignment levels;
- (24) LDA387 - Footway crossings;
- (25) LDA389 - Stormwater disposal requirements;

- (26) LDA391 - Builder's Hoarding Permits;
- (27) LDA392 - No obstruction to public way;
- (28) LDA393 - Delivery of refuse skips;
- (29) LDA394 - Cost of alteration to signposting;
- (30) BC26 - Comply with BCA;
- (31) HSC103 - Environmental site assessment being carried out;
- (32) HSC001 - Compliance to Director of Health and Community Services;
- (33) HSC101 - Not give rise to emissions into the environment;
- (34) HSC111 - Liquid wastes to sewer;
- (35) HSC700 - Compliance with code for Garbage Handling System;
- (36) HSC705 - Construction of garbage room;
- (37) HSC706 - Storage of recyclables;
- (38) HSC711 - Commercial contract (trade waste);
- (39) HSC800 - Use of appliances emitting intrusive noise.

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

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

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

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition of a Part (C) to the recommendation, namely:-

- (C) That Council resolves to support the State Environment Planning Policy No.1 objection against the floor space into limit contained in Clause 11 of Local Environment Plan No.101 as compliance with the standard in this instance would be unreasonable and unnecessary for the following reason:

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- That the proposed floor space ratio of 5.4:1 does not cause any significant adverse environmental impact or streetscape impacts.

Motion, as amended by consent, carried.

11.

NORMAN STREET, NOS. 5 - 17, DARLINGHURST - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00154)

(A) That the Council, as the responsible authority, grants its consent to the application submitted by South Sydney City Council with the authority of South Sydney City Council for permission to carry out alterations and additions to the existing residential terrace buildings, involving restoration, removal of rear toilets and erection of new Ground floor rear additions at Nos.5 to 17 Norman Street, Darlinghurst, subject to the following conditions, namely :-

(1) That the development shall be generally in accordance with drawings numbered 97.561/DA01 to 05 inclusive and dated 19 December 1997, and the Conservation Plan dated February 1998 prepared by Architectural Projects Pty Limited;

(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 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	\$1,579	2E97001.BGYO
Open Space/Townscape/Public Domain	\$ 473	2E97002.BGYO
Accessibility and Transport	\$ 6	2E97006.BGYO
Management \$	\$ 24	2E97007.BGYO
Total	\$2,082	

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

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

where :

C is the original contribution amount as shown above;

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

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

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

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

Note : No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and BA plans relate to the subject site only and cannot be taken as approval to carry out 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 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

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elapse of a minimum defects liability period of at least twelve months after 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 all work affecting significant fabric shall be carried out in accordance with the conservation policies contained in page 17 of the conservation plan;
- (4) That all work affecting fabric identified as having a level of significance categorised as 'A' or 'B' in the conservation plan shall be carried out in consultation with a qualified conservation practitioner, acceptable to the Director of Planning and Building;
- (5) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the external finishes to walls, new roofing, windows, doors; and sliding shutters;
- (6) That a colour scheme for the building, incorporating heritage colours, shall be submitted for the approval of the Director of Planning and Building and the street elevations shall be painted in accordance with the approved colour scheme;
- (7) That any external glazing shall have a reflectivity not exceeding 20%;
- (8) That a maintenance plan for continued conservation of cultural significance of the building shall be prepared and implemented;
- (9) That the new external wall and roof finishes shall match the existing finishes.

and the following adopted standard conditions :

- (10) LDA351 - Building application required;
- (11) LDA376 - Hours of building work;
- (12) LDA377 - Construction Noise regulation;

- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) LDA393 - Delivery of refuse skips;
- (16) BC26 - Comply with BCA;
- (17) HSC500 - Ventilation of premises to comply with BCA and Council's Code;
- (18) HSC800 - Use not to give rise to an "offensive noise".

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

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

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

Carried.

12.

REGENT STREET, NO. 101, REDFERN - TO USE PREMISES FOR DRY CLEANING AND LAUNDRY SERVICE - DEVELOPMENT APPLICATION (U98-00136)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mrs X Nguyen, with the authority of Challans Holdings Pty Ltd, for permission to use premises for dry-cleaning and laundry, subject to the following conditions:-
 - (1) That the development shall be generally in accordance with plans dated February 1998, submitted on 19 February 1998;
 - (2) That the hours of operation shall be restricted to between 8.30 a.m. to 6.00 p.m. Mondays to Fridays, 10.00 a.m. to 6.00 p.m. Saturdays ;

(3) That any proposed exhaust vent shall be fully enclosed and discharged above the roof level in a position approved by the Director of Health and Community Services;

(4) That plans and specifications showing details of:-

- (a) all proposed mechanical ventilation systems;
- (b) all proposed mechanical ventilation systems and associated fire precaution features;
- (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:

- (5) LDA358 - Use confined to ground floor;
- (6) HSC500 - Premises to be ventilated;
- (7) HSC101 - Not give rise to emissions into the environment;
- (8) HSC111 - Liquid wastes to sewer;
- (9) HSC102 - Quantities of materials covered by Dangerous Goods Act;
- (10) HSC108 - Storage areas being bunded;
- (11) HSC110 - Sydney Water approval;
- (12) HSC704 - Garbage storage area;
- (13) HSC711 - Commercial contract (trade waste);
- (14) HSC801 - Noise from premises;
- (15) HSC803 - Acoustic report.

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

(C) That a report be prepared for the Traffic Committee regarding the feasibility of introducing a loading zone adjacent to the property in Wells Street and on a resident parking scheme for the remainder of Wells Street.

- (D) That the objector be notified in relation to the Building Application and that the appropriate Council Officer, prepare a report for the Councillors Information Services.

Carried.

13.

NEWMAN STREET, NO. 81, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q97-01032)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Bush:-

That the application submitted by Ms S Downie for permission to carry out alterations and additions to the rear of the premises including a new enclosed stair along part of the side passage, new bathroom, kitchen and ground floor deck, be deferred.

Carried.

14.

MITCHELL ROAD, NO. 274, ALEXANDRIA - USE PREMISES AS A PRINTERY - DEVELOPMENT APPLICATION (U97-01117)

- (A) That the Council, as the responsible authority, refuses its consent to the application submitted by Nmaiva Holdings, with the authority of Mr P & Mrs A Adamou, for permission to extend the hours of operation of the existing art studio, typesetting, platemaking and printing business to allow printing operations between the hours of 6.00 a.m. and 12.00 midnight daily, for the following reason, namely:-

- (1) That the proposal represents an intensification of the use of the premises which would be detrimental to the existing and future amenity of the surrounding area due to noise, traffic and parking congestion, etc and is contrary to the objectives of the zone;

-and accordingly the granting of consent 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.

15.

FOVEAUX STREET, NO. 136, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING PREMISES - DEVELOPMENT APPLICATION (U98-00144)

This matter was submitted to Council without recommendation.

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

That the application submitted by Wicks and Associates, with the authority of Patricia Wicks and Joanne Malcom, for permission to make alterations and additions, at the abovementioned premises be deferred to the next Planning and Development Committee meeting to be held on 20 May 1998, as requested by the applicant in letter dated 13 May 1998.

