

208TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 10 June 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.40 pm on Wednesday, 10 June 1998.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minutes of the Extraordinary Meeting of Council of 17 June 1998 and the Ordinary Meeting of Council of 13 May 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 Lay, seconded by Councillor Fenton:-

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

Carried.

Leave of Absence - Councillor Waters

A request was received from Councillor Waters for leave of absence from the Committee meeting on 17 June 1998.

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

That leave of absence be granted to Councillor Waters from the Committee meeting on 17 June 1998.

Carried.

MINUTE BY THE MAYOR

3 June 1998

AWARDS - STEPHEN MOORE - ROYAL AUSTRALIAN PLANNING INSTITUTE PRIZE (P58-00155)

It gives me great pleasure to inform Council that a member of the Planning and Building Department, Mr Stephen Moore, has been selected as the recipient of the Royal Australian Planning Institute (NSW Division) Prize.

GENERAL MANAGER

Stephen is about to complete a twelve month placement with Council's Planning and Building Department. His prize was awarded for the best performance by a student in year 3 of the Bachelor of Planning and Urban Development Degree Course.

RECOMMENDATION

That a letter of congratulations under the signature of the Mayor, be presented to Mr Stephen Moore on his award of the Royal Australian Planning Institute (NSW Division) prize.

Councillor Vic Smith (SGD)
Mayor

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

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

Carried.

At this stage, the Mayor presented Stephen Moore with his certificate.

MINUTE BY THE MAYOR

4 June 1998

PUBLIC RELATIONS - LAUNCH OF THE KING STREET PAVING ART PROJECT (2016538)

On 12 November 1997, Council resolved to upgrade the footpath of King Street Newtown from Brown to Wilson Streets.

The first stage of the upgrading includes the incorporation of artworks into the design of the footpaths. The cost of the work has been achieved through a cost sharing arrangement between Council and participating business people.

The designs for the artworks have been completed by a team of local artists and the construction of the Brown Street to Whately Lane section is due to commence in August this year.

As this partnership is the first of its kind to be undertaken between Council and business people, it is proposed Council hold a breakfast function to thank the participating business people and the local artists. The breakfast would be held on Tuesday, 14 July 1998 at Erskineville Town Hall, from 7.30 am to 9.00 am and participating business people and artists, Councillors and key Council Officers would be invited to attend.

It is ascertained that the cost of the breakfast would be \$2,500.

GENERAL MANAGER

RECOMMENDATION

That Council agree to hold a breakfast function to launch the King Street Paving Art Project, at Erskineville Town Hall on Tuesday, 14 July 1998 from 7.30 am to 9.00 am; at which participating business people and artists, Councillors and Council Officers will be invited to attend. The estimated cost of the function is \$2,500, funds for which are available to be drawn equally from the 1998/99 Strategic Planning Budget (GP99003.6594) and the Community Services Budget (KHL).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Waters -

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

Carried.

MINUTE BY THE MAYOR

10 June 1998

**ANTI-SOCIAL ACTIVITIES - CRIME PREVENTION AND SAFETY INITIATIVES
FOR KINGS CROSS (A55-00009)**

Further to Council's decision not to install a CCTV system in Kings Cross, the Premier has written to me advising a number of strategies which the State Government is proposing to introduce to reduce crime and improve safety in the Kings Cross, and to ask whether Council is interested in implementing any additional strategies which would compliment these.

In recognition of the uniqueness of the Kings Cross area, as a major tourist and entertainment precinct in Sydney , and also Council's role in ensuring a safe and clean environment, I am proposing that Council advise the Premier that Council will implement a number of strategies to help make the area safer. These involve:

- Upgrading lighting across the Kings Cross area
- Major capital improvements, particularly targeting locations known for anti social behaviour
- Improved maintenance and cleansing, and
- New Performance and Issues Monitoring Program to better monitor the performance of Council's services in the area, and identify issues and problems arising so that these can be addressed - before they become complaints.

GENERAL MANAGER

- Supporting a formal evaluation of the package of Kings Cross Crime Prevention and Safety Initiatives.

Together with Council's commitment to build a new Kings Cross Police station, implement major traffic reforms, and also support the improved operation of licensed premises in the 2011 area, these strategies clearly demonstrate Council's commitment to making Kings Cross a safer and more enjoyable place to live and visit.

With the exception of the lighting upgrade and major capital improvements (which will be subject to a further report to Council) and a contribution of \$5,000 towards a formal evaluation of the package, these strategies are able to be implemented within existing resources.

RECOMMENDATION:

THAT Council approve the following strategies:

- Upgrading of lighting across the Kings Cross area;
- Major capital improvements, particularly targeting locations known for anti social behaviour e.g. Roslyn Street and Springfield Mall;
- Improved maintenance and cleansing, and
- New Performance and Issues Monitoring Program to better monitor the performance of Council's services in the area, and identify issues and problems arising, within Council's current resources;
- A \$5,000 financial contribution towards a formal evaluation of the Kings Cross Crime Prevention and Safety Initiatives (including both Council and State Government strategies)

-to compliment those being implemented by the State Government to reduce crime and improve safety in the Kings Cross area.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

3 June 1998

DONATIONS - GAY & LESBIAN ANTI-VIOLENCE PROJECT - ASSISTANCE TO ATTEND AMNESTY INTERNATIONAL - HIVOS (LESBIAN AND GAY) HUMAN RIGHTS PROGRAM CONFERENCE IN AMSTERDAM (5276208)

The Lesbian and Gay Anti-Violence Project (AVP) has written to Council requesting assistance with accommodation costs for two (2) representatives of the AVP to travel to Amsterdam in July/August 1998 to present a paper at the Amnesty International - HIVOS (Lesbian and Gay) Human Rights Program Conference.

The Conference will be held in conjunction with the 1998 Amsterdam Gay Games and will run from 31 July to 9 August 1998.

The Conference paper will deal particularly with the AVP's health promotion approach to dealing with violence against lesbians and gays.

The AVP representatives are Bruce Grant Executive Officer of the AVP and Stevie Clayton, Co-Convenor of the Gay & Lesbian Rights Lobby. The Rights Lobby is the parent organisation to whom the AVP is accountable.

The Conference will also enable the representatives:

- to meet with and consult with representatives from around the world who run programs to counter anti-gay and anti-lesbian violence with a view to hosting an international conference to coincide with the 2002 Gay Games in Sydney;
- to meet with relevant individuals and agencies, and observe the approach taken in dealing with hate-related violence and street violence in conjunction with the Amsterdam Gay Games, with a view to producing a report on actions to be taken in preparation for the 2002 Gay Games in Sydney; and
- to meet with crime prevention experts in Amsterdam to learn more about how the AVP can better incorporate best practice principles into its violence prevention work.

The AVP is specifically asking for a donation of AUD\$1,440 to cover accommodation costs for two (2) people for eight (8) days.

Additional funds have been sought from the Crime Prevention Division of the NSW Attorney General's Department for the cost of the return airfares, and the Injury Prevention Policy Unit of the NSW Health Department to cover meals and incidentals.

RECOMMENDATION

That Council agrees to make a donation of \$1,440 under Section 356 of the Local Government Act (1993) to the Lesbian and Gay Anti-Violence Project towards accommodation costs for two (2) representatives to attend the Amnesty International - HIVOS (Lesbian and Gay) Human Rights Program Conference in Amsterdam from 31

GENERAL MANAGER

July to 9 August 1998 and that funds be voted accordingly, subject to additional funds being provided by the State Departments of the Attorney General and Health.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Waters:-

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

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

- (B) That should Mr. Grant and a Mr. Clayton be funded by the State Departments of Attorney Generals and Health to attend the Conference, that in light of Council's support that they be requested to report their findings to Council's Gay and Lesbian Committee.

Motion, as amended by consent, carried.

MINUTE BY THE GENERAL MANAGER

10 June, 1998

ADMINISTRATION - PROFILING AND PAVING WITH ASPHALT AT SELECTED ROADS (2015562)

Approval was given in May 1998, to call tenders for mill and resheet work on Council roads at an estimate cost of \$418,000 for which funds are available in the 1997/98 Engineering Works Program.

The work involves profiling of pavements and supply and laying of asphaltic concrete. Council's contractors engaged under SSROC conditions, CSR Emoleum and Boral Asphalt have advised that they are unable to do these jobs this financial year.

By close of tenders on Tuesday 2 June 1998, Council received 3 schedule rate tenders.

1. Pavement Salvage
2. David Christie and Sons Pty Ltd
3. Stabilised Pavements of Australia Pty Ltd.

Stabilised Pavements submitted rates for the profiling section only and was not considered further.

GENERAL MANAGER

Both Pavement Salvage and David Christie and Sons have previously worked for South Sydney Council and provided satisfactory service.

Taking into consideration details submitted to the Council by Pavement Salvage and David Christie and Sons, as well as time constraints, it is recommended that the work be allocated to both contractors as outlined below:

David Christie and Sons Pty Ltd

- Nobbs Street and Ridge Street, Surry Hills Area 600m² estimated cost \$15,000
- Murray Street, Waterloo Area 475m² estimated cost \$ 8,000

Unable to take on more work due to previous commitments Subtotal \$23,000

Pavement Salvage

- Knight Lane, Erskineville Area 520m² estimated cost \$20,000
- Gowrie Lane, Erskineville Area 320m² estimated cost \$17,000
- Benning Lane, Erskineville Area 960m² estimated cost \$30,000
- Tudor Place, Surry Hills Area 110m² estimated cost \$ 2,000
- Edwards St & Vine St Darlington Area 1520m² estimated cost \$21,000
- Ivy Lane, Darlington Area 510m² estimated cost \$ 9,000
- Shepherd Lane, Darlington Area 480m² estimated cost \$ 9,000
- Park Lane, Newtown Area 300m² estimated cost \$ 6,000
- Church St & Prospect St, Newtown Area 2625m² estimated cost \$46,000
- Vaughan Place, Little Cleveland St
and Stanley Street, Redfern Area 940m² estimated cost \$17,000
- Hercules St, Uther St and
Cooper Lane, Surry Hills Area 820m² estimated cost \$20,000
- Victoria Street, Potts Point Area 680m² estimated cost \$50,000
- Mountain Street, Ultimo Area 100m² estimated cost \$ 9,000
- Elizabeth Street, Newtown Area 100m² estimated cost \$ 4,000
- Black Wattle Lane, Ultimo Area 1000m² estimated cost \$ 25,000
- Brown Lane, Newtown Area 450m² estimated cost \$ 7,000
- Watkins Lane, Newtown Area 420m² estimated cost \$ 7,000
- Bloomfield St, Little Bloomfield St
Denham Street, Darlinghurst Area 1360m² estimated cost \$ 30,000
- Barcom Ave, Darlinghurst Area 1800m² estimated cost \$ 28,000
- Stewart Street, Paddington Area 2200m² estimated cost \$ 21,000
- Ashmore Street, Erskineville Area 823m² estimated cost \$ 14,000

Subtotal \$392,000

TOTAL \$415,000

It is recommended that a contingency sum of approximately 10% be provided to allow for any unforeseen circumstances or conditions which may occur throughout construction. A contingency sum of \$41,000 would be required.

GENERAL MANAGER

RECOMMENDATION:

That approval be given to

- (A) accept the schedule rate tender from David Christie and Sons Pty Ltd submitted on 2 June 1998 for the profiling and supply and laying of asphaltic concrete on selected roads to the estimated amount of \$23,000.
- (B) accept the schedule rate tender from Pavement Salvage Operations Pty Ltd submitted on 2 June, 1998 for the profiling and supply and buying of asphaltic concrete on selected roads to the estimated amount of \$392,000.
- (C) approve additional funding to provide for a contingency sum of \$41,000 to allow for unforeseen problems during construction.

-funds are available in the 1997/98 Engineering Works Programme (mill and resheet works \$650,000, reconstructions works \$198,000, Local Works Programme \$297,000).

(The Tender Committee has discussed the subject Tenders and is of the opinion that all Council's purchasing procedures have been complied with and endorses the above recommendation)

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

10 June 1998

**INVITATION TO ATTEND THE SPECIAL EMPLOYMENT
PLACEMENT MEETING (2008763)**

As part of the funding agreement with the Commonwealth Department of Health and Family Services, an invitation has been extended to Council's Equal Employment Opportunity Manager, Mr Ricardo Herft to attend the Special Employment Placement Meeting.

