

211TH Meeting**Erskineville Town Hall
Erskineville****Wednesday, 12 August 1998**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.37 pm on Wednesday, 12 August 1998.

PRESENT

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

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

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	837
Leave of Absence	837
Minutes by the Mayor	838
Minute by the General Manager	843
Report of Management Review Committee	844
Questions Without Notice	845
Report of Finance Committee	846
Report of Community Services Committee	851
Report of Planning and Development Committee	854

GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Deftereos:-

That the minutes of the Ordinary Meeting of Council of 29 July 1998, be taken as read and confirmed.

At the request of Councillor Harcourt, and by consent, the minutes of 29 July 1998, were amended on Page 773 by the deletion of the word "representatives" where appearing in the first line of clause (a) in Item 12 and the insertion in lieu thereof of the words "voting delegate".

Minutes, as amended by consent, were then confirmed.

Leave of Absence - Councillor Fowler

Councillor Fowler was granted leave of absence from all meetings of Council, including Council and Committee Meetings, from 22 July to 12 August 1998, at the Council Meeting of 24 June 1998.

It was moved by Councillor Deftereos, seconded by Councillor Bush:-

That leave of absence be granted to Councillor Fowler from all meetings of Council, including Council and Committee Meetings, from 22 July to 12 August 1998.

Carried.

Local Government Management Excellence Awards - Progress in Staff Development - Presentation to South Sydney Council

At this stage the Director of Organisational Development presented the following awards with respect to Progress in Staff Development to:-

- (a) the Mayor, who accepted on behalf of Council;
- (b) the General Manager;
- (c) Council's Training Manager.

The Mayor thanked the Director of Organisational Development and recognised Council's achievement in the professional development of Council's staff.

MINUTE BY THE MAYOR

11 August 1998

PERSONNEL - BOWEL CANCER PREVENTION PROGRAMME (2018907)

On 15 June I received correspondence from Mr Harry Triguboff, Patron of the Bowel Cancer Prevention Programme conducted by the Prince of Wales Hospital.

This programme has been developed to identify those who are at significant risk of bowel cancer.

Mr Triguboff asked for Council's support to publicise the programme and as a result a meeting was held between Council staff and Ms Catherine Erskine, Programme Manager, and Graham L Newstead, Colorectal Surgeon to discuss the possible commencement of the programme within Council.

A letter of introduction and an educational pamphlet will be provided to Council's staff, now 40 years of age and older, to raise their consciousness regarding bowel cancer.

If the employee chooses they can complete a medical questionnaire which will be included for return to the programme if the employees desires.

The employee will then be contacted to indicate possible levels of risk and to provide options to diminish that risk.

Any further contact is between the employee and the Bowel Cancer Prevention Programme.

All information is in strict confidence any decision to proceed with recommended assessment is at the discretion of the employee.

Recommendation:

I recommend that Council support the promotion of the Bowel Cancer Prevention programme to Council's staff as a demonstration of Council's concern for the health and welfare of its staff.

Councillor Vic Smith (SGD)
Mayor

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

11 August 1998

COMMITTEES - WASTE TO FEAST - CONTINUATION OF PROGRAM (2000981)

On Thursday, 6 August, 1998 at Erskineville Town Hall the "Waste to Feast" Waste Minimisation Project was concluded with a reception and launch for its 80-page manual. The manual focuses on comprehensive waste minimisation strategies for the food service and catering industry and highlights the edible food recovery trial which took place in March.

Whilst "Waste to Feast" has been satisfactorily completed under the terms of its Environment Protection Authority's grant undertaking, the permanent establishment and expansion of recovering surplus edible food and distributing it to charities is still being pursued.

The favoured option is for the Foodbank, NSW, a non-denominational and non-profit organisation to take on "Waste to Feast" as an ancillary function to its role of collecting dry foods from manufacturers and distributing them to charities throughout NSW. Consequently, a proposal was developed, recommending the funding of "Waste to Feast" with \$30,000 per annum for three consecutive years as a joint venture with City of Sydney, Marrickville and Leichhardt Councils. (South Sydney has already allocated \$100,000 in the 1998-99 budget for the continuation of "Waste to Feast").

Consequently letters were sent to the three relevant Mayors asking for their Council's financial support for such a needed program. To date there has not been a decisive response from any of these Councils. Recently, however, representations have been made by Woollahra Council seeking further information and offering support.

Therefore, it is appropriate and timely that a further appeal be made to our neighbouring Councils requesting their financial commitment for the continuation of the "Waste to Feast" food recovery program.

Recommendation:

That Council request in writing from the Mayors of the Councils of the City of Sydney, Marrickville, Leichhardt and Woollahra to provide financial assistance for the

GENERAL MANAGER

continuation of the "Waste to Feast" food recovery program and that these requests be sent under the signature of the Mayor.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

12 August 1998

PROPERTIES - SAVE DOUGLAS STREET PARK - REQUEST FOR RE-ZONING AND HAND OVER TO COUNCIL (2011258)

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

As Council is aware, a successful campaign was fought by residents and Council to save Douglas Street Park, Redfern, from being sold in May by the Central Sydney Area Health Service.

The Minister, Dr Andrew Refshauge intervened and withdrew the park from sale.

I have, however, received representations from residents who are still concerned about the future of the park and the possibility that the land may yet be sold.

The site is currently zoned Special Uses (5), and in order to safe-guard the future of the park I recommend that Council seek to have the park handed over to Council for care, control and management in perpetuity, and that the land be re-zoned open space.

Recommendation:

That Council writes to the Minister of Health, Dr. Andrew Refshauge requesting that Douglas Street Park be handed over to Council for care, control and management in

GENERAL MANAGER

perpetuity. And further, in the event of a favourable response, Council prepare an amendment to Local Environmental Plan 1998 to re-zone