Carried.

16.

RILEY STREET, NOS. 172-190, DARLINGHURST - ALTERATIONS AND ADDITIONS TO RESTAURANT - DEVELOPMENT APPLICATION (U97-01101)

(A) That the Council as the responsible authority grants its consent to the development application submitted by Surry Hills Pty Ltd, with the authority of Mascula Pty Ltd & Chiliris Pty Ltd, for permission to use a ground floor tenancy as a restaurant, at the abovementioned premises, subject to the following conditions, namely:-

- (1) That development shall be generally in accordance with plan DA01, dated October 1997 submitted with the application;
- (2) That the hours of operation of the restaurant shall not extend beyond 7.00 a.m. to midnight on Mondays to Saturdays and 7.00 a.m. to 10.00 p.m. on Sundays;
- (3) That garbage removal shall only take place between the hours of 8.00 a.m. to 6.00 p.m.;
- (4) That three car spaces within the building shall be retained for the use of staff;
- (5) That no live or recorded music shall be provided;
- (6) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or

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- (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;
- (7) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

and the following adopted standard conditions:-

- (8) LDA201 - Make separate application for sign;
- (9) LDA351 - Building Application required;
- (10) LDA371 - No dancing;
- (11) LDA372 - No entertainment;
- (12) HSC500 - Premises to be ventilated;
- (13) HSC018 - Sanitary facilities;
- (14) HSC200 - Compliance with Food Premises Code;
- (15) HSC300 - Air handling systems for future food premises;
- (16) HSC301 - Cooking of food only if air handling system is provided;
- (17) HSC101 - Not give rise to emissions into the environment;
- (18) HSC700 - Compliance with code for Garbage Handling System;
- (19) HSC704 - Garbage storage area;
- (20) HSC711 - Commercial contract (trade waste);

- (21) 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, 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.

MISSENDEN ROAD, NO.10, CAMPERDOWN - ROYAL PRINCE ALFRED HOSPITAL PRECINCT STAGED HOSPITAL MASTERPLAN - DEVELOPMENT APPLICATION (U98-00071)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority favours the granting of its consent to the application submitted by the Central Sydney Area Health Service, with the authority of the New South Wales Health Administration Corporation, for permission to Stage 1 of a development concept/ masterplan, pursuant to Section 91AB(c) of the Environmental Planning and Assessment Act, 1979 (with development approval for associated demolition and initial siteworks), for the Royal Prince Alfred Hospital precinct (excluding areas nominated for "future development"), subject to the following conditions, namely:-

General

- (1) That the development shall be generally in accordance with plans numbered DA-01-21 dated January, 1998;
- (2) That this consent does not apply to the four sites identified as "future development site" (DA13) and the "potential development zone", which, if developed, shall be subject to separate development application(s). If such sites are developed for hospital related uses, no additional parking shall be provided unless as otherwise approved by the Council. Council will have

regard to the total parking availability on the site when such sites are developed;

- (3) That subsequent detailed development application(s) shall be lodged for new building works;

Design

- (4) That the height of the proposed extensions to "E Block" shall not be higher than the existing building;
- (5) That the design of the new car park shall include architectural measures to reduce its apparent bulk and scale, detailed in the subsequent relevant development application, and consideration shall be given to providing active uses at ground level to improve pedestrian amenity and the integration of the large building into its surrounds;

Heritage

- (6) That details of proposed works to buildings identified as Items of the Environmental Heritage shall be lodged with any subsequent development application, including details of additions and repairs;
- (7) That within the main hospital on the eastern campus and in an area highly visible to the public, on-site interpretative material detailing the extent of the in-situ footings, walls, structures and other additions which are to be demolished shall be carried out in accordance with the *Royal Prince Alfred Hospital Conservation Management Plan, 1997*. This could be in the form of a computerised display with interactive information for visitors, displays of existing materials and photographic records of heritage items proposed for demolition together with photos taken during the demolition of the heritage buildings which took place in the 1980's;
- (8) That an archaeological assessment by a suitably qualified and practising person shall be carried out prior to any construction work and a copy of the assessment and any recommendations shall be provided to the Council and the Secretary of the N.S.W. Heritage Office;

Parking

- (9) That the new car park shall only operate to accommodate 800 spaces at the first stage and if the remaining maximum of 200 spaces are also built, those spaces shall not be accessible until the "loss" of parking outlined in various sites (Dunblane Street, St John's land, miscellaneous parking) has already occurred;

- (10) That the parking areas shall be designed in accordance with relevant Australian standards;
- (11) That bicycle parking and parking for disabled drivers shall be provided in accordance with relevant Australian Standards and with consideration to Council's Development Control Plan 11 (or equivalent in force at the time) and the relevant Australian Standards;
- (12) That concurrence from the Roads and Traffic Authority shall be obtained prior to operation of the car parking station (to the extent the Crown is bound by Clause 127 of the LGA Regulations 1993);

Traffic

- (13) That prior to, or with, any subsequent development application, a detailed traffic report shall be submitted by a suitably qualified and practising person (prepared in consultation with Council Officers and the Roads and Traffic Authority) and shall address, as a minimum, the following matters:
 - (i) details of the width of carriageways and footpaths;
 - (ii) details of any proposed roundabouts, including measures to ensure pedestrian safety and safe circulation of traffic;
 - (iii) details of the proposed internal road system;
 - (iv) details of proposed traffic management measures to "calm" traffic on Missenden Road in the vicinity of the main hospital area;
 - (v) analysis of the effect of proposed traffic management measures on bypass traffic and its effect on local roads;
 - (vi) effect of traffic management on the provision of public transport services, including buses (consultation with Sydney Buses is required);
 - (vii) provision for loading and emergency vehicle facilities;
 - (viii) pedestrian safety and circulation; and
 - (ix) a traffic management plan during construction (can be separate);
 - (x) investigation of the necessity of the separately proposed link road between Grose Street and Lucas Street (a condition of the Court on the adjoining private hospital development);
- (14) That parking for construction workers and any displaced staff parking during construction shall be provided on site, unless other suitable parking arrangements have been made (such as the nearby provision of parking on another site with a shuttle bus service), until such parking becomes available back on the site;

- (15) That approval from the Roads and Traffic Authority shall be obtained prior to the removal or erection of any traffic lights;
- (16) That any entry boom gates shall be located appropriately within the site;
- (17) That vehicular access for demolition is to be off Carillon Avenue and/or Missenden Road;

Contamination

- (18) That the recommendations within the report *Contamination Assessment, Royal Prince Alfred Hospital, Jan 1998* (prepared by Sinclair Knight Merz) shall be followed;
- (19) That the consultant shall validate excavations and prepare a further report for comment by the Environmental Protection Authority (EPA) and any subsequent recommendations by the EPA shall be followed;
- (20) That prior to the disposal of any contaminated material from the site, advice shall be sought from the EPA's Hazmat Advice Unit in order to determine if any approvals for disposal are required;