GENERAL MANAGER

This meeting is held to bring together Special Employment Placement Officer representatives from State Disability Services and Commonwealth Rehabilitation Services to focus on the employment of people with disabilities.

The meeting gives representatives from organisations time to discuss specific issues, share experiences and effectively network with the Directors from the Commonwealth Department of Health and Family Services Employer Incentives Division. Furthermore, it gives Council up to date information on the current wage subsidies for employers and how to gain access to these funds.

Council's Final Report for the Special Employment Placement Project, September 1997 to March 1998, will be tabled at this meeting.

Approval is sought for the Equal Employment Opportunity Manager to attend the Special Employment Placement Meeting to be held in Melbourne on Monday, 15 June 1998. The Department of Health and Family Services will incur all costs involved.

RECOMMENDATION:

That approval be given for the Equal Employment Opportunity Manager, Mr Ricardo Herft to attend the Special Employment Placement Meeting to be held in Melbourne on Monday, 15 June 1998, at no cost to Council.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Waters:-

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

Carried.

PETITIONS

1.

Councillor Deftereos tabled a petition with approximately 22 signatures appended from residents requesting Council to grant 4 Parking stickers for the parking of the priest and member of St. Sophia Church Committee.

Received

GENERAL MANAGER

2.

Councillor Fenton tabled a petition with approximately 45 signatures appended from residents of Potts Point objecting to the proposed development at Nos. 91-93C Macleay Street, Potts Point.

Received

QUESTIONS WITHOUT NOTICE

1.

**PROPERTIES - MANAGEMENT - CIVIC ADMINISTRATION CENTRE -
DISABLED PEOPLE ACCESS - INCORPORATION - PROVISION -
QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON. (2018137)**

Question:

My question is in relation to the Council's new Administration Building. Our Access Committee for People with disabilities is concerned that all aspects of disabled access be incorporated into the new building. That is people with physical, sensory and intellectual disabilities be considered in the design and layout of the building.

I understand the Development Application has been lodged and is currently being processed. Your Worship, you may recall at the recent Access Conference in Adelaide it was stated that "to get it right from the beginning" it is necessary to include conditions in Development Application requiring an independent access audit by a properly qualified assessor to be included in these conditions. May I be assured that this will be a condition of our Development Application and that the audit will be available when the Building Application is submitted?

Answer by the Mayor:

I will ask the Director of Corporate Services to prepare a response to that question. There is a correction in your question, the Development Application has been lodged but is certainly has not be processed.

2.

MACLEAY STREET NO.95, POTTS POINT - DEVELOPMENT APPLICATION - NOTIFICATION OF RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (U98-00391)

Question:

Residents of Macleay and Hughes Streets and Greenknowe Avenue are concerned about the lack of notification of the proposed development at No.95 Macleay Street, Potts Point.

Could I be assured that the Development Application be notified to all affected parties.

Answer by the Mayor:

I will ask the Director of Planning and Building to look at the question of the notification and the areas that have been notified. I will ask him to consult with you on the area that has not been notified.

3.

STREETS - ROBERTSON ROAD AND LANG ROAD, MOORE PARK - TRAFFIC MOVEMENTS RE CLOSURE OF ROBERTSON ROAD - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (S06-00567)

Question:

Could I have a report on the additional traffic movements likely on Lang Road when Robertson Road is closed?

Answer by the Mayor:

I think that is part of the overall study and the phasing of the lights at Moore Park Road and Anzac Parade.

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

4.

TRAFFIC - ERSKINEVILLE PRECINCT - CHARLES STREET, ALBERT STREET AND BURREN STREET INTERSECTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (T02-00025)

Question:

Arising from the Community Consultation meeting last Monday a number of residents have complained about the level of traffic and traffic related issues,

around Charles Street, Albert Street and Burren Street intersections in Erskineville.

A number of residents have written to me with their suggestions to possibly resolve these issues. If I provide these letters to Council, can I get a urgent report on what actions Council can undertake to resolve these problems?

Answer by the Mayor:

If you could fax them to my office tomorrow, I will get the Director of Public Works and Services to investigate. Obviously some of the matters will have to go before the Traffic Committee and I will certainly have a report prepared for the Councillors Information Service.

5.

STREETS - FOOTPATHS - CHEWING GUM REMOVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018376)

Question:

Can the Director or Public Works and Services please report on the commercially available process for the removal of chewing gum from paving and footpaths?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report in relation to that matter.

6.

PLANNING - ALEXANDRA CANAL - FORMER WOOLSHEDS - INTERIM CONSERVATION ORDER - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY. (2010556)

Question:

Could Council's Planning and Building department prepare a report on the heritage value and the question of retaining the former woolsheds on the banks of Alexandra Canal. If they are found to be of heritage value could the Mayor and Council request the Minister for Planning to place an Interim Conservation Order on the buildings as a matter of urgency?

Answer by the Mayor:

I will ask the Director of Planning and Building to have the Council's Heritage Consultant assess those buildings and if the findings are positive in relation to

their heritage significance I certainly will contact the Minister in relation to the Interim Conservation Draft.

7.

BOURKE STREET, NOS. 421-441, SURRY HILLS - ST MARGARET'S HOSPITAL SITE - REZONING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2002545)

Question:

Given the imminent "decommissioning" and likely sale of St. Margaret site in Bourke Street, Surry Hills, will Council Officers be seeking any necessary compliance with DAUP to rezone this site to ensure it has the appropriate controls of FSR and height so as to amend the Council's DCP 1997.

Answer by the Mayor:

I will have the Director of Planning and Building prepare a report for the Councillors Information Service for you Councillor Fowler.

8.

STREETS - RESIDENT PARKING PERMITS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (P51-00015)

Question:

It has been brought to my attention that a person or persons with valid parking permits have on-sold the permit to residents or shop-keepers who do not reside in the South Sydney area.

How can Council monitor that the cars parked in the South Sydney area have a legitimate parking sticker?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have a report prepared for Council's Committee for you Councillor Deftereos.

9.

PLANNING - SYDNEY SHOWGROUND - FOX STUDIOS AUSTRALIA PTY LTD - AMENDMENTS TO MASTER PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2015554)

Question:

Can Council write to the Minister for Urban Affairs and Planning, the Hon. Craig Knowles objecting to yet another amendment to Fox Studios Australia Pty Ltd, for the Sydney Showground? I believe it is amendment 8, 9 or 10.

This makes a farce of the approved Master Plan and a mockery of the democratic process.

Answer by the Mayor:

I will ask the Director of Planning and Building to firstly have a report prepared for the Councillors Information Service in relation to that question for you Councillor Deftereos.

10.

STREETS - SEATS - GEORGE STREET, ERSKINEVILLE - PROVISION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY(2001974)

Question:

Could the Director of Public Works and Services investigate the possible placement of a seat in George Street Erskineville, as a rest stop for residents on their way up to Erskineville shops?

Answer by the Mayor:

Yes, I will certainly ask the Director of Public Works and Services to have that seat installed at a prominent location in George Street.

11.

PARKS - HARRY NOBLE - RESERVE ERSKINEVILLE - REPAIRS TO PERGOLA TIMBER SUPPORTS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002101)

Question:

Could the Director of Public Works and Services please investigate and repair if necessary the timber supports for the pergola in the Harry Noble Reserve? I have been told that white ants have actually damaged one of the uprights of the goal posts in Erskineville Oval.

Answer by the Mayor:

I will ask the Director of Public Works and Services to treat that matter with some urgency and have a report prepared for the Councillors Information Service this Friday.

12.

STREETSCAPE - BURREN STREET, ERSKINEVILLE - BARRIER TO PREVENT SOIL EROSION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S57-00036)**Question:**

Could Council's Park Department investigate the landscaped area along the rail line at the end of Burren Street, Erskineville? During the heavy rain there was considerable runoff in the area and some of the soil came down. It may need a barrier.

Answer by the Mayor:

I will have that investigated and have a report prepared for the Councillors Information Service

13.

SIGNS - TRAFFIC - WILSON STREET, BURREN STREET INTERSECTION - UPGRADING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2008555)**Question:**

Could Council's Traffic section please investigate the upgrading signage, particularly the one way/no entry signs at the Wilson/Burren Street, roundabout?

Answer by the Mayor:

The Director of Public Works and Services informs me that it is currently under way and they are to replace them very shortly.

REPORT OF THE FINANCE COMMITTEE

3 June 1998

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

At the commencement of business at 6.41 pm those present were:-

Councillors Deftereos, Fenton, Macken, and Waters.

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

That the Report of the Finance Committee of its meeting of 3 June 1998, be received and the recommendations set out below for Items 1 to 10, inclusive, and 12 to 16, inclusive, be adopted. The recommendation for Item 11 being shown as immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CONFERENCES - MANAGEMENT PLAN 1998-2001 - KITCHEN EQUIPMENT - REPORT (2006310)

That Council receive and note the report by the Director of Health and Community Services dated 15 May 1998, concerning the purchase of kitchen equipment.

Carried.

2.

FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - APRIL 1998 (2018113)

That arising from consideration of a report by the Director of Finance dated 30 April 1998, approval be given to the confirmation of the payment of the accounts totalling \$7,768,269.19, as detailed in the Summary of Warrants for the Month of April 1998.

Carried.

GENERAL MANAGER

3.

FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 24 APRIL 1998 (A52-00240)

That the report by the Director of Finance dated 19 May 1998, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

4.

STREETS - RENWICK STREET, REDFERN - PROPOSED CLOSURE AND SALE OF PART - DISCONTINUANCE (S58-00038)

That arising from consideration of a report by the Director of Public Works and Services dated 18 May 1998, and notwithstanding the resolution of Council dated 27 March 1996, no further action be taken to close and sell part of Renwick Street, Redfern, from the cul-de-sac to Phillip Street, as shown on Plan No. S6-280/231.

Carried.

5.

PARKS - AREA ABOVE NAVY CAR PARK, WOOLLOOMOOLOO - NAMING - PICNIC IN CELEBRATION OF OCCASION (P52-00030)

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

That arising from consideration of a report by the Acting Director of Public Works and Services dated 19 May 1998, approval be given to:-

- (1) the selection of a name for the park on top of the Navy Car Park reflecting a local community connection with Aboriginal Heritage, the Arts or the Navy and that the community be encouraged to participate in the process by suggesting names;
- (2) the Cultural Committee of Council making the decision regarding the name of the park with the concurrence of Council;
- (3) an event being arranged which involves a picnic for the local community where the Mayor officially announces the new name, the details being as outlined above;
- (4) a plaque being made noting the name, date etc of the event and that this is unveiled on the day of the picnic.

Carried.

6.

STREETS - FOOTPATHS - RECONSTRUCTION - ANZAC PARADE, MOORE PARK, WEST SIDE, NORTH FROM INTERSECTION WITH CLEVELAND STREET (2010337)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 29 May 1998, approval be given to:-

- (1) carry out footpath reconstruction on the west side of Anzac Parade Moore Park, north from the intersection with Cleveland Street;
- (2) fund the work from identified savings in the 1997/98 footpath Engineering Works Programme;
- (3) calling quotations for the asphalt topping of the above.

Carried.

7.

LICENSING - SWANSON STREET NO.108, ERSKINEVILLE - PROPOSED FOOTWAY LICENCE (2017754)

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

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

- (1) the granting of a licence to Graeme and Kathryn Thompson over an area of 7.5 square metres of the footway of Park Street and Swanson Street adjacent to the Kurrajong Hotel at No. 108 Swanson Street, Erskineville as shown stippled on Plan No S4-130/695A and subject to the conditions in the schedule accompanying the Acting Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions (7) and (8) in the schedule accompanying the Acting Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;

GENERAL MANAGER

- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions (7) and (8) in the schedule accompanying the Acting Director's report, or failed to execute the licence agreement.

Carried.

8.

STREETS - VICTORIA STREET, DARLINGHURST, BETWEEN LIVERPOOL STREET AND BURTON STREET - STAGE 4 CONSTRUCTION WORKS - ACCEPTANCE OF TENDER (2014588)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 29 May 1998, approval be given to:-

- (a) accept the tender from Kingston Industries Pty. Ltd., submitted on 27 May 1998, for the reconstruction and widening of the footpath with associated landscape improvements to Victoria Street, between Liverpool Street and Burton Street, Darlinghurst, in the amount of \$127,951;
- (b) the additional funding to provide for a contingency sum of \$13,000 to allow for unforeseen problems throughout construction;

-for which funds are available in the 1997/98 Annual Works Program (Environmental Streetscapes - to be specified, CWH 8500) \$200,000.

Carried.

9.

TRAFFIC - MANAGEMENT - SOUTH SYDNEY AREA - COMMUNITY ROAD SAFETY - GRANT (2004120)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 29 May 1998, Council accept the grant to conduct research into drivers' attitudes towards pedestrians and according to the terms and conditions specified by the RTA and the Community Road Safety Budget (Account No.CBA 0042.93QO) be increased by \$5,000 to include this amount.

Carried.

10.

LICENSING - CLEVELAND STREET, NOS. 196-200, CHIPPENDALE - PROPOSED FOOTWAY LICENCE (2005015)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 27 May 1998, approval be given to:-

- (1) the granting of a licence to DJPSE Nominees Pty Ltd (ACN 001 320 458) over an area of 12 square metres of the streetscaped section of Balfour Street near Thurles Hotel at Nos. 196-200 Cleveland Street, Chippendale as shown stippled on Plan No. S4-130/564B and subject to the conditions in the schedule accompanying the Acting Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with Conditions (7) and (8) in the schedule accompanying the Acting Director's report, the Licensee executing the licence agreement and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions (7) and (8) in the schedule accompanying the Acting Director's report, or failed to execute the licence agreement.

Carried.

11.

CELEBRATIONS - LOCAL GOVERNMENT WEEK 1998 - PROGRAM (2011361)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a further report by the Civic Affairs Manager/Public Officer dated 4 June 1998, approval be given to the amended

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program of events for Local Government Work 1998, attached to the above report for which funds have been provided in the 1998/99 Budget Estimates

(ENL & ENF Accounts)

Carried.

12.

STREETS - MAINTENANCE - RATIONALISATION OF RESPONSIBILITIES FOR MAINTENANCE/CLEANSING OF ROUNDABOUTS, GARDEN BEDS AND STREET CLOSURES (2004457)

That the report by the Director of Public Works and Services dated 1 June 1998, regarding the above matter, be received and noted.

Carried.

13.

PARKS - SYDNEY PARK - CRICKET FACILITIES - GOODSSELL'S FIELD - TEMPORARY AMENITY BUILDING (2005934)

That approval be given to the allocation of \$70,000 from the 1998/99 Works Program Budget Item FWP9087 for the provision of temporary amenity building at Goodsell's Field, Sydney Park, to the construction of a wooden disabled ramp and provision of a toilet for disabled persons within the building.

(DPWS Report 1.6.98)

Carried.

14.

LEASING - OXFORD STREET, NO. 66, SUITE 9, LEVEL 1, DARLINGHURST - LEASE TO ZINK VISUAL COMMUNICATIONS - RENT ABATEMENT (2010903)

That arising from consideration of a report by the Director of Corporate Services dated 26 May 1998, approval be given to abate Zink Visual Communications rent from 9 April, 1998 to 30 April, 1998 (inclusive) at premises leased, Suite 9, Level 1, No. 66 Oxford Street, Darlinghurst, such rent abatement amount calculates to \$688.93 based on a rent of \$11,430 p.a.

Carried.

15.

PARKS - GREEN PARK, DARLINGHURST, STAGE 2 - ACCEPTANCE OF TENDER FOR CONSTRUCTION WORKS (2016560)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 2 June 1998, approval be given to:-

- (1) accept the tender from Master Landscaping Pty Ltd submitted on 28 May 1998 for the construction of Green Park Darlinghurst Stage 2 in the amount of \$191,840 for which funds are available in the 1997/98 Parks Works Program, \$100,000 (FWP 8041 refers);
- (2) the additional funding in the amount of \$ 110,940 to provide for:
 - (a) a shortfall in construction costs in the amount of \$91,840;
 - (b) a contingency sum of \$19,100, for any unforeseen problems which may arise throughout the construction period.

-for which funds are available in the unspent 1997/1998 Works Park Program allocation for Redfern Streetscape Works - \$290,000 FWP 8011) and to carry this amount forward to the 1998/1999 Parks Works Program Budget.

Carried.

16.

DEVELOPMENT - DEVELOPMENT APPLICATIONS - NOTIFICATION - WEEKLY ADVERTISEMENT LOCAL NEWSPAPER - 12 MONTH TRIAL (D52-00159)

That arising from consideration of a joint report by the General Manager and the Director of Planning and Building dated 1 June 1998, it be resolved that:-

- (1) Council approve a weekly, 20 cm x 4cm column advertisement of Development Applications received and recent decisions of Council in respect of Development Applications in the South Sydney Bulletin, Early General News section at a cost of \$560 per week;
- (2) any excess space within this regular advertisement be used for advertising other Council services and events;
- (3) this form of DA advertising be for a 12 month trial period only;
- (4) market research conducted into Council's external communications include an assessment of the effectiveness of this advertising;
- (5) funds be voted to a general advertising fund to include DA advertising for the Planning and Building Department and for the placement of

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advertisements by the Media Unit on behalf of other Council Departments;

- (6) this advertising be in addition to the current methods of notification undertaken by the Planning and Building Department.

Carried.

The Finance Committee Meeting terminated at 7.09 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 3 JUNE 1998 AT 7.10 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.

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

Item 1 - Property Matter

Item 2 - Leasing Matter

Items 3 & 4 - Personnel Matters

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 3 June 1998, be received and the recommendations set out below for Items 1 - 4, inclusive, be adopted.

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The Committee **recommended** the following:-

1.

**COMMERCIAL PROPERTIES - QUARTERLY SUMMARY REPORT
JANUARY TO MARCH 1998, INCOME EXPENDITURE AND
PROFITABILITY (P56-00385)**

That the Quarterly Report on Income, Expenditure and Profitability for the period 1 January, 1998 to 31 March, 1998, on Council's Commercial properties, be received and noted.

(DCS. Report 26/5/98)

Carried.

2.

**LEASING - BARCOM AVENUE, DARLINGHURST - PROPOSED RENEWAL
OF LEASE OF PART (L02-00078)**

That the recommendation as contained in the report by the Director of Public Works and Services dated 26 May 1998, regarding the lease of part of Barcom Avenue, Darlinghurst, be approved and adopted.

Carried.

3.

**PERSONNEL - EMPLOYMENT SERVICES DEPARTMENT - RENAMING -
ORGANISATIONAL DEVELOPMENT DEPARTMENT - RESTRUCTURE
(2004285)**

That approval be given to:-

- (1) the structure depicted in attachment B accompanying the report by the Director, being adopted and the Department be renamed Organisational Development;
- (2) the position of Organisational Development Manager be regraded, in line with the evaluation of the position to Grade 18.

(DES Report 29.5.98)

Carried.

4.

PROPERTIES - LEASING - EPSOM ROAD, NO.94, WAREHOUSE 1 AND 2 - SETTLEMENT OF OUTSTANDING DEPT (P56-00002)

That the recommendation as contained in the report by the Director of Finance dated 1 June 1998, in respect of the settlement of the outstanding debt by the John Fairfax Group Pty Ltd relating to the above property, be approved and adopted.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

3 June, 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken, Greg Waters.

At the commencement of business at 7.16 pm those present were:-

Councillors: Deftereos, Fenton, Macken and Waters.

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

That the Report of the Community Services Committee of its meeting of 3 June 1998, be received and the recommendations set out below for Items 1-8, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY SERVICES - SUBSIDIES - CHANGES TO FUNDING AND THE IMPACT OF THE WITHDRAWAL OF COMMONWEALTH FUNDING AND THE STATE BLOCK GRANTS FOR OUT OF SCHOOL CARE SERVICES AND RESIDENTS IN SOUTH SYDNEY - UPDATE (2016191)

That the report by the Director of Health and Community Services dated 21 May 1998, regarding the above matter, be received and noted.

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Carried.

2.

PUBLIC RELATIONS - PROMOTIONS - HISTORY WEEK PROJECT - CULTURAL WALK (2017549)

That arising from consideration of a report by the Director of Health and Community Services dated 20 May 1998, approval be given to:-

- (1) the conduct of a guided Cultural Walk in the Kings Cross and Potts Point area in celebration of the NSW History Council's History Week '98;
- (2) the expenditure of \$2,500 from the Health and Community Services 1998/99 budget (KHL) for this purpose.

Carried.

3.

HEALTH - PASSIVE SMOKING - STRATEGIES TO REDUCE EXPOSURE IN HOSPITALITY VENUES (2002504)

That arising from consideration of a report by the Director of Health and Community Services, dated 27 May 1998, it be resolved that at the time of the review of Footway licenses, Council considers options available to encourage smoke free dining and such options are not to impact on licence fees.

Carried.

4.

COMMUNITY SERVICES - LANGUAGE AIDE SERVICE POLICY AND PROCEDURES (2017921)

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Employment Services dated 28 May 1998, Council endorses the Language Aides Service Policy and Procedure.

Carried.

5.

TRAFFIC - MANAGEMENT - COUNCIL COMMUNITY BUS - PAINTING TO PROMOTE PEDESTRIAN SAFETY (2004120)

That Council approve the painting of the community bus to help promote the pedestrian safety message as part of its commitment to road safety and reducing pedestrian casualties in the South Sydney area.

DPWS Report 29/5/98

Carried.

6.

TRAFFIC - MANAGEMENT - BODY OUTLINES - USE OF AS PART OF THE SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS PEDESTRIAN SAFETY CAMPAIGN (2004120)

That Council again approve the use of body outlines on dangerous roads with the message "Think Before You Cross" as a means of promoting pedestrian safety in South Sydney as part of the 1998 SSROC Pedestrian Safety Campaign.

DPWS Report 29/5/98

Carried.

7.

COMMITTEES - CULTURAL COMMITTEE - REPORT OF 27 APRIL 1998 (C57-00028)

That the report by the Director of Health and Community Services dated 1 June 1998, and the accompanying minutes of the Cultural Committee meeting held on 27 April 1998, be received and noted.

Carried.

8.

PLANNING - KINGS CROSS PLACE MANAGEMENT PROJECT - WOOLLOOMOOLOO CRIME PREVENTION INITIATIVE - SAFETY AUDIT (2016504)

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

- (1) Council acknowledges the recommendations of the Woolloomooloo Safety Audit;
- (2) the ongoing commitment by Council to the process of satisfying the recommendations, be received and noted.

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

3 June 1998

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

At the commencement of business at 6.45 pm, those present were -

The Mayor and Councillors - Bush, Fowler, Harcourt.

Apology:

An apology for non attendance was received from Councillor Jill Lay.

That the Report of the Planning and Development Committee of its meeting of 3 June 1998, be received and the recommendations set out below for Items 1, 2, 6,8 to 9, 11, 14, 15, 17, 19, 21 to 23 inclusive, 25 to 28, inclusive, be adopted. The recommendations for Items 3,4,5,7,10, 12,13, 16,18,20, 24 having been dealt with as shown immediately following such Items.

Carried.

1.

WYNDHAM STREET AND GARDEN STREET, NOS. 71 - 73 AND NOS.68 - 72, ALEXANDRIA - 20 UNIT 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 next Planning and Development Committee meeting to be held on 17 June 1998.

Carried.

2.