Health/Amenity/other

- (21) That effective measures shall be taken to control excessive noise and to prevent the discharge of polluted water and the emission or escape of dust and waste materials;
- (22) That the construction of retail food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (23) That the developer shall provide a system of on-site stormwater detention, with detailed drainage plans to be submitted for concurrence by the Director of Public Works and Services prior to the commencement of work;
- (24) That details of alignment levels shall be lodged for concurrence by the Director of Public Works and Services;
- (25) That the developer shall reinstate any damaged kerb and gutters in materials similar to those existing and shall construct or re-construct any damaged roads and drainage to the satisfaction of the Director of Public Works and Services (with specification provided by Council's Manager of Traffic and Design);

- (26) That the developer shall be responsible for, and meet the cost, of any alteration or adjustment to public utility services affected by the development (to the extent that the applicant is obligated);
- (27) That all proposed mechanical ventilation systems; the garbage room or garbage receptacle storage area; and the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises shall be installed in accordance with the relevant Australian Standards;
- (28) That a concept landscaping plan of the site, including open space areas, pedestrian circulation, planting themes, trees to be removed and replaced, proposed hard works and the like shall be lodged with the subsequent development application(s);
- (29) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped (excluding those trees required to be removed for the new building works);
- (30) That the developer shall be responsible for the cost of removing, relocating, or replacing in the footway any tree whose removal has been the consequential result of the construction of the vehicle driveways, in accordance with the requirements of the Director of Public Works and Services;
- (31) That any discharge to the atmosphere from the development shall comply with the requirements of the Clean Air Act and Regulations made thereunder;
- (32) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane. Essential service shutdown work only (eg power, water, gas) which must be undertaken out of hours for hospital operational or patient safety needs is excluded from this condition. Any work outside these hours requires details for the concurrence of the Director of Planning and Building;
- (33) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (34) That the developer shall meet the cost of any 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 (consultation with Council's Public Works and Services Department is required in this regard);
- (35) 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;
- (36) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (37) 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;
- (38) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (39) That all proposed work shall be wholly within the boundaries of the subject site;
- (40) That the applicant shall accept responsibility for the cost of alterations or adjustment to existing public services affected by the proposed work, to the extent that the applicant is obliged;
- (41) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and with consideration to Council's Ventilation Code;
- (42) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia;
- (43) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health (except as permitted by any licence or legislation);
- (44) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;

- (45) 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 favouring 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, design and streetscape issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

18.

WYNDHAM AND GARDEN STREETS, NOS. 71-73 AND NOS. 68-72, ALEXANDRIA - 20 UNITS RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U97-00524)

That the application submitted by Mr. Keith Kelly, for permission to demolish existing buildings and erect a new residential flat development containing 20 units and basement car parking at Nos. 71-73 Wyndham Street and Nos. 68-72, Garden Street, Alexandria, be deferred to the Planning and Development Committee to be held on 3 June 1998.

Carried.

19.

ERSKINEVILLE ROAD, NOS. 3-9. NEWTOWN - ERECT A NEW RESIDENTIAL BUILDING OF 86 UNITS - DEVELOPMENT APPLICATION (U97-00976)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Kahlefeldt Securities P/L to construct a residential development of 86 units for the following reasons, namely:-
- (1) That a significant number of units within the development are not provided with solar access in accordance with the provisions of

D.C.P. 1997 - Urban Design, Part E Energy Efficient Site Layout and building design;

- (2) That satisfactory provision has not been made for service vehicles to access the site specifically the intersection of Brennen Lane and Erskineville Road does not accommodate a left turn in, left turn out.
- (B) That in the event that the matter proceeds to appeal Council's Solicitors be authorised to retain consultant and defend the matter on the above grounds as well as any other grounds deemed appropriate.

Carried.

20.

WILSON STREET, NO.220A, NEWTOWN SECTION 102 APPLICATION - DEVELOPMENT APPLICATION (U97-00096)

- (A) That the applicant be advised that the Council has considered the Section 102 application made under the Environmental Planning and Assessment Act, 1979, which seeks to amend Conditions 3, 4 and 5 of Councils Development Consent U97-00096, granted on 5 June, 1997 and relating to alterations and additions to the dwelling at No.220A Wilson Street, Newtown and has decided as follows:
 - (1) That the request for modification of conditions 3 and 4 relating to a required setback and fence to Forbes Street is not supported due to reasons relating to building bulk, relationship with adjoining properties, heritage issues, urban design considerations and controls within Councils Development Control Plan 1997;
 - (2) That the application be supported only insofar as condition (5) be amended to read:
 - (5) That the site coverage shall be reduced as the result of the required setback by condition 3 above and the Building Application shall be accompanied by an objection under Section 82 of Local Government Act, 1993;
- (B) That the persons who made representations with respect to the proposal be advised of Council's decision.

Carried.

21.

ABERCROMBIE STREET, NO.134, CHIPPENDALE - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U97-01171)

(A) That the Council as the responsible authority grants its consent to the application submitted by Seo Jae Hong, with the authority of Mr M & Mrs W Hwang, for permission to use the first floor of the existing premises as a commercial brothel, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered 97-019 and other information held on Council file U97-01171;
- (2) That the hours of operation shall be restricted to between 11.00 a.m. and 3.00 a.m. the following morning, seven days per week for the brothel operations, and 3.00 a.m. and 11.00 a.m. seven days per week for the purposes of cleaning and maintenance only;
- (3) That patrons shall not loiter in the ground floor foyer on entry to or exit from the premises, and at no time is this foyer to be used as a waiting or reception room;
- (4) That the use shall operate under a trial period and shall cease after twelve months from the date of commencement;

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

- (5) That each room shall contain its own sanitary facilities including toilet, shower and wash hand basin for the use of both sex workers and their clients and the use shall not commence until such time as these facilities are provided following submission and approval of a Building Application;
- (6) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy;
 - (b) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;

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

- (7) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) sanitary facilities;

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

and the following adopted standard conditions:

- (8) LDA37 - Loading within confines of building;
- (9) LDA167 - No garbage on public way;
- (10) LDA170 - Commercial daily garbage collection;
- (11) LDA202 - No flashing lights to be installed on site;
- (12) LDA351 - Building Application required;
- (13) LDA367 - Timing device on alarms;
- (14) LDA368 - Display of street numbers;
- (15) LDA376 - Hours of building work;
- (16) LDA377 - Construction noise regulation;
- (17) LDA392 - No obstruction to public way;
- (18) LDA393 - Delivery of refuse skips;
- (19) hsc500 - Premises to be ventilated;
- (20) hsc001 - Compliance to Director of Health and Community Services;
- (21) hsc400 - Compliance with Brothels Policy
- (22) hsc401 - Cleanliness of premises
- (23) hsc402 - Clean linen
- (24) hsc403 - Linen receptacles

- (25) hsc404 - Changing of linen
- (26) hsc405 - Laundering
- (27) hsc410 - Supply of condoms
- (28) hsc411 - Contaminated waste disposal
- (29) hsc413 - STD information
- (30) hsc416 - Health check-ups
- (31) hsc711 - Commercial contract (trade waste);
- (32) 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 doorways to all rooms on the first floor and the doorway leading from the printing area to the foyer at ground floor level shall be protected by self-closing solid core doors not less than 35mm thick;
- and the following adopted standard conditions:
- (2) BC524 - Emergency lighting;
 - (3) BC525 - Exit signs;
 - (4) BC528 - Fire detectors and alarm system;
 - (5) BC501 - Fire extinguisher;
 - (6) BC910 - Fire alarm bells;
 - (7) BC951 - Good housekeeping;
 - (8) BC952 - Egress paths kept free of obstructions;
 - (9) BC953 - Electrical installations to be inspected;

- (10) BC978 - Floor requirements;
 - (11) BC980 - Storage of goods in stairwell;
 - (12) BC310 - Protection of external openings;
 - (13) BC426 - Exit doors, shutters and grilles.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

RAILWAY PARADE, NOS. 107-125, ERSKINEVILLE - PACT YOUTH THEATRE - CHANGE TO OPERATING HOURS - DEVELOPMENT APPLICATION (U97-01129)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Pact Theatre for increased operating hours of the Pact Youth Theatre at Nos.107-125 Railway Parade Erskineville, subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted as follows:-
 - (a) Office hours: 8am to 8pm, seven days a week;
 - (b) Theatre hours for all indoor uses: 11am to midnight, seven (7) days a week;
 - (c) Theatre and performances associated with the outdoor platform (stage): 11am to 10pm, seven days a week;
- all activities shall be restricted to between the hours 11am and 10pm, Monday to Sunday after one year from the endorsed date of this consent;
- (The applicant is advised that an application, pursuant to Section 102 of the Environmental Planning & Assessment Act can be made to Council to seek modification of this condition before the period expires);
- (2) That occasional overnight work for the building and taking down of sets will be permitted only where that work is undertaken totally within the building and not within the outside yard area and only when deliveries of sets and materials for the construction of sets are made in daylight hours;

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- (3) That end of season celebrations will be permitted only where they are undertaken totally within the building and not within the outside yard area;
- (4) That the playing of amplified music or amplified musical instruments and the use of unsilenced power driven equipment is prohibited at all times;
- (5) That signs requesting people to leave the premises quickly and quietly be displayed inside the theatre building;
- (6) That no additional outdoor lighting will be permitted for any activities associated with the outdoor platform (stage);
- (7) 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.

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

Carried.

23.

KING CROSS ROAD, NO.1, DARLINGHURST - THE ELAN - PROPOSED REAL ESTATE AGENCY - DEVELOPMENT APPLICATION (U98-00187)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by East Developments, with the authority of The Proprietors, Regd Props S/P 55775, for permission to use retail Unit 7 within Elan complex as a Real Estate Agency, subject to the following conditions, namely:-

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- (1) That the development shall be generally in accordance with submitted floor, strata and parking plans;
- (2) That the two off street parking spaces shall be maintained for the exclusive use of the approved use;
- (3) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (4) That the hours of operation shall be restricted to between 8.30 a.m. to 6.30 p.m. Mondays to Fridays and 8.30 a.m. to 4.00 Saturdays.
- (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 work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation.

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

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

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

Carried.

24.

PARRAMATTA ROAD, NO.3001, CAMPERDOWN - CONSTRUCT A PRIVATE TEACHING HOSPITAL - DEVELOPMENT APPLICATION (U97-00774)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters :-

- (A) That the Council as the responsibility authority favours the granting of its consent to the development application submitted by the University of Sydney for permission to erect a private teaching hospital comprising

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basement parking in two levels for 236 spaces and a teaching hospital on five levels with associated teaching facilities, consulting rooms and hospital facilities within the Camperdown Campus of the University of Sydney and land owned by the Central Sydney Area Health Service, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans and drawings no. SK100B-114B and SK115-117 dated August 1997;
- (2) That the proposed elevated pedestrian walkway and link to the Royal Prince Alfred Hospital does not form part of this consent and any such link shall be the subject of a separate Development Application;
- (3) That the cost of all traffic works associated with the development and the subject of conditions within this consent and all works necessary as a result of the proposed development shall be met, in full, by the developer or owner;
- (4) That the provision of traffic signals at the intersection of Carillon Avenue and Western Avenue shall include:
 - (a) south bound approach lanes in Western Avenue for a minimum distance of 30 metres (full width plus taper);
 - (b) provision of week day peak period (No Standing) parking restrictions in Carillon Avenue, to be detailed with the Building Application;
 - (c) resolution of safe entry and exit for the Newtown North Public School site;
 - (d) adequate sight distance including allowance for a 11.5 metre single unit truck to use the access without affecting drivers waiting to exit from Western Avenue;
- (5) The traffic lights and Carillon Avenue/Western Avenue (and lights at the corner of Carillon Avenue/Missenden Road) shall be approved by the Roads and Traffic Authority of New South Wales and shall be operational prior to occupation of the hospital (with the cost to be negotiated with the RTA, if necessary);
- (6) That the proposed car parking layout, isle width, ramp grades and bay sizes shall conform with Australian Standard 2890.1-1983 and AS2090.2-1989;
- (7) That provision for 20 bicycle spaces shall be made in a highly accessible location, in accordance with the requirements of Councils Development Control Plan 11;

- (8) That adequate parking for people with disabilities, at the most convenient location(s), shall be provided;
- (9) That the operator of the hospital shall provide a “shuttle bus service” from the site to Redfern Station (or Central) and vice-versa, prior to and at the staff shift-change time to accommodate and encourage staff to use public transport. This bus service is to be provided for day time shift-changes, i.e. morning and afternoon and be for hospital staff only. Initially the service will be operated on a trial basis for six months to determine the consistency of demand and if warranted to continue on an indefinite basis;
- (10) That visitor parking in the basement car park shall be managed by attendants and a “valet parking” service for visitors shall be provided on week days;
- (11) That the basement parking area shall accommodate a maximum of 236 parking spaces, which shall be clearly line-marked and labelled where necessary;
- (12) That the concurrence of the Roads and Traffic Authority of New South Wales shall be obtained, if it is proposed to charge a fee for use of the car park, prior to the release of the Building Application (a copy of the written concurrence is to be provided to the Council);
- (13) That all trucks and service vehicles shall enter the site in a forward direction;
- (14) That the entry boom gates shall be located well within the site to allow queuing of vehicles, so as not to affect traffic on Carillon Avenue;
- (15) That site access shall be clearly marked as segregated ingress and egress;
- (16) That Western Avenue shall be improved to allow safe traffic circulation and improve footpaths (widened in places), and the location of security control devices shall be detailed in the Building Application;
- (17) That the “access lane” shall be widened to allow comfortable access for 11.5m single unit trucks to use the loading dock and turning circle analysis shall be detailed in the Building Application, demonstrating vehicles will be able to enter and leave the loading area in a forward direction;