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

(A) That the Council as the responsible authority grants its consent to the application submitted by Wicks and Associates, with the authority of

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Patricia Wicks and Joanne Malcom, for permission to make alterations and additions, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans 6601/01A - 6601/03A dated 7 January 1998;
- (2) That the proposed front dormer shall be proportioned at a ratio of 1.5:1 measured from the head to ceiling of the window frame. The ratio of 1.5:1 shall be scaled to a size that is identical to the size of the existing front dormers identified as No.138 and 140 Foveaux Street, Surry Hills, to the satisfaction of the Director of Planning and Building;
- (3) That the gabled pitch of the proposed front dormer shall be redesigned to be 'curved' to match the architectural style of the existing front dormers identified as No.138 and 140 Foveaux Street, Surry Hills, to the satisfaction of the Director of Planning and Building;
- (4) That the proposed front dormer window shall be constructed in timber joinery and painted an appropriate heritage colour, to the satisfaction of the Director of Planning and Building and the roof material shall match the existing roof material. The side panels of the proposed front dormer to be made of fibro-cement sheeting' are to be painted an appropriate heritage colour, to the satisfaction of the Director of Planning and Building;
- (5) That the upper level deck, including the wooden support pillars and extension of the portion of the rear skillion roof which extends over the deck, located at the rear of the terrace and identified as the third level, shall be demolished;
- (6) The existing rear skillion addition shall be demolished and a new rear skillion addition shall be constructed in accordance with Part F – Design Criteria for Specific Development Types, Single Dwelling Houses of Council's DCP 1997 – Urban Design. Specifically, the new rear skillion addition shall satisfy the additional conditions specified below:-
 - (a) That the rear skillion addition shall be set back a minimum of 500mm from the side walls, a minimum of 200mm from the rear wall and set 200mm below the ridgeline;
 - (b) That either windows or French Doors shall be installed which are vertically proportioned and timber framed. The timber frames shall be painted an appropriate heritage colour, to the satisfaction of the Director of Planning and Building;

- (c) That in reference to condition 6(b), if French Doors be installed they shall only be openable into the rear skillion addition. In addition, French Doors would require the installation of a traditional 'Juliet' rail, to the satisfaction of the Director of Planning and Building;
- (d) That the roof materials of the new rear skillion addition shall match the existing roof materials. The side panels of the rear skillion addition shall be made of woodgraph fibro cement sheeting or weatherboard, or similar. The sheeting shall be painted an appropriate heritage colour, to the satisfaction of the Director of Planning and Building;
- (7) That if the applicant decides not to construct the new rear skillion addition referred to in Condition 6, the existing rear skillion addition shall be demolished and the rear roof of the terrace reinstated to its original form, subject to the satisfaction of the Director of Planning and Building;
- (8) That the applicant shall provide Council with written acceptance of all the conditions contained herein prior to the approval of the Building Application;
- (9) 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. The Building Application shall be lodged within one month of the date of consent of the Development Application;
- (10) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (11) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (12) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;

- (13) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way.
- (14) That the proposed skillion roof, located at the rear of the terrace and identified as the second level, be deleted. A pergola may be erected at this location, to the satisfaction of the Director of Planning and Building. Also, privacy screening is to be installed to the eastern and western sides of the second storey balcony located at the rear of the terrace. The privacy screening is to be 1 metre in height when measured from the existing masonry balustrade on which it will be set.

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 Council's Officers are undertaking action for the unauthorised use of the premises for commercial use. This process will involve the applicant being served a notice to lodge a Development Application to authorise the use. If Council does approve the application, the following works (and possibly further works) will be required:
 - (1) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (2) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
 - (3) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (4) That the existing stairway shall be fire isolated and discharge directly to the street or alternatively a Sprinkler System comply with AS 2118 and shall be installed throughout the building.
- (C) That the applicant be advised that the above works shall be commenced within six months from the date of consent of the Building Application. If works have not commenced within this time period, Council will take further action without notice to ensure the works are undertaken.

This advisory note is based on the assumption that the Building Application will be approved and does not for-see or provide any guarantee as to the determination or outcome of the Building Application.

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

Carried.

3.

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

This matter was submitted to Council without recommendation.

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

That Council note the applicants withdrawal of the Development Application, but in doing so advise the applicant that the use of the premises as a car repair station is not considered appropriate given the site's proximity to residential development.

Carried.

4.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That arising from a report by the Director of Planning and Building dated 1 May 1998, it be resolved that condition (25) of Council resolution of 14 February 1990, be interpreted as follows:-
- (1) That the width of the dormer be approximately 1.9m wide as it is currently constructed approximately 1.9m wide;
 - (2) That a fixed obscure panel 0.4m in height from the attic floor shall be installed with glazing to a maximum height of 1.5m above the sill height of 0.4m;

-that the applicant be advised of the above and the requirement to complete the alterations by the end of June 1998.

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- (B) That the owners of premises Nos. 484 and 488 Bourke Street, Surry Hills be advised of Council's decision.
- (C) That the applicant be advised that Council requires the approved window box to be used solely for that purpose.

Carried.

5.

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

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 a Floor Space Ratio bonus in accordance with Part E of Development Control Plan 1997 - Urban Design to allow a floor space ratio not exceeding 3.25:1 subject to the application providing land dedication and public domain improvements generally in accordance with the submitted application and the conditions of consent in part (D) of this resolution. If these works do not proceed to Council's satisfaction and according to relevant conditions of consent, the Floor Space Ratio shall revert to 3:1 and an application to amend the consent shall be submitted.
- (B) That the State Environmental Planning Policy No. 1 objection against the development standards relating to height in Clause 11 of Local Environmental Plan 107 is well founded and compliance is therefore unnecessary and unreasonable in this instance for the following reasons:
 - (1) That the proposal generally complies with all relevant performance related criteria in Part F of Development Control Plan 1997 (Urban Design);
 - (2) That the increase in height is acceptable in terms of amenity impacts and will not result in an over-intense form of development or detract from the character of the existing streetscape in terms of bulk and scale;
 - (3) That the additional height would not cause harm to the amenity of adjoining residential occupiers or to the area generally.
- (C) That the State Environmental Planning Policy No. 1 objection against the development standards relating to Floor Space Ratio in Clause 10 of Local Environmental Plan 107 is well founded and compliance is

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therefore unnecessary and unreasonable in this instance for the following reasons:

- (1) That the proposal generally complies with all relevant performance related criteria in Part F of Development Control Plan 1997 (Urban Design);
 - (2) That the proposal complies with the criteria for eligibility for a Floor Space Ratio bonus as outlined in Part E of Development Control Plan 1997 (Urban Design).
 - (3) That the increase in floor space is acceptable in terms of amenity impacts and will not result in an over-intense form of development or detract from the character of the existing streetscape in terms of bulk and scale;
- (D) That the Council as the responsible authority grants its consent to the development 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, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 1897, DA-01 to 29 dated 19 December 1997, as amended by DA005/B, DA06/A, DA07/A, DA-08/A, DA-09A, DA-18B, dated 21st May 1998;
 - (2) That levels 6 and 7 of the perimeter block building facing Albion Street be setback above level 5 to the satisfaction of the Director of Planning and Building so that a stepped parapet line is formed to better respect the scale of the streetscape;
 - (3) That access shall be maintained to the rear of all properties on Crown Street which currently abut the north eastern part of the site, ie nos. 321-327 (odd) Crown Street;
 - (4) The access way to nos. 321-327 (odd) Crown Street shall be enhanced by the applicant to include the following:
 - (a) widening the access, as appropriate
 - (b) appropriate landscaping
 - (c) new paving
 - (d) new lighting
 - (e) new rear fences and gates, where appropriate
 - (f) installation of a locked secure gate from Ann Street enabling access by Crown Street residents (and residents of the development, if considered appropriate) only.

details shall be provided with the Building Application, to the satisfaction of the Director of Planning and Building;

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- (5) That a door be provided at the eastern end of the ground floor corridor in the eastern elevation of the proposed townhouse/unit block fronting Ann Street which would enable direct access from this block to Ann Street via the communal amenity space area in the north-eastern corner of the site;
- (6) That the proposed gate to the communal amenity space area at the eastern end of the site (ie the top of Ann Street) be made available for access by residents at all times to the satisfaction of the Director of Planning and Building;
- (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	\$305,185	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$90,973	2E97002.BGYO
Accessibility And Transport Management	\$1,136 \$4,509	2E97006.BGYO 2E97007.BGYO
Total	\$401,803	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be offset 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, in addition to the Section 94 Contributions required by Condition (7) above, works to the Public Domain are required, generally in accordance with the submitted application, including the outline of costs dated 11 February 1998, and to the specifications of the Director of Planning and Building and the Director of Public Works and Services;
- (9) These works shall be completed to the satisfaction of Council prior to any occupation of the development hereby approved;
- (10) The full agreement of all details of the Public Domain works, including the cost of those works will be required prior to implementation of this consent, ie the commencement of any development on the site. Under no circumstances will the cost of these works be offset against any Section 94 Contribution required for this site;
- (11) That the public domain improvements shall include the undergrounding of electrical services in Ann Street and around the perimeter of the site in Riley Street and Albion Street. Contact shall be made with Energy Australia, Telstra and Optus in this regard as appropriate. The cost of this work will not be offset against any Section 94 Contribution required for this site;
- (12) That all necessary consents, in addition to this consent, required for the Public Domain works, including consent under the Roads Act 1993, shall be obtained prior to commencement of building works;
- (13) That no water based landscaping features be provided within the proposed public open space areas;
- (14) That detailed plans and calculations be provided with the Building Application, certified by a registered surveyor, showing Floor Space calculations prepared according to the definition of Gross Floor Space contained within Development Control Plan 1997 - Urban Design;
- (15) That the floor space ratio shall not exceed 3.25:1;
- (16) That a separate application shall be submitted at the appropriate time for the specific use of the approved retail units;
- (17) That the development shall, wherever practicable, include solar water heating or heat pumps throughout, in accordance with the Solar Water Heater Policy contained within Development Control Plan 1997 - Urban Design. In this respect an investigation shall

be undertaken and full details of proposed energy conservation measures be included with the Building;

- (18) That the vehicular entrance/exit point be set back 21m from the Riley/Ann Street junction with entry and exit widths of 4m and a separation of 2m between carriageways. Vehicular access shall be constructed to a minimum height of 4.3m at all points to enable access and egress of garbage trucks to the on-site loading area;
- (19) That all windows and balconies in the eastern elevation of the tower shall be obscured or screened to avoid overlooking of the rear of properties fronting Crown Street to the satisfaction of the Director of Planning and Building. Details to be submitted with the Building Application;
- (20) That the swimming pool shall only be used between the hours of 6am and 10pm, 7 days;
- (21) That the requirements for insulation contained within Development Control Plan 1997 - Urban Design shall be addressed in the Building Application, to the satisfaction of the Director of Planning and Building;
- (22) That the following issues of potentially unsatisfactory overlooking shall be addressed and amended accordingly:
 - (a) Balcony to unit 213 overlooking courtyard to unit 106
 - (b) Balcony to unit 213 overlooking living room to unit 106
 - (c) Balcony to unit 310 overlooking bedroom to unit 106
 - (d) Balcony to unit 411 overlooking living room to unit 410
 - (e) Balcony to unit 509 overlooking bedroom to unit 410
 - (f) Balcony to unit 408 overlooking balcony to unit T301
 - (g) Terrace to unit 609 overlooking living room to unit 608
 - (h) Terrace to unit 609 overlooking balcony to unit 608

-details, which may include the screening or the relocation of windows or balconies, shall be provided with the Building Application, to the satisfaction of the Director of Planning and Building;

- (23) That the proposed balconies shall not overhang the street alignment to Riley and Albion Streets at any point and the development shall be set back accordingly to the satisfaction of the Director of Planning and Building;
- (24) That all private roof terraces which exceed 100m² in area shall include extensive landscaping barriers to visually and physically break up those areas Details shall be provided with the Building

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

- (25) That no structures shall be erected on private roof terrace areas without the prior approval of the Director of Planning and Building;
- (26) That a report prepared by a suitably qualified person be included with the Building Application which assesses the effect of the tower on television reception in the surrounding locality. This report shall detail liaison with the Australian Broadcasting Authority and recommend any mitigation measures necessary.
- (27) That the frontage of Nos.252-284 Riley Street is identified as an Item of Environmental Heritage in the Draft Local Environmental Plan 1996 (Heritage and Conservation) and in this regard a full Heritage Report, including photographs, detailing the historical and architectural significance of the building, shall be prepared by a suitably qualified Heritage architect, to the satisfaction of the Director of Planning and Building, and two copies submitted to Council, prior to the demolition of that building;
- (28) That the developer shall provide decorative footway paving around the perimeter of the site which is consistent with that of the Surry Hills Area. Specific treatments consist of:
 - (a) Border pavers: Pebblecrete or equal PPX49 300x300x60mm
 - (b) Infill pavers for agreed nodal areas: Pebblecrete or equal PPX 61 300 x 300x60mm
 - (c) Infill panels to be 45mm Asphalt comprising 15mm AC5 laid on base of 35mm AC 10 Base course to be 200mm compacted road base
- (29) That all pavers are to be placed on a compacted 30-50mm sand bed, where as border pavers are to be placed on a 75mm mortar bed. The paving base shall comprise a 75mm massed concrete base. Expansion joints should be placed every 5 metres in the footway. The developer is to ensure that paving treatments comply with conditions outlined in SSC Engineer's conditions for decorative paving. All works are to be to the satisfaction of the Director of Public Works and Services;
- (30) That full details of paving, lighting and landscaping, including species, proposed for all public open space areas shall be provided to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services. Details shall ensure that all areas have an open and well defined presence, with clear sight lines, which enable surveillance and safety from the street and the proposed development;