- (18) That the entrance pillars, associated structures and gatehouse shall be retained/relocated and integrated into the design of the new entrance (existing bricks and two lighting structures shall be reused), to be detailed in the Building Application, to the satisfaction of the Director of Planning and Building;
- (19) That the developer shall lodge with Council and from a bank approved by Council, a guarantee for the estimated construction cost of all works this development requires on the adjacent roads. The developer, at no cost to Council, shall have this estimate prepared by a practising Quantity Surveyor. The latter shall take account of, but not be limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate, must satisfy the Director of Public Works and Services. The bank guarantee will be for this estimated cost, calculated at the future value compounded at a rate of 7% p.a. for a period extending from the time of preparing the estimate to the proposed opening date. The developer will be able to request a decrease in the amount of the original bank guarantee as sections of work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable;
- (20) That the developer to reinstate any damaged kerb and gutter in materials similar to those existing;
- (21) That the developer shall where necessary, construct or re-construct at the developer's cost, roads and drainage to the satisfaction of the Director of Public Works and Services. Council's Manager – Traffic and Design will provide specifications for the construction of re-construction of roads and drainage, on request;
- (22) 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 ;
- (23) That the developer shall provide a system of on site stormwater detention to the satisfaction of the Director of Public Works and Services. The developer shall submit with the Building Application the required fee and detailed drainage plans to be considered by the Director of Public Works and Services. If the plans are approved, they shall form part of any approved Building Application;
- (24) That the developer shall set the floor level of habitable areas 300mm above the 100 year flood level at the lowest point of the site. The developer's hydraulic consultants must determine this

level using currently accepted methods for the calculation of flood levels;

- (25) That healthy specimens of Poplar trees to the north of the "Access Road" shall be retained, if possible;
- (26) That evidence that the developer has considered all options to preserve the healthy Poplar trees, including realignment of the kerb levels and footpaths to include the trees, shall be submitted with the Building Application. Detailed plans showing the fixed levels along the southern side of the access road, current and proposed road and footpath alignments and proposed levels shall also be submitted for consideration with the building application;
- (27) That an existing survey of the site which indicates all existing trees, their species, height, caliper and their status to be retained or removed shall be submitted with the Building Application;
- (28) That separate approval is required from Council under the terms of the Tree Preservation Order for the removal of trees on site;
- (29) 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:
 - (a) Hard works and soft works including decorative paving types, retaining walls, garden bed edging, fencing, furniture, 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;
 - (b) Entry forecourt details, including use of appropriate materials with consideration to the design philosophy as outlined in the development application;
 - (c) A deciduous planting theme to reflect the existing character of the site and its surrounds;
 - (d) If planting is to occur of slab, soil depth shall be 1000mm for tree planting, 600mm for shrub planting and 400mm for turf areas. These dimensions are to include suitable water proofing and drainage layer;
 - (e) A maintenance schedule for the first 12 months;

- (30) That any discharge to the atmosphere from the development shall comply with the requirements of the Clean Air Act and Regulations made thereunder;
- (31) 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;
- (32) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (33) 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;
- (34) 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;
- (35) 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;
- (36) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (37) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environmental Protection Authority (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;

- (38) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code, and that smoke hazard management systems shall be installed in accordance with Part E2 of Building Code of Australia;
- (39) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (40) That the proposed commercial food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (41) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an approved air handling system shall be installed;
- (42) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (43) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (44) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (45) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (46) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (47) That a statement, advising of the process in which all contaminated and hazardous waste will be disposed of from the premises, shall be provided to the Health and Community Services Department and approval obtained before any process is commenced;

- (48) That the applicant shall enter into a commercial contract with a waste transporter who is licensed with the Environmental Protection Authority for the removal of contaminated waste and a copy of the contract shall be forwarded to Council's Health and Community Services Department before any process is commenced;
- (49) 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;
- (50) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) the location of exhaust/and intake vents;
 - (c) the garbage room or garbage receptacle storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

-shall be submitted with the Building Application and approval obtained before installation is commenced;

- (51) That all relevant sections of the BCA shall be complied with;
- (52) That ambulances not sound their sirens within the University grounds.

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, heritage issues, traffic and parking congestion, and would not be in the public interest.

- (B) That the Council delegates to the Director of Planning and Building the authority to determine the application subject to such conditions as may be agreed by the applicant.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

25.

RAPER STREET, NO.11, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING BUILDING - BUILDING APPLICATION (Q97-01064)

- (A) That a Notice/Order be issued on the owner of premises pursuant to Section 124.1(a) of the Local Government Act 1993, to remove the unauthorised work at the rear.
- (B) That the Council, as the responsible authority, grants its consent to the application submitted by Mario Barrera for permission to demolish the rear single storey portion and the erection of a new extension in masonry with metal roof at the rear of the abovementioned premises, all in accordance with the submitted plan numbered 5-97.A01 dated 19 November 1997, subject to the following conditions, namely:-
- (1) That this consent is limited to 2 years only;
 - (2) That the extent of the proposed rear roof alignment shall be reduced by a minimum of 650mm;
 - (3) That amended plans showing compliance with the requirements of Conditions (2) above shall be submitted and approved prior to commencement of building work;
 - (4) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (5) That the details of the existing and proposed drainage system and natural ground level from Raper Street to rear boundary shall be submitted for approval prior to commencement of building work;
 - (6) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for Discharge of Storm Water";
 - (7) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
 - (8) That compliance shall be given to all of the conditions shown on the approved plan;
 - (9) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;

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- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (11) 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;
- (12) 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;
- (13) 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;
- (14) For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

and the following adopted standard conditions:-

- (15) BC8 – Details of contractor;
- (16) BC11 – Inform Council for inspections;
- (17) BC15 – Approval relates to coloured work;
- (18) BC20 – Premises to remain as single dwelling;
- (19) BC62 – Survey Certificate for setup of building;
- (20) BC63 - Survey Certificate for finished building;
- (21) BC64 - Applicant to make good damage to party walls;
- (22) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (23) BC111 - Hours of work;
- (24) BC113 - Work to comply with noise standards;
- (25) BC116 - New work not to encroach boundaries;

- (26) BC119 - Requirements when excavating below footings;
- (27) BC123 - Demolition to comply with standard;
- (28) BC167 - Structural details and certification to be submitted;
- (29) BC170 - Structural certificate upon completion;
- (30) BC175 - Comply with Timber Framing Code;
- (31) BC176 - Approval for permanent work only;
- (32) BC184 - Foundation material under slabs;
- (33) BC186 - No structural work until approval granted;
- (34) BC189 - Termite protection;
- (35) BC337 - Construction of boundary walls;
- (36) BC340 - Non-flammable sarking materials;
- (37) BC529 - Smoke alarm systems;
- (38) BC601 - Water closets and shower compartments;
- (39) BC603 - Damp and weatherproofing;
- (40) BC608 - Ceiling heights;
- (41) BC609 - Natural light and ventilation;
- (42) BC617 - Rain or dampness penetration;
- (43) BC618 - Flashing to be provided;
- (44) HSC800 - Use of appliances emitting intrusive noise;

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

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

Carried.

26.

GEORGE STREET, NOS. 74-76, REDFERN - DEMOLISH EXISTING BUILDING AND ERECT NINE RESIDENTIAL UNITS AND 2 MULTI-USE UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00015)

- (A) That the Council as the responsible authority grants its consent to the application submitted by SOMA Design Partnership, with the authority of 235 Sussex Street Pty Ltd, for permission to demolish the existing building and erect a new building containing 9 residential units, 2 multi-use commercial tenancies and basement parking for 11 cars, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered DA01 to DA14 inclusive, dated November 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	\$17,934	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$5,327	2E97002.BGYO
Accessibility And Transport	\$63	2E97006.BGYO
Management	\$257	2E97007.BGYO
Total	\$23,581	

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

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

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where:

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

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

Payment shall be made (before the release of the approved building plans / before the use is commenced or the premises occupied whichever occurs first.) **(Delete as applicable)**

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

(B) Works in Kind

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

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

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

Security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its

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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 top level of the development shall be modified as follows:

- (a) delete bedroom 1 and the attached ensuites in units 7 and 9 and provide roof terraces in their place for private open space in connection with those units;
- (b) set unit 11 back at least 3.5m from the George Street frontage and relocate the existing northern garden terrace to the area provided by the setback;
- (c) provide a suitably detailed parapet along the front elevation similar in height to the adjoining building to the south to enclose the outdoor terraces behind; and
- (d) swap the location of the outdoor terrace and bedroom 1 and the attached ensuite in units 8 and 10 so that the terrace is adjacent to the boundary enclosed by a small parapet wall and the bedroom is setback about 3.5m from the boundary.

-to the satisfaction of the Director of Planning and Building;

- (4) That the car park ramp shall be modified to comply with the requirements of DCP 11 and AS2890.1, to the satisfaction of the Director of Planning and Building;
- (5) That 11 car parking spaces shall be provided on site comprised of 2 spaces for the multi-use tenancies, 7 for the residential units and 2 visitor spaces, to the satisfaction of the Director of Planning and Building;
- (6) That a street tree shall be planted at the Developer's expense in accordance with Council's Street Tree Masterplan and the

requirements of Appendix C, to the satisfaction of the Director of Planning and Building;

- (7) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
- (8) That a separate application shall be submitted at the appropriate time for the specific use of the non-residential tenancies;
- (9) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted for approval. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, raised planter boxes, 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 shall be 75 litres for trees and 5 litres for shrubs;
- (10) 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;
- (11) That the Developer shall submit a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (12) That the Developer shall arrange with the Parks Development Branch for a final inspection of the landscape works and that the works shall be constructed in accordance with the plans approved with the Building Application;
- (13) That a management plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted to the Director of Planning and Building and approval obtained prior to commencement of any work on site;
- (14) That the garbage room shall be designed and built in accordance with Council's Waste Management/Minimisation Fact Sheets;

(15) That plans and specifications showing details of:-

- (a) all proposed mechanical ventilation systems and associated fire precaution features;
- (b) car park ventilation systems;
- (c) the location of exhaust/and intake vents;
- (d) the garbage room;
- (e) all liquid storage areas;

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

(16) That a Certificate under Section 73 of the *Water Board (Corporatisation) Act 1994* in respect of the proposed development shall be submitted to Council prior to the release of the approved building plans.

-and the following adopted standard conditions:

- (17) LDA201 - Make separate application for sign;
- (18) HSC103 - Environmental site assessment being carried out;
- (19) HSC100 - Removal of spoil from site;
- (20) HSC500 - Premises to be ventilated;
- (21) HSC706 - Storage of recyclables;
- (22) HSC711 - Commercial contract (trade waste);
- (23) HSC801 - Noise from premises;
- (24) LDA376 - Hours of building work;
- (25) LDA377 - Construction noise regulation;
- (26) LDA384 - New alignment levels;
- (27) LDA387 - Footway crossings;
- (28) LDA389 - Stormwater disposal requirements;
- (29) LDA391 - Builder's Hoarding Permits;
- (30) LDA392 - No obstruction to public way;
- (31) LDA393 - Delivery of refuse skips;

(32) LDA394 - Cost of alteration to signposting.

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

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

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

Carried.

27.

RILEY STREET, NOS. 252-284, SURRY HILLS - ERECT 162 RESIDENTIAL FLATS AND SHOPS - DEVELOPMENT APPLICATION (U97-001208)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters-

That the application submitted by Allan Corke Architects, with the authority of Key Nominees Pty Ltd, for permission to erect residential flats and shops, at the abovementioned premises, be deferred for further consultation with the developer, Ward Councillors and Council's Planners taking on board the comments made by the community to make changes to the Ann Street frontage.

Carried.

28.

STREETS - EASTERN DISTRIBUTOR - ESTABLISHMENT OF COMMUNITY CONSULTATIVE COMMITTEE - REQUEST FOR SECRETARIAL SUPPORT (T02-00172)

That the report by the Director of Public Works and Services, dated 30 April 1998, regarding the above matter, be received and noted.

Carried.

29.

SOUTH DOWLING STREET, NO.771, REDFERN - ALTERATIONS TO REAR OF TERRACE - SECTION 100 AMENDMENT - BUILDING APPLICATION (Q97-00555)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Rocco Raso for permission to demolish existing toilet and laundry at ground level and to relocate them adjacent to the kitchen at the rear together with the erection of a new terrace and timber pergola at the abovementioned premises, all in accordance with amended plans numbered 1-3, 2-3 and 3-3 received on 10 February 1998, subject to the following conditions, namely:-
- (1) That amended plans showing the floor to ceiling height of the proposed laundry and toilet at the lowest point to be 2.1m and at the highest point to be 2.6m (pitch 10°) shall be submitted and approval obtained before work is commenced;
 - (2) That the proposed new extension shall be constructed to match the existing building;
 - (3) 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;
 - (4) 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;
 - (5) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
 - (6) That the developer shall submit for the approval of the Director of Public Works and Services the details of the stormwater disposal and drainage for the development;
 - (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;

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- (9) 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;
- (10) 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

- (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) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (18) BC111 - Hours of work;
- (19) BC15 - Approval relates to coloured work;
- (20) BC20 - Premises to remain as single dwelling;
- (21) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (22) BC111 - Hours of work;
- (23) BC113 - Work to comply with noise standards;
- (24) BC114 - Existing building to be kept in stable condition;
- (25) BC116 - New work not to encroach boundaries;
- (26) BC119 - Requirements when excavating below footings;
- (27) BC121 - Excavations and backfilling to be in accord with relevant standards;

- (28) BC122 - Excavations to be guarded (safety);
 - (29) BC123 - Demolition to comply with standard;
 - (30) BC167 - Structural details and certification to be submitted;
 - (31) BC170 - Structural certificate upon completion;
 - (32) BC186 - No structural work until approval granted;
 - (33) BC337 - Construction of boundary walls;
 - (34) BC421 - Private stairs construction;
 - (35) BC603 - Damp and weatherproofing;
 - (36) BC618 - Flashing to be provided;
 - (37) hsc800 - Use of appliances emitting intrusive noise;
 - (38) hsc500 - Premises to be ventilated.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

30.