- (31) That public and private open space areas are to be clearly differentiated through the use of a brass strip or such other devices as may be approved by Council;
- (32) That all existing trees on and around the perimeter of the site covered by Council's Tree Preservation Order shall be preserved and protected during construction and the methods of protection shall be submitted for approval with the Building Application to the satisfaction of the Director of Public Works and Services;
- (33) That the removal of the two trees in Ann Street as identified on the landscape plan is approved subject to suitable replacement being provided. The following specification is to be adhered to:
- (a) The replacement tree is to be a mature *Pistacia Chinensis* specimen;
 - (b) The tree container size is to be 200 litres
 - (c) The minimum height shall be 4.3 metres with a minimum diameter of 50mm;
- (34) That the removal of a mature *Lophostemon confertus* commonly known as Brush box tree is approved subject to suitable replacement being provided. The following specification is to be adhered to:
- (a) The replacement tree is to be a mature *Lophostemon confertus* Brush box specimen;
 - (b) The tree container size is to be 200 litres
 - (c) The minimum height shall be 4.3 metre and the tree is to have a 50mm wide diameter.
- (35) That the developer shall provide street trees in accordance with the Council's Street Tree Masterplan (1996). Trees shall be a minimum 100 litre in container size, 2.0 metres high, 60mm calliper and planted at 10 metre centres. Street trees are to be as follows:
- | Street | Species | Common Name |
|--------------------|------------------------------|-------------|
| Albion Street | <i>Plantanus x hybrida</i> | Plane tree |
| Riley Street | <i>Lophostemon confertus</i> | Brush box |
| Platanus x hybrida | | Plane tree |
| Ann Street | <i>Pistacia chinensis</i> | Pistacio |
- (36) That the developer shall provide a maintenance schedule for all landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;

- (37) That the developer is to arrange for a final inspection of the landscape works, with the Parks Development Branch to ensure that the works are constructed in accordance with the plans approved with the Building Application;
- (38) That an invalid type water closet or closets shall be provided in accordance with the Standards Association of Australia Code AS 1428-1977 - "Design Rules for Access by the Disabled", so situated as to be available for use by both sexes; in this respect you are advised that the use of any of the approved retail units as a refreshment room (subject to separate development consent) will require the provision of toilet facilities for people with disabilities;
- (39) That the owner shall dedicate for road purposes free of cost to Council, the following land: 3m splay at the intersection of Riley and Albion Streets limited if so desired in height to 3m above the adjacent footway level; on the understanding that the affected areas will be available for the calculation of the floor area of the proposed building and that all reasonable legal expenses involved in the transfer of the land will be borne by the Council;
- (40) 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) the recycling storage area;

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

- (41) That smoke hazard management systems shall comply with Part E2 of the Building Code of Australia. Details to be submitted to Council's Planning and Building Department;
- (42) That the car park be ventilated in accordance with Australian Standard 1668.1-1991 Section 7 and Australian Standard 1668.2 Section 4;
- (43) 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;

- (44) That any proposed commercial food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (45) That the garbage rooms shall be designed and built in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (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, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures;
- (47) That all details relating to garbage services should be referred to Cleansing Services for comment;
- (48) That a secure storage area for a minimum of 71 bicycles be provided and maintained at all times to the satisfaction of the Director of Planning and Building;
- (49) 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;
- (50) That a maximum of 153 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;
- (51) That of the total of off-street car parking spaces required in condition 48, at least 2 spaces measuring 3.5m x 5.5m minimum shall be provided as a car wash bay for vehicles associated with the development and shall be provided with a water connection, drained and discharged, located and clearly marked, all to the satisfaction of the Director of Planning and Building;
- (52) That the required off-street car parking spaces shall be allocated on the basis of 110 for residents, 27 for visitors, and 16 for the retail uses;
- (53) That 2 off-street loading dock(s), 3.5m x 7.6m minimum, with a clear headroom of 3.6m out to the public way, shall be provided on the site;

- (54) That no more than one parking space shall be allocated to any residential unit;

and the following adopted standard conditions:

- (55) LDA165 - Provide garbage room on-site;
- (56) LDA166 - Provide screening for garbage area;
- (57) LDA168 – refuse collection point;
- (58) LDA 257 noise;
- (59) LDA106 - Preserve existing trees;
- (60) LDA107 - Make application to remove trees;
- (61) LDA109 - Relocating street trees;
- (62) LDA351 - Building Application required;
- (63) LDA260 - On-site stormwater detention;
- (64) LDA374 - Disabled entry;
- (65) LDA373 - Disabled access provision;
- (66) LDA376 - Hours of building work;
- (67) LDA377 - Construction noise regulation;
- (68) LDA384 - New alignment levels;
- (69) LDA386 - Road Opening Permit;
- (70) LDA387 - Footway crossings;
- (71) LDA389 - Stormwater disposal requirements;
- (72) LDA391 - Builder's Hoarding Permits;
- (73) LDA392 - No obstruction to public way;
- (74) LDA393 - Delivery of refuse skips;
- (75) LDA394 - Cost of alteration to signposting;
- (76) LDA397 - Energy Australia dedication;

- (77) LDA398 - Road dedication;
- (78) LDA414 - Costs for alterations to public services;
- (79) LDA12 - Applicant to liaise with Sydney Water;
- (80) LDA28 - Off-street parking not to be public;
- (81) LDA36 - Loading only within confines of the site;
- (82) LDA42 - Minimum aisle width for parking areas;
- (83) LDA43 - Parking space and aisle sizes;
- (84) LDA44 - Driving in forward direction only;
- (85) LDA45 - Parking and driveways to be kept clear;
- (86) LDA47 - Loading, parking and access to be kept clear;
- (87) LDA48 - Safe walking surface on crossing;
- (88) LDA49 - Signage for vehicular egress;
- (89) LDA152 - Schedule of finishes;
- (90) LDA162 - Provide common aerial for each building;
- (91) LDA251 - Only clean and unpolluted water shall be permitted to discharge;
- (92) LDA257 - Regulation of noise transmissions;
- (93) LDA258 - Regulation of emissions;
- (94) HSC103 - Environmental site assessment being carried out;
- (95) HSC100 - Removal of spoil from site;
- (96) HSC500 - Premises to be ventilated;
- (97) HSC300 - Air handling systems for future food premises;
- (98) HSC018 - Sanitary facilities;
- (99) HSC700 - Compliance with code for Garbage Handling System;
- (100) HSC801 - Noise from premises;

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

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

- (E) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (F) That the granting of consent is based on a merit assessment of the site under DCP 1997 and will not set a precedent of Council's DCP 1997 for any other site in the precinct.

Carried.

6.

**SWANSON STREET, NO. 106, ERSKINEVILLE - KURRAJONG HOTEL -
USE PREMISES AS A PLACE OF PUBLIC ENTERTAINMENT -
DEVELOPMENT APPLICATION (U98-00265)**

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

- (A) That the Council as the responsible authority grants its consent to the application submitted by Graeme Thompson for permission to use the ground floor of the Kurrajong Hotel for live entertainment between 5:00pm and 8:30pm on Sundays and between 6:30pm and 10:00pm on Fridays, subject to the following conditions, namely:-
 - (1) That the use shall not commence until Council has signified in writing that the provisions of conditions (2) and (3) have been complied with and shall cease after a period of twelve months from the date of such letter;

(The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use).
 - (2) That the applicant shall submit a Noise Impact Assessment prepared by a suitably qualified acoustic engineer detailing what modifications are required to the building to limit the noise impact of the proposed use on surrounding properties in accordance with condition 3 and, subject to the approval of Council, the proposed trial shall not be commenced until such works have been completed to the satisfaction of Council;
 - (3) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or

- (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (4) That the applicant, in consultation with the NSW Police Service, shall prepare a Management Code of Practice for the conduct of the proposed use, a copy of which shall be submitted to Council and to the NSW Police Service, and the proposed use shall not commence until the Management Code of Practice has been agreed to by the NSW Police Service;
- (5) That the proposed hours of operation shall be limited to between 5:00pm and 8:30pm on Sundays and on 4 Fridays between 6:30pm and 10:00pm. The Friday dates shall be advised to Council at least 1 week in advance of the live entertainment taking place;
- (6) That as the proposal involves a change in the classification of the building, a building application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work or use shall be commenced until that application and plans have been approved. It should be noted that the building application will be assessed under the provisions of the Building Code of Australia and the Local Government (Approvals) Regulation.
- (7) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
- (8) That such doors facing Park Street are only to be used for ingress or egress of patrons in an emergency situation during periods when entertainment is being conducted within the Hotel;
- (9) That the licensee is to distribute to local residents, a contact number for the Hotel should they experience any difficulty with noise or disturbances from the Hotel during periods when entertainment is being conducted;
- (10) That an announcement is to be made at the cessation of entertainment to the effect that patrons, if leaving, should leave the premises quietly so as not to disturb the quiet and good order of the neighbourhood;
- (11) That the licensee and his staff are to respond to any complaints about noise or disturbance in a timely and responsive manner.

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

Carried.

7.

SURREY STREET, NOS. 28 - 30, DARLINGHURST - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U98-00103)

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

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Willpower Pty Ltd to construct an additional flat and balconies on an existing residential flat development at the abovementioned premises for the following reasons, namely:-
- (1) That the proposal would exceed the 1:1 maximum floor space ratio standard under DCP 1997;
 - (2) That no parking has been provided as required by the Council's adopted parking code and approval would exacerbate an existing shortfall in parking provision;
 - (3) That the site as a whole does not comply with the DCP 1997 open space standards and approval would increase the degree of noncompliance;
 - (4) That the northern balconies would be closer than 12m to the front buildings rear windows and would therefore infringe on the privacy standard in DCP 1997;
 - (5) 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.

8.

REDFERN STREET, NO. 34, REDFERN - ADD 2 X 2 BEDROOM UNITS ABOVE RESTAURANT LEVEL - DEVELOPMENT APPLICATION (U97-00505)

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by Mr G Geagea, for permission to

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erect 2 x 2 bedroom residential units in the form of an additional floor one existing building at the abovementioned premises for the following reasons, namely:-

- (1) That the proposed development does not comply with the requirements of Council's DCP 1997 in respect to height, FSR, Open Space and Solar Access;
 - (2) That the scale, siting and form of the addition is such that it permits an unreasonable level of amenity to be maintained for the adjoining properties;
 - (3) That the proposal does not comply with Council's DCP 11 - Guidelines to transport requirements;
 - (4) That the proposal is an overdevelopment of the site which will reduce the amenity within the site and surrounding the site;
 - (5) That the proposal will adversely affect the future amenity of the area;
 - (6) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

KELLETT STREET, NOS. 54 - 68, POTTS POINT - REPLACE THE ROOF OF A RESTAURANT ANNEX, ERECT SIGNAGE AND PROVIDE LIVE ENTERTAINMENT WITHIN THE RESTAURANT - DEVELOPMENT APPLICATION (U98-00164)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Merima Pty Ltd (excluding all reference to signage) for refurbishment and use of the two storey building at Nos. 62-64 Kellett Street and the adjoining Council-owned site known as Nos. 66-68 Kellett Street, Potts Point as a restaurant, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Drawing No.980801 prepared by MI Designs;
 - (2) That a further application shall be made to Council with respect to any signs proposed to be erected on the building or any part of the site;

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- (3) That the number of tables within the restaurant shall be limited to 25 and that the number of persons permitted on the premises at any one time be limited to 100 persons;
- (4) That any external tables placed on the ground floor patio or first floor verandah shall be limited to 4 per floor at any one time;
- (5) That the premises shall operate as a restaurant only in terms of the restaurant definition of South Sydney Local Environmental Plan 1998 and that a separate development shall be submitted for any change of use;
- (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (7) That a statement from an accredited acoustic consultant describing and assessing the impact on the environment of any noise emanating from the premises shall be submitted to Council and approval obtained before any process is commenced;
- (8) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way.
- (11) That the use of the premises as a licensed restaurant with entertainment shall trade between 12.00 noon to 5.00 a.m., seven days a week.

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

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

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

Carried.

10.

BOURKE STREET, NOS. 563 - 565, SURRY HILLS, CARRINGTON HOTEL - CONTINUE TO USE PREMISES AS A PLACE OF PUBLIC ENTERTAINMENT - DEVELOPMENT APPLICATION (U98-00271)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

That the application be deferred pending further clarification from Surry Hills Police regarding noise complaints from the hotel.

Carried.

11.

LITTLE EVELEIGH STREET, NOS. 151 - 153, REDFERN - ALTERATIONS AND ADDITIONS TO TWO RESIDENTIAL TERRACE HOUSES - DEVELOPMENT APPLICATION (U97-00985)

- (A) That the Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the maximum floor space ratio contained in Local Environmental Plan No.107 is well founded and that compliance is unnecessary for the following reason, namely:-

That the extent of non-compliance is minor and the impact on adjoining properties is acceptable.

- (B) That the Council as the responsible authority grants its consent in accordance with S.91AA of the Environmental Planning and Assessment Act 1979, to the application submitted by Libby Reid Designs, with the authority of Mr T Tuite, for permission to make alterations and additions to the rear of two existing terrace houses, construct attic rooms and restore the front facades, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with amended drawings numbered J081 and J082 received 21 May 1998;

- (2) The consent shall not operate until the applicant has satisfied the following conditions (a) and (b) and details as to how the applicant proposes to satisfy those matters shall be submitted prior to lodgement of the Building Application:
- (a) That evidence shall be submitted showing that the existing right-of-way along the eastern side of no.151 has been legally extinguished and that the right to use the affected land has been divided between 149 and 151 Little Eveleigh Street as shown on the submitted plan (separate development consent would be required if the land is to be subdivided);
 - (b) That the adjoining property owner has no objection to the new wall on the boundary and the work required to construct the wall;
- (3) That the proposed first floor rear decks shall be deleted and replaced with a non-trafficable roof, to the satisfaction of the Director of Planning and Building;
- (4) That the proposed dormer at no. 151 shall be setback from the eastern wall by at least 250mm and the proposed dormer at no. 153 shall be setback from the western wall by at least 250mm, to the satisfaction of the Director of Planning and Building;
- (5) That the extent of the proposed ground floor additions shall be reduced to align with the ground floor of No. 155 Little Eveleigh Street, to the satisfaction of the Director of Planning and Building;
- (6) That information shall be submitted with the Building Application showing any works necessary to ameliorate against rail noise, 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) size and proportion of windows and doors;

and the following adopted standard conditions:

- (8) LDA163 - New brickwork to match existing;
- (9) LDA376 - Hours of building work;

- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA391 - Builder's Hoarding Permits;
- (12) LDA392 - No obstruction to public way;
- (13) LDA393 - Delivery of refuse skips;
- (14) hsc500 - Premises to be ventilated;
- (15) hsc800 - Use of appliances emitting intrusive noise;
- (16) LDA351 - Building Application required;
- (17) LDA388 - Stormwater disposal details.

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

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

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

Carried.

12.

RENWICK STREET, NOS. 25 - 31, REDFERN - CONVERT EXISTING BUILDING AND MAKE ADDITIONS TO CONSTRUCT 3 X 2 BED UNITS, 7 X 1 BED UNITS AND 7 CAR SPACES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00104)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Engelen Moore, with the authority of J Waddy, for permission to recycle the existing building and construct additions to provide 10 residential units and 7 parking spaces, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the amended drawings numbered 9740-2-0-01-E to 9740-2-0-04-E, 9740-2-0-05-A, 9740-3-0-01-C, 9740-4-0-01-A and 9740-4-0-05-A;
- (2) That the applicant shall submit further details of the proposed window louvres, car park door and entry door on Renwick Street and these shall be to the satisfaction of the Director of Planning and Building;
- (3) The entire carpark footprint shall be moved approximately 2m eastward and the car park ramp shall be designed so as to provide a 2m transition of 1 in 10 at either end with a mid-section not exceeding 1 in 5 and details shall be submitted with a building application, to the satisfaction of the Director of Planning and Building;
- (4) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$18,082	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$4, 789	2E97002.BGYO
Accessibility And Transport	\$ 60	2E97006.BGYO
Management	\$ 226	2E97007.BGYO
Total	\$23,157	

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 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;

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- 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.

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.

- (5) That a total of 7 off street parking spaces shall be provided, including 1 visitor space, to the satisfaction of the Director of Planning and Building;
- (6) That visitor parking spaces shall be located such that it is accessible via an intercom system;
- (7) That a minimum of three secure bicycle parking spaces for residents shall be provided within the car park area and at least 1 bicycle space for visitors located to the satisfaction of the Director of Planning and Building;
- (8) That the car park shall be ventilated in accordance with the requirements of AS 1668.2 – 1991, Section 7 and AS 1668.2 Section 4;
- (9) That a landscape plan for the site prepared by a suitably qualified person shall be submitted showing hard and soft works, decorative paving, garden edging, furniture, pergolas, fencing, existing and proposed critical levels, planting types and species, plant number and sizes (container size and height), irrigation and subsoil drainage where landscaping is to be provided on a slab shall be submitted for approval by the Director of Public Works and Services;
- (10) That where landscaping is to be provided on a slab, minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass, including a suitable layer of waterproofing and drainage and a 75mm layer of mulch for gardens;
- (11) That the privacy screens on the north facing balconies shall be 1800mm in height;
- (12) That the required off-street car parking spaces shall be allocated on the basis of 6 resident spaces and 1 visitor space;
- (13) 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;
- (14) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the garbage room;

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

and the following adopted standard conditions:

- (15) LDA21 - No resident parking for residential flat developments;
- (16) LDA376 - Hours of building work;
- (17) LDA377 - Construction noise regulation;
- (18) LDA384 - New alignment levels;
- (19) LDA387 - Footway crossings;
- (20) LDA389 - Stormwater disposal requirements;
- (21) LDA392 - No obstruction to public way;
- (22) LDA393 - Delivery of refuse skips;
- (23) LDA44 - Driving in forward direction only;
- (24) LDA45 - Parking and driveways to be kept clear;
- (25) LDA49 - Signage for vehicular egress;
- (26) LDA153 - Reflectivity of external glazing;
- (27) hsc103 - Environmental site assessment being carried out;
- (28) hsc500 - Premises to be ventilated;
- (29) hsc555 - Bathroom ventilation;
- (30) hsc700 - Compliance with code for Garbage Handling System;
- (31) hsc704 - Garbage storage area;

- (32) hsc706 - Storage of recyclables;
- (33) hsc800 - Use of appliances emitting intrusive noise;
- (34) 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.

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

Carried.

13.

GOWRIE STREET, NO. 95, NEWTOWN - ALTERATIONS AND ADDITIONS TO RESIDENTIAL TERRACE HOUSE - DEVELOPMENT APPLICATION (U97-00922)

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 Nordon Jago Architects, with the authority of the owners, for permission to make alterations and additions to the existing terrace house, at the abovementioned premises, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with drawing numbered DA 01B dated March 1998;
 - (2) That the rear facing attic dormer window shall be setback about 200mm from the existing rear wall and the dormer roof set below the existing ridgeline, in accordance with the requirements set out

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on pages F-17 and F-18 of Development Control Plan 1997, to the satisfaction of the Director of Planning and Building;

- (3) The existing main roof ridge height shall not be altered;
- (4) That the front dormer window shall be deleted;
- (5) That all windows above ground level shall be timber framed;
- (6) 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;
- (7) 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;
- (8) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (11) That all proposed work shall be wholly within the boundaries of the subject site;
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- 13) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;

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

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

- (B) 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 applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993, the following is required:
 - (1) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA with specification directed to the ground floor living room;
 - (2) That suitable smoke alarm systems shall be provided in accordance with the requirements of E1.7 of the BCA;
 - (3) That all relevant sections of the BCA shall be complied with;
- (D) That the persons who made representations in respect of the proposal be notified of the Council's decision.

Carried.

14.

OXFORD STREET, NOS. 124 - 128, DARLINGHURST - CHANGE THE USE OF THE FIRST FLOOR TO A RESTRICTED PREMISES - DEVELOPMENT APPLICATION (U98-00310)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Carlos Fares with the authority of Mac's Pty Ltd for permission to occupy the first floor of the abovementioned premises for the purpose of a restricted premises and erect signage, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plan No.8215/4 dated November 1995 and plans submitted 14 April, 1998;

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- (2) That the hours of operation of the premises shall be restricted to 8.00 a.m. to 2.00 a.m. Sunday to Thursday and 8.00 a.m. to 4.00 a.m. Friday to Saturday;
- (3) That the painted wall sign (indicated as sign C on submitted plans) shall be deleted;
- (4) That at no time shall any signs, sound amplification equipment and the like or goods for sale or display be placed on the areas designated as public areas or on the footway adjacent to the premises;
- (5) That the intensity, period of intermittency and hours of illumination of the sign shall be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood;
- (6) That the proposed signs shall:-
 - (a) not flash, move, be animated, scintillate or be decorated with rotating or flashing lights at any time without the consent of Council;
 - (b) not have any apparatus attached to it which will provide sound of any description, whether associated with the signs or other object or activity;
 - (c) be neatly affixed to the building and any damage caused to the exterior of the building by the erection of the signs shall be promptly repaired with materials to match the existing, to the satisfaction of the Director of Planning and Building;
- (7) That no sex shall take place on the premises;
- (8) That no entertainment shall be provided on the premises;
- (9) That details of the entry door, including colour and materials are to be submitted with the building application;
- (10) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;

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- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Director of Planning and Building submit a report to Council on the accumulative impact of this kind of premises or any other similar premises.

Carried

15.

MORT STREET, NO. 1A, SURRY HILLS - ADDITION OF TWO UNITS ABOVE EXISTING UNITS - DEVELOPMENT APPLICATION (U98-00207)

That the application submitted by C Balafas to construct two additional units on an existing duplex building, be deferred to the meeting of the Planning and Development Committee to be held on 17 June 1998, as requested by applicant in letter dated 3 June 1998.

Carried.

16.

MADDISON STREET, NO. 32, REDFERN - DEMOLITION OF REAR OF THE DWELLING AND ALTERATION AND ADDITION TO GROUND AND FIRST FLOORS INCLUDING A STUDIO OVER THE GARAGE AT THE REAR - BUILDING APPLICATION (Q97-01074)

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 Engelen Moore for permission to demolish the rear of the dwelling and add ground and first floors including a studio over the garage at the abovementioned premises, all in accordance with the submitted plans numbered 9725.0.2.01, 02, 0.3.01, 0.4.01,

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2.0.01, 02, 3.0.01, 4.0.01, 02, 2.0.03, 04 and 05 dated 24 November 1997 subject to the following conditions, namely:-

- (1) That details of the existing and proposed drainage system and design changes required by conditions (3) and (4) shall be submitted to Council for consideration and approval prior to commencement of building work;
- (2) That clothes washing facilities shall be provided comprising at least one washtub and space for a washing machine in accordance with Part 3.8.3 of the BCA;
- (3) That the first floor verandah at the rear of the extension shall be deleted;
- (4) That glazing to the north elevation at the first floor of the extension shall be reduced by either two vertically proportioned windows or two sets of french doors with a juliet balcony;
- (5) That louvered windows on the southern side of studio shall be of obscure glass to a minimum height of 1.6m from the floor and be fixed to not be openable more than 45 degrees;
- (6) 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;
- (7) 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;
- (8) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (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;
- (11) 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;

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

and the following adopted standard conditions:

- (13) BC2 - Compliance with Local Government Act 1993;
- (14) BC3 - Compliance with conditions on plan;
- (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) BC111 - Hours of work;
- (22) BC113 - Work to comply with noise standards;
- (23) BC114 - Existing building to be kept in stable condition;
- (24) BC116 - New work not to encroach boundaries;
- (25) BC119 - Requirements when excavating below footings;
- (26) BC120 - Letter of consent to underpinning;
- (27) BC167 - Structural details and certification to be submitted;
- (28) BC170 - Structural certificate upon completion;
- (29) BC175 - Comply with Timber Framing Code;

- (30) BC176 - Approval for permanent work only;
- (31) BC186 - No structural work until approval granted;
- (32) BC189 - Termite protection;
- (33) BC337 - Construction of boundary walls;
- (34) BC340 - Non-flammable sarking materials;
- (35) BC352 - Glazing materials;
- (36) BC421 - Private stairs construction;
- (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) BC618 - Flashing to be provided;
- (43) HSC500 - Premises to be ventilated;
- (44) HSC800 - Use of appliances emitting intrusive noise;

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

Carried.

17.

MARTIN ROAD, NO. 16, CENTENNIAL PARK - MODIFICATIONS TO ENTRANCE PATH AND REFLECTION SWIMMING POOL - AMENDED BUILDING APPLICATION (Q96-00912)

- (A) That the Council, as the responsible authority, grants its consent to the amended application submitted by Andre Porebski and Associates for permission to carry out new revised landscaping work including a reflection swimming pool, subject to the following conditions, namely:-
 - (1) That the 300mm wide planting strip adjoining the fence along the streetside of the pool shall be increased to 600mm;

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- (2) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (3) That compliance shall be given to all of the conditions shown on the approved plan;
 - (4) That this approval is for an amendment to the original application and except as modified by the conditions contained herein, in no way relieves the applicant from responsibility for compliance with all previous Council approvals and conditions attached thereto;
 - (5) That compliance shall be given to the provisions of the Swimming Pools Act 1992 and the Swimming Pools Regulation (No 2) 1992. Details shall be submitted for approval prior to construction;
 - (6) That warning notices in accordance with Section 17 of the Swimming Pool Regulation (No 2) 1992 shall be erected. These notices can be purchased from Council's Planning and Building counter at 140 Joynton Avenue, Zetland;
 - (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";
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

ANGEL STREET, NO. 90, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q98-00254)

At the Committee Meeting and Council Meeting Councillor Fowler 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 Macken:-

- (A) That the Council, as the responsible authority, grants its consent to the

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application submitted by Buzacott Ocolisan Associates, for permission to carry out alterations and additions at the abovementioned premises all in accordance with the submitted plans numbered 9713/D-01 to 06, received on 26 March, 1998, subject to the following conditions, namely:-

- (1) That privacy screens 1.8m in height shall be provided on the northern and the southern sides of the rear first floor balcony;
- (2) That the front dormer window shall be proportioned to the ratio of 1.5:1 to comply with the requirements under DCP 1997 details to be submitted for Councils approval prior to construction commencing;
- (3) 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;
- (4) 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;
- (5) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (6) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (7) 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;
- (8) 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;

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

and the following adopted standard conditions:

- (10) BC2 - Compliance with Local Government Act 1993;
- (11) BC3 - Compliance with conditions on plan;
- (12) BC8 - Details of contractor;
- (13) BC11 - Inform Council for inspections;
- (14) BC15 - Approval relates to coloured work;
- (15) BC20 - Premises to remain as single dwelling;
- (16) BC62 - Survey Certificate for setup of building;
- (17) BC63 - Survey Certificate for finished building;
- (18) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (19) BC111 - Hours of work;
- (20) BC113 - Work to comply with noise standards;
- (21) BC114 - Existing building to be kept in stable condition;
- (22) BC116 - New work not to encroach boundaries;
- (23) BC119 - Requirements when excavating below footings;
- (24) BC167 - Structural details and certification to be submitted;
- (25) BC168 - Structural justification of existing building;
- (26) BC170 - Structural certificate upon completion;
- (27) BC175 - Comply with Timber Framing Code;
- (28) BC176 - Approval for permanent work only;
- (29) BC184 - Foundation material under slabs;
- (30) BC186 - No structural work until approval granted;

- (31) BC337 - Construction of boundary walls;
- (32) BC340 - Non-flammable sarking materials;
- (33) BC352 - Glazing materials;
- (34) BC421 - Private stairs construction;
- (35) BC529 - Smoke alarm systems;
- (36) BC601 - Water closets and shower compartments;
- (37) BC603 - Damp and weatherproofing;
- (38) BC608 - Ceiling heights;
- (39) BC609 - Natural light and ventilation;
- (40) BC617 - Rain or dampness penetration;
- (41) BC618 - Flashing to be provided;
- (42) hsc500 - Premises to be ventilated;
- (43) hsc555 - Bathroom ventilation;
- (44) hsc518 - Exhaust vent;
- (45) hsc700 - Compliance with code for Garbage Handling System;
- (46) hsc800 - Use of appliances emitting intrusive noise.

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

Carried.

19.

CROWN STREET, NOS. 412-414, SURRY HILLS - ENTERTAINMENT APPLICATION FOR DINING SECTION OF HOTEL - DEVELOPMENT APPLICATION (U98-00233)

- (A) That the Council as the responsible authority grants its consent to an application submitted by Jesrep Pty Ltd to provide entertainment in the dining area of the hotel, subject to the following conditions, namely:-
 - (1) That no entertainment shall be provided until the works required

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in part (B) of this consent have been carried out to the satisfaction of the Director of Planning and Building;

- (2) That entertainment may be provided only for a trial period of 4 calendar months from the agreed date of completion of building work as required by condition (1);
 - (3) That entertainment shall be provided only within the dining area;
 - (4) That no amplified music or theatrical performances shall be provided;
 - (5) That no performance shall commence before 8.00pm or continue beyond 11.30 p.m;
 - (6) That there shall not be more than one performance in any week, and a register of performances shall be kept by the hotel and be available for inspection at any time;
 - (7) That performances shall take place on Sunday only between 12.00 noon and 5.00 p.m;
 - (8) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
 - (9) 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.
- (B) That the building approval dated 28 September 1995 and amendment dated 23 April 1996, (Ref Q95-00696) and building approval dated 14 March 1996, (reference Q96-00048) shall be complied with in file (copy enclosed);
- (1) That a copy of the approval for the place of public entertainment shall be conspicuously displayed in the place of public entertainment, in accordance with the requirements of Schedule 2 of Local Government (Approvals) Regulation 1993;
 - (2) That the premises, and its site, shall be maintained in a clean and hygienic condition, clear of all undergrowth, rubbish,

flammable or noxious material, and other material likely to constitute a fire or health hazard;

- (3) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
- (4) That the authorised capacity (including staff and entertainer) shall not exceed 200 persons;
- (5) That unobstructed access shall be provided and maintained to all exits at all times;
- (6) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (7) That the promoter shall ensure that any key-operated fastening fitted to an exit door or a gate used by the public as a main entrance is in the retracted position whenever the public is in attendance with the requirements of Schedule 2 of the Local Government (Approvals) Regulation 1993;
- (8) That fabric used to cover closed-back upholstered chairs in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (9) That the entertainment area shall be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60;
- (10) That dressing rooms shall comply with the requirements of Clause H101.15 of the BCA;
- (11) That the electric mains installation shall comply with the requirements of Clause H101.19 of the BCA;
- (12) That a copy of the approval for the place of public entertainment shall be conspicuously displayed in the place of public entertainment, in accordance with the requirements of Schedule 2 of Local Government (Approvals) Regulation 1993;
- (13) That sanitary facility shall be provided in accordance with Part F2 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 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.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

20.

LOUIS STREET, NOS. 28-54, HUGO STREET, NOS. 29-53, CAROLINE STREET, NOS. 12-36, REDFERN - WILSON BROTHERS SITE - DEMOLITION OF EXISTING BUILDING FOR PROVISION OF OPEN SPACE - DEVELOPMENT APPLICATION (U98-00119)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the appropriate Council Officer report to Council on the following:-
 - (1) the structural condition of the building from a prominent structural engineering company;
 - (2) commencing the Plan Management for the land prior to demolition;
 - (3) investigating alternative sites for proposals put forward by Redfern Aboriginal Corporation.
- (B) That Council engage an appropriate facilitator for the community consultation process who has a diverse knowledge of the issues of the affected community.

Carried.

21.

BROADWAY, NO.128, CHIPPENDALE - ALTERATIONS AND ADDITIONS TO BUILDING FOR USE AS THEATRE RESTAURANT - DEVELOPMENT APPLICATION (U97-01213)

- (A) That the Council is satisfied that the objection submitted pursuant to State Environmental Planning Policy No. 1 to the development standard limiting the maximum permissible floor space ratio (FSR) to 2:1 in Clause 12 of Local Environmental Plan no. 66 is well founded for the following reasons, namely:-

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- (1) That the addition to the FSR of the existing building is only minor and, as a mezzanine level, does not add visibly to the bulk of the building;
- (2) That the extra floor area will not detrimentally impact on surrounding development;

-and accordingly compliance with the standard would be unreasonable and unnecessary in this instance.

(B) That the Council as the responsible authority grants its consent to the application submitted by Matant, with the authority of Pioneer House Pty Ltd, for permission to extend the existing mezzanine floor area and to alter the ground floor of the building for use as a theatre restaurant/nightclub between the hours of 6.00p.m. and 3.00a.m. Mondays to Saturdays and 4.00p.m. and 12.00 midnight Sundays, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans dated 22 December 1997 submitted with the application;
- (2) That consent for the hours of operation until 3.00a.m. Mondays to Saturdays and till 12.00 midnight Sundays shall be limited to **one year** from the date of commencement of the use, trading to those hours, after which time the hours of operation shall be limited to 4.00p.m. to 12.00 midnight Mondays to Saturdays inclusive and 4.00p.m. to 11.00p.m. Sundays, unless further consent is obtained to operate to the extended hours;

The applicant is advised that:

- (a) a formal notification of the commencement of the use, operating to the proposed hours, is required to be submitted to Council within 14 days of the commencement;
 - (b) a further application may be lodged before expiration of the one year trial period for Councils consideration of the continuation of the extended hours of operation;
- (3) That, notwithstanding condition (2) the use shall not commence until Council has signified in writing that the provisions of conditions (4) and (5) have been complied with;
 - (4) That the applicant shall be submit a Noise Impact Assessment prepared by a suitably qualified acoustic engineer detailing what modifications are required to the building to limit the noise impact of the proposed use on surrounding properties and, subject to the

approval of Council, the proposed use shall not be commenced until such works have been completed to the satisfaction of Council;

- (5) That the applicant, in consultation with the NSW Police Service, shall prepare a Management Code of Practice for the conduct of the proposed use, a copy of which shall be submitted to Council and to the NSW Police Service, and the proposed use shall not commence until the Management Code of Practice has been agreed to by the NSW Police Service;
- (6) That the applicant shall submit evidence of a formal lease arrangement for provision of 7 off-street car parking spaces for a minimum period of 3 years on the adjoining property No. 142-153 Broadway, Chippendale and in the event that these spaces are no longer available the proposed use shall cease unless alternative parking is provided to the satisfaction of the Director of Planning and Building;
- (7) That security staff shall be employed to carry out periodic patrols around the vicinity of the site during the hours of operation to ensure that anti social behavior is controlled;
- (8) That the construction of the premises shall comply with the requirements of the national code for the construction and fit-out of Food Premises;
- (9) 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 the food preparation and bar areas

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

- (10) That access to Grafton Lane shall be for "Emergency Exit" only;

and the following adopted standard conditions:

- (11) LDA164 - Details of shopfront roller shutter;
- (12) LDA167 - No garbage on public way;
- (13) LDA170 - Commercial daily garbage collection;

- (14) LDA201 - Make separate application for sign;
- (15) LDA202 - No flashing lights to be installed on site;
- (16) LDA203 - No lights or sound equipment on public way;
- (17) LDA351 - Building Application required;
- (18) LDA360 - Amusement machines not permitted;
- (19) LDA367 - Timing device on alarms;
- (20) LDA376 - Hours of building work;
- (21) LDA377 - Construction noise regulation;
- (22) LDA379 - Spruikers not permitted;
- (23) LDA392 - No obstruction to public way;
- (24) LDA393 - Delivery of refuse skips;
- (25) HSC018 - Sanitary facilities;
- (26) HSC301 - Cooking of food only if air handling system is provided;
- (27) HSC500 - Premises to be ventilated;
- (28) HSC709 - Garbage room;
- (29) HSC711 - Commercial contract (trade waste);
- (30) 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, traffic and parking congestion, and would not be in the public interest.

- (C) That the applicant is advised that this consent should not be construed as approval for any change to existing parking controls on the adjacent roadways.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

- (E) That the Secretary of the Department of Urban Affairs and Planning be notified of Councils determination under SEPP No. 1 in accordance with the Departments Circular No. 117 of 9 December 1986.

Carried.

22.

UNION STREET, NOS. 192-194, ERSKINEVILLE - ERECTION OF NEW BUILDING CONTAINING 2 DWELLING AND GARAGES - DEVELOPMENT APPLICATION (U98-00290)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Huiqing Francis to demolish the existing dwelling and erect a two-storey duplex, for the following reasons, namely :-
- (1) That the demolition of the existing structure will be to the detriment of the streetscape and the character and heritage value of the Draft Conservation Area;
 - (2) That the proposed building is out of scale and out of character with the character of the area;
 - (3) That the proposed two-storey structure will result in an unacceptable increase in the overshadowing of dwellings to the south.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

23.

TRAFFIC - KINGS CROSS ROAD SAFETY IMPROVEMENTS STAGE 1 (5168536)

That Council approves the following measures:-

- (1) the construction of an Entry Treatment (such as a raised threshold) at the signalised pedestrian crossing on Darlinghurst Road just north of Bayswater Road;
- (2) the removal of the footway extension ("blister") mid-block along the eastern side of Darlinghurst Road;
- (3) the construction of an Intersection Treatment in Darlinghurst Road at

Roslyn Street;

- (4) the construction of an Entry Treatment (such as a raised threshold) at the signalised pedestrian crossing at the corner of Darlinghurst Road and Macleay Street;
- (5) a 40km/h speed limit in Darlinghurst Road between Bayswater Road and Macleay Street (to be extended in area at a later date).
- (6) the readjustment of the bus zone and taxi rank in Darlinghurst Road north of Bayswater Road.

(DPWS Report 29/5/98)

Carried.

24.

NEWMAN STREET, NO.27, NEWTOWN - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00116)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Neville and Levona Sandon for permission to carry out ground and first floor alterations and additions to the existing dwelling, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered DA-01 C and held on Council file U98-00116;
 - (2) That the rear first floor balcony and fin walls shall be deleted and replaced with a Juliet balcony. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building;
 - (3) That the rear first floor addition shall be setback from the western boundary to reflect an extension of the building alignment at this level. Details shall be submitted with the Building Application to the satisfaction of the Director of Planning and Building;
 - (4) That the rear first floor windows shall be replaced with a central pair of vertically proportioned doors bordered on either side by a vertically proportioned sidelight window. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building;

- (5) That the external walls of the proposed addition shall be rendered in a light colour. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building;
- (6) 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;
- (7) 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:

- (8) LDA351 - Building Application required;
- (9) LDA367 - Timing device on alarms;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;
- (12) LDA387 - Footway crossings;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) LDA393 - Delivery of refuse skips;
- (16) LDA396 - Works within boundaries;
- (17) hsc500 - Premises to be ventilated;

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 overshadowing, privacy loss, heritage issues, 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.

25.

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

That Council write to the Minister for Transport and Mayor of Waverley expressing this Council's support for the proposed new Bondi Beach Rail Line.

(DPB Report 1.6.98)

Carried.

26.

PROMOTIONS - MOVEMENT WITHOUT MOTORS, CAMPERDOWN VELODROME - PROMOTION OF SOUTH SYDNEY BIKE PLAN - PROPOSED SPONSORSHIP(534171) (T52-00060)

That Council resolve to sponsor the 1998 Movement Without Motors event by an amount of \$3,000, for which funds to be taken from the unspent funds of the "South Sydney Bike Plan" project (Account GW 98007-66A0) listed in the 1997/8 Planning and Building Department Budget.

(DPB Report 1.6.98)

Carried.

27.

REDFERN STREET, NOS. 110-112, REDFERN - REFURBISH EXISTING BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00099)

(A) That the Council as the responsible authority grants its consent to the development application submitted by Ashton Pacific Pty Ltd, for permission to convert the existing building into a private hotel containing 27 rooms and 9 parking spaces, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA 02G dated November, 1997 and DA 03F dated September 1997;
- (2) That the private hotel shall be management as per the plan of management submitted to Council dated January, 1998. Any changes to this plan of management the Council shall be advised in writing.

- (3) That the upper floor terraces shall be deleted and shall not be used for any purposes and shall be non-trafficable. Details to be submitted with the Building Application;
- (4) That all windows in walls on the side boundaries of the property shall be glass blocks or obscure glazing and shall not be taken into account regarding compliance with natural light provision of the B.C.A. unless documentary evidence is submitted establishing that an easement exists;
- (5) That the hours of operation for the café shall be restricted to between 6.30 a.m. to 10.30 p.m. Mondays to Sundays;
- (6) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$47,376	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$14,161	2E97002.BGYO
Accessibility And Transport	\$ 168	2E97006.BGYO
Management	\$ 714	2E97007.BGYO
 Total	 \$62,418	

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

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

where:

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

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (7) That a camera surveillance system shall be installed to the front of the premises;
- (8) That a maximum of 7 off-street car parking spaces and 2 minibus spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (9) That all vehicles shall be driven onto and off the site in a forward direction, at all times;
- (10) That a sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such;
- (11) 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;
- (12) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) roofing;
 - (c) balustrade treatment;
 - (d) fences;
 - (e) windows and doors;
- (13) That any external glazing shall have a reflectivity not exceeding 20%;
- (14) That only one common television aerial shall be installed;
- (15) That all relevant sections of the BCA shall be complied with;

- (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 (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (17) 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;
- (18) That the building shall be so designed as to give full compliance with all aspects of Standards Association of Australia Code AS 1428-1977 - "Design Rules for Access by the Disabled";
- (19) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (20) That no machinery shall be installed on the premises;
- (21) 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;
- (22) 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;
- (23) 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;
- (24) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (25) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of

kerbing, paving, guttering, drainage, etc;

- (26) 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;
- (27) That all proposed work shall be wholly within the boundaries of the subject site;
- (28) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (29) The basement car park being ventilated in accordance with Australian Standard 1668.2-1991 Section 4.4;
- (30) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (31) That the construction of the food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (32) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (33) That details of the manner in which it is intended to remove spoil and rubbish from the site during the course of demolition, excavation or refurbishment operations as well as measures to be adopted for the eradication of any vermin from the site shall be submitted to the Health and Community Services Department and approval obtained prior to the commencement of the work;
- (34) 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;
- (35) 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";

- (36) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (37) 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;
- (38) That plans and specifications showing details of all required mechanical ventilation systems, the garbage room, the recycling storage area, the location of exhaust/and intake vents, 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;
- (39) The Developer's attention is drawn to the availability from Council's Health and Community Services Department of the Waste Management – Minimisation "Fact Sheets", Garbage Storage Areas, Facilities and Receptacles;
- (40) The applicant shall contact Council's Cleansing Services regarding location of the garbage room or storage area;
- (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 degree and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;
- (42) That the owners attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes;
- (43) That the applicant may be liable to prosecution under the Local Government Act 1993 for a breach of an approved condition, or under the Clean Waters Act 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;

- (44) That smoke hazard management systems shall comply with Part E2 of the Building Code of Australia. Details to be submitted to Council's Planning and Building Department;
- (45) That the car park being ventilated in accordance with Australian Standard 1668.1.1991 Section 7 and Australian Standard 1668.2 Section 4;
- (46) That any proposed commercial food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (47) That the garbage room shall be designed and built in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (48) 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;
 - (f) 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:-

- (g) hsc103 - Environmental site assessment being carried out;
- (h) hsc100 - Removal of spoil from site;
- (i) hsc500 - Premises to be ventilated;
- (j) hsc300 - Air handling systems for future food premises;
- (k) hsc018 - Sanitary facilities;
- (l) hsc700 - Compliance with code for Garbage Handling System;
- (m) hsc711 - Commercial contract (trade waste);

- (n) hsc706 - Storage of recyclables;
 - (o) hsc801 - Noise from premises.
- (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 proposed stairways shall be fire isolated and redesigned to comply fully with the requirements of Parts C & D of the B.C.A. Specific attention is directed to clauses D.1.3, D.1.7(a)(b), D.1.10;
 - (2) That kitchen facilities, tables and chairs shall be removed from public corridor area on the first and second floors;
 - (3) That openings in the eastern and western boundary units shall be protected and comply fully with the requirements of Clauses C.3.2 and C.3.4 of the B.C.A and shall not be included in calculations for natural light and ventilation;
 - (4) That proposed rooflights shall be redesigned to comply fully with the requirements of Clause C.1.1 of the B.C.A;
 - (5) That requirements for people with disabilities shall comply fully with Part D.3 of the B.C.A;
 - (6) 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:-

- (7) LDA351 - Building Application required;
- (8) BC310 - Protection of external openings;
- (9) BC318 - Fire entrance doors to units;
- (10) BC420 - Construction of stairways and ramps;
- (11) BC426 - Exit doors, shutters and grilles;
- (12) BC501 - Fire extinguisher;
- (13) BC507 - Hose reels;
- (14) BC508 - Hydrants;
- (15) BC524 - Emergency lighting;

- (16) BC525 - Exit signs;
 - (17) BC528 - Fire detectors and alarm system;
 - (18) BC605 - Number of toilets;
 - (19) BC609 - Natural light and ventilation;
 - (20) BC611 - Ventilation of bathrooms/laundries;
 - (21) BC612 - Wall sound transmissions;
 - (22) BC614 - Floor sound transmissions;
 - (23) BC26 - Comply with BCA.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

28.

GARDENERS ROAD, NO.250, ROSEBERY - FIRST FLOOR ADDITIONS - BUILDING APPLICATION (Q97-01053)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr M Alania for permission to carry out first floor additions incorporating two bedrooms, bathroom and toilet and to demolish internal walls separating the existing ground floor bedroom from the living area at the abovementioned premises, all in accordance with the submitted amended plans numbered 98-140 sheets 1/2 and 2/2 dated 19 March 1998, subject to the following conditions, namely:-
- (1) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services standard requirements;
 - (2) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (3) 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;
 - (4) 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 suitable off-street area and not in the public way, in accordance

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with the requirements of the Director of Public Works and Services;

- (5) 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;
- (6) 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;
- (7) That the drainage details shall be submitted to Council for consideration and approval prior to commencement of building work;
- (8) 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 plan.

and the following adopted standard conditions:-

- (9) BC2 - Compliance with Local Government Act 1993;
- (10) BC3 - Compliance with conditions on plan;
- (11) BC8 - Details of contractor;
- (12) BC11 - Inform Council for inspections;
- (13) BC15 - Approval relates to coloured work;
- (14) BC20 - Premises to remain as single dwelling;
- (15) BC111 - Hours of work;
- (16) BC113 - Work to comply with noise standards;
- (17) BC114 - Existing building to be kept in stable condition;
- (18) BC116 - New work not to encroach boundaries;
- (19) BC167 - Structural details and certification to be submitted;

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- (20) BC170 - Structural certificate upon completion;
 - (21) BC175 - Comply with Timber Framing Code;
 - (22) BC176 - Approval for permanent work only;
 - (23) BC186 - No structural work until approval granted;
 - (24) BC337 - Construction of boundary walls;
 - (25) BC340 - Non-flammable sarking materials;
 - (26) BC352 - Glazing materials;
 - (27) BC421 - Private stairs construction;
 - (28) That suitable smoke alarm systems shall be provided in accordance with the requirements of E1.7 of the BCA;
 - (29) BC601 - Water closets and shower compartments;
 - (30) BC603 - Damp and weatherproofing;
 - (31) BC608 - Ceiling heights;
 - (32) BC609 - Natural light and ventilation;
 - (33) BC615 - Common walls sound transmission;
 - (34) hsc800 - Use of appliances emitting intrusive noise.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

The Planning and Development Committee meeting terminated at 8.49 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE
(CONFIDENTIAL MATTERS)**

WEDNESDAY, 3 JUNE 1998 AT 8.50 PM

The Committee to resolve that the press and the public be excluded from the meeting of the Planning and Development Committee (Confidential Matters) during consideration of the undermentioned Item, and further, access to correspondence and

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reports being withheld in respect of such Item 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 Councillor Lay:-

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

Item 1 - Legal and Financial Matter

Moved by the Chairperson (The Mayor .), seconded by Councillor Macken:-

That the Report of the Planning and Development Committee (Confidential Matters) of its meeting of 3 June 1998, be received and the recommendations set out below for Item 1, be adopted.

The Committee **recommended** the following:-

1.

DRAFT SECTION 94 CONTRIBUTIONS PLAN - MULTI-FUNCTION ADMINISTRATION CENTRE (2008313)

This matter was submitted to Council without recommendation.

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

That approval be given to:-

- (1) Council adopting the Section 94 Contributions Plan for a Multi-Function Administration Centre as detailed in the attachments accompanying the Director's report;
- (2) the contribution being levied on Development Applications lodged after the date of this resolution.

(DPB Report 26.5.98)

Carried.

Councillors Deftereos and Fowler requested that their names be recorded as voting against the foregoing motion.

The Planning and Development Confidential Committee meeting terminated at 8.51 p.m.

The Council Meeting terminated at 7.23.p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

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