DARLINGHURST ROAD, NOS 32-32A, POTTS POINT - ERECT ROOFTOP SIGN - DEVELOPMENT APPLICATION (U97-01161)

- (A) That Council as the responsible authority refuses its consent to the application submitted by Outdoor FX to erect a roof sign at Nos.32-32A Darlinghurst Road, Potts Point, for the following reasons, namely:-
- (1) That the roof sign is of an inappropriate height, bulk and scale;
 - (2) That the proposal will adversely impact upon the draft Heritage Conservation Area generally by virtue of its location, siting, bulk, scale and design;
 - (3) That the proposal will adversely impact on visual amenity and is generally not in the public interest;
 - (4) That the proposal is generally inconsistent with Development Control Plan No. 7- Guidelines for Outdoor Advertising;
 - (5) That the proposal is generally inconsistent with Council's Development Control Plan 1997.

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

Carried.

31.

SELWYN STREET, NO.34, PADDINGTON - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00041)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Mr S Van Bree, owner, for permission to construct a garage with studio above at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Nos.1 to 4 dated January 1998 as varied by these conditions;
 - (2) That the proposed work at the rear of the dwelling shall be deleted;
 - (3) That the proposed garage loft shall be deleted and the height of the roof reduced to the satisfaction of the Director of Planning and Building, such that the height to the ceiling does not exceed 5.4m;
 - (4) That the studio roof skylight shall be deleted;
 - (5) That the three panel bifold doors shall be replaced with french doors;
 - (6) That the external stair shall be screened to the satisfaction of the Director of Planning and Building;
 - (7) That the building shall be painted in heritage colours to the satisfaction of the Director of Planning and Building;
- and the following adopted standard conditions:
- (8) LDA351 - Building Application required;
 - (9) LDA376 - Hours of building work;
 - (10) LDA377 - Construction noise regulation;
 - (11) LDA387 - Footway crossings;
 - (12) LDA389 - Stormwater disposal requirements;

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- (13) LDA391 - Builder's Hoarding Permits;
- (14) LDA392 - No obstruction to public way;
- (15) LDA394 - Cost of alteration to signposting;
- (16) hsc500 - Premises to be ventilated;
- (17) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

32.

VICTORIA STREET, NOS. 186-188, POTTS POINT - ERECT 4 X3 BEDROOM TOWNHOUSES WITH COMMERCIAL UNITS - DEVELOPMENT APPLICATION -CONTRIBUTION INCLUDED IN CONSENT (U98-00149)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Frenkail Pty Ltd, with the authority of R. W. Rivkin, for permission to demolish the existing building and erect a 4 storey residential flat building comprising 4 x 3 bedroom units and two commercial/retail tenancies on the ground floor, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered A00DA015 and dated 23 February, 1998;
 - (2) That the openings to the ground floor courtyard from Victoria Street shall not be enclosed with any wall, gate, permanent landscaping or glazing at any time;
 - (3) That the canopies on the third floor shall be reduced in size so as to minimise their prominence when viewed from Victoria Street to the satisfaction of the Director of Planning and Building;
 - (4) That a maximum of 5 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space

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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;

- (5) That the required off-street car parking spaces shall be allocated on the basis of a maximum of 1 space per residential unit and a loading space for the ground floor shops;
- (6) That a separate application shall be submitted at the appropriate time for the specific use of the ground floor shops;
- (7) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$11,972	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$3,566	2E97002.BGYO
Accessibility And Transport	\$ 44	2E97006.BGYO
Management	\$ 171	2E97007.BGYO
Total	\$15,753	

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

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

where:

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

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

Payment shall be made (before the release of the approved building plans / before the use is commenced or the premises occupied whichever occurs first.) **(Delete as applicable)**

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

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 plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the layout disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to any proposed food preparation and storage areas;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (9) That the construction of any proposed food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (10) That the commercial premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;

and the following adopted standard conditions:

- (11) LDA21 - No resident parking for residential flat developments;
- (12) LDA37 - Loading within confines of building;
- (13) LDA45 - Parking and driveways to be kept clear;
- (14) LDA152 - Schedule of finishes;
- (15) LDA158 - Treatment of exposed walls;
- (16) LDA160 - Provide service ducts within building;
- (17) LDA161 - Provide common television aerial;
- (18) LDA201 - Make separate application for sign;
- (19) LDA351 - Building Application required;
- (20) LDA367 - Timing device on alarms;

- (21) LDA368 - Display of street numbers;
- (22) LDA376 - Hours of building work;
- (23) LDA377 - Construction noise regulation;
- (24) LDA384 - New alignment levels;
- (25) LDA385 - Colonnade and footpath levels;
- (26) LDA386 - Road Opening Permit;
- (27) LDA387 - Footway crossings;
- (28) LDA389 - Stormwater disposal requirements;
- (29) LDA392 - No obstruction to public way;
- (30) LDA393 - Delivery of refuse skips;
- (31) LDA394 - Cost of alteration to signposting;
- (32) hsc100 - Removal of spoil from site;
- (33) hsc101 - Not give rise to emissions into the environment;
- (34) hsc103 - Environmental site assessment being carried out;
- (35) hsc111 - Liquid wastes to sewer;
- (36) hsc500 - Premises to be ventilated;
- (37) hsc700 - Compliance with code for Garbage Handling System;
- (38) hsc705 - Construction of garbage room;
- (39) hsc711 - Commercial contract (trade waste);
- (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.

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

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- (1) That openings in the proposed walls of the stairway shall be protected and comply fully with the requirements of Table 3 of Specification C1.1, Clauses C.3.11 and C.3.4 of the BCA;
- (2) That vertical separation shall comply fully with the requirements of Clause C.2.6 of the BCA;
- (3) That proposed rooflights shall be redesigned so as to comply fully with the requirements of Clause 3.6 of Specification C.1.1 of the BCA;
- (4) That an additional exit stairway shall be provided to the first floor area which shall discharge directly to the street.
- (5) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

and the following adopted standard conditions:

- (6) BC26 - Comply with BCA;
- (7) BC310 - Protection of external openings;
- (8) BC318 - Fire entrance doors to units;
- (9) BC420 - Construction of stairways and ramps;
- (10) BC426 - Exit doors, shutters and grilles;
- (11) BC501 - Fire extinguisher;
- (12) BC507 - Hose reels;
- (13) BC508 - Hydrants;
- (14) BC524 - Emergency lighting;
- (15) BC525 - Exit signs;
- (16) BC528 - Fire detectors and alarm system;
- (17) BC609 - Natural light and ventilation;
- (18) BC611 - Ventilation of bathrooms/laundries;
- (19) BC612 - Wall sound transmissions;
- (20) BC614 - Floor sound transmissions.

NOTE 1: The owner's attention is drawn to the advisability of having periodic tests made of the spa water as to its suitability for bathing purposes.

NOTE 2: The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

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

Carried.

33.

STREETS - ROAD CLOSURES ASSOCIATION WITH CONSOLIDATION OF COOK AND PHILLIP PARKS, SYDNEY, BY SYDNEY CITY COUNCIL - ASSOCIATED ROADWORKS AND STREETScape WORKS (T52-00071)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Macken:-

That arising from consideration of a report by the Director of Public Works & Services dated 1 May 1998, it be resolved that Council:-

- (a) confirms acceptance of proposed minor changes for channelisation in William Street, Woolloomooloo between Boomerang Street and Riley Street, subject to review during the first three months of operation, and any further changes deemed necessary as a result of that review;
- (b) concurs in proposed landscape treatment for that area of Cook and Phillip Park near the corner of Boomerang Street and William Street;
- (c) gives approval for joint action by both Councils under the Local Government Act 1993, for a minor adjustment of the common boundary, so as to transfer an area of about 700 sq metres of public road in Boomerang Street and William Street from the City of South Sydney to the City of Sydney, with the City of Sydney to assume all future care, control and responsibility for that area

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

- (d) support the changes of boundaries, but this change has not confirmation of support for the development at Cook and Phillip Park, Sydney.

Motion, as amended by consent, carried.

34.

AMY STREET, NO. 6, ERSKINEVILLE - DEMOLITION OF EXISTING DWELLING AND ERECTION OF TERRACE HOUSE - BUILDING APPLICATION (Q98-00025)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority, grants its consent to the application submitted by Ms K Cheney for permission to demolish existing dwelling and erect a two storey terrace house at the abovementioned premises, all in accordance with the submitted plans numbered BA/01 to 03/100/A, MD/01/A received on 15 January 1998, subject to the following conditions, namely:-
 - (1) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (2) That compliance shall be given to all of the conditions shown on the approved plan;
 - (3) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall be informed in writing **prior to the commencement of work** of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;
 and the Council shall be immediately informed in writing if:-
 - (c) a contract is entered into for the work to be done by a different licensee;
 - or

- (d) arrangements for the doing of the work are otherwise changed;
- (4) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council officers;
- (5) That the use of the premises shall remain as dwelling in single occupation only;
- (6) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (7) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (8) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;
- (9) That the hours and days during which building work may be carried out shall be restricted to between 7.00 am and 5.00 pm Mondays to Fridays and 7.00 am and 3.00 pm Saturdays with no work being carried out on Sundays or public holidays;
- (10) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (11) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (12) That in accordance with the requirements of Clause 34 of the Local Government (Approvals) Regulation, 1993, a person excavating below the level of the base of the footings of a building on an adjoining allotment of land (includes a public road and any other public place) must comply with the following:-
 - (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and

- (c) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work;
- (13) That the demolition work shall comply with Australian Standard 2601-1991;
- (14) That structural details (including underpinning and/or shoring details) shall be submitted for consideration and approved prior to the commencement of any structural work. You are advised that by a resolution of Council, all structural plans must be accompanied by a certificate from an **approved** practising Structural Engineer. Details of the procedure of Structural Certification are attached herewith;
- (15) That a certificate shall be submitted at the completion of the proposed work from a registered structural engineer confirming that all structural work complies with the approved certified structural plans;
- (16) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (17) That this approval shall relate to permanent work only and does not include temporary work;
- (18) That foundation material under slabs on ground shall be of quality selected material free from organic matter or building refuse and shall be compacted to 95% AASHO or equivalent;
- (19) That no structural work shall be commenced until approval is granted by Council;
- (20) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (21) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;
- (22) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".

- (23) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (24) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (25) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (26) 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;
- (27) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (28) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (29) 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;
- (30) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of Part 3.8.5 of the BCA;
- (31) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (32) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (33) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (34) That the developer shall be responsible for the cost of removing, relocating, or replacing in the footway any tree whose removal has been the consequential result of the construction of the vehicle driveways, in accordance with the requirements of the Director of Public Works and Services;
- (35) That the developer shall be responsible for the cost of relocating the electric light pole in the public way adjacent to the

development, to a site satisfactory to the Director of Public Works and Services' requirements;

- (36) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (37) 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;
- (38) 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;
- (39) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (40) 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;
- (41) 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;
- (42) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;
- (43) That the details of the existing and proposed drainage system shall be submitted for approval prior to commencement of building work. You are advised that by resolution of Council, all drainage details must be accompanied by a certificate from a licensed builder or architect;
- (44) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plans;
- (45) 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;

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

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

Carried.

35.

PITT STREET, NO.4, REDFERN - PROPOSED MEDICAL CENTRE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01037)

- (A) That the Council as the responsible authority grants its consent to the revised application submitted by Multidwell Pty Ltd with the authority of Y Taouk (owner) for permission to alter and extend the existing terrace house and to convert the ground floor and part of the first floor as professional consulting rooms and the remainder of the first floor as a 2 bedroom dwelling with a rear balcony, the alterations to include the reinstatement of the front balcony, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans reference DA011/B dated 14 April 1998;
 - (2) That the existing enclosed front balcony shall be reinstated, including the windows and doors to be reinstated to original openings and the balcony balustrading to have a vertical emphasis and be constructed in materials to the satisfaction of the Director of Planning and Building;

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- (3) That the proposed rear roof line and raised side parapet walls shall be deleted and the existing roof pitch be maintained and a skillion roof extended over the proposed first floor rear addition, all to the satisfaction of the Director of Planning and Building;
- (4) That the proposed medical practice shall employ a maximum of 2 effective full time doctors and one support staff on the premises at any one time;
- (5) That the proposed medical practice shall operate as a general practice;
- (6) That the hours of operation of the medical practice shall be restricted to between 7.00am and 9.00pm, Monday to Friday inclusive and 8.00am and 8.00pm, Saturday and Sunday and public holiday;
- (7) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1198	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 409	2E97002.BGYO
Accessibility And Transport	\$ 8	2E97006.BGYO
Management	\$ 40	2E97007.BGYO
Total	\$1655	

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

(B) Works in Kind

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

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

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

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

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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 details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (i) external finishes to walls;
 - (ii) roofing finishes;
 - (iii) balcony balustrade treatment;
 - (iv) proposed fences;
 - (v) size and proportion of windows and doors;
- (9) That any external glazing shall have a reflectivity not exceeding 20%;
- (10) That the proposed new brickwork shall match the existing;
- (11) That no garbage or industrial waste shall be placed on the public way, eg. footpaths, roadways, plazas, reserves, at any time;
- (12) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (13) That no flashing, moving or intermittent lighting, visible from the public way shall be installed on the premises or on any external sign associated with the development;
- (14) That only clean and unpolluted water shall be permitted to discharge from the subject development to Council's stormwater drainage system;
- (15) That any discharge to the atmosphere from the development shall comply with the requirements of the Clean Air Act and Regulations made thereunder;
- (16) 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;

- (17) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems;
- (18) 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;
- (19) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (20) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (21) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (22) 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;
- (23) That all proposed work shall be wholly within the boundaries of the subject site;
- (24) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (25) 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;
- (26) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;

- (27) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (28) That suitably constructed waste disposal containers capable of being easily sealed shall be left on the premises for the reception of any contaminated material and, final disposal of the material shall be effected at an approved location;
- (29) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (30) 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.

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

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

- (B) That persons who made representations regarding the original proposal be notified of Council's decision.

Carried.

36.

BOURKE STREET, NO.486, SURRY HILLS - COMPLIANCE WITH COUNCIL APPROVAL - BUILDING APPLICATION (Q89-00849)

That the application regarding the abovementioned matter, be deferred.

Carried.

The Planning and Development Committee Meeting terminated at 9.10 p.m.

The Council Meeting terminated at 8.20 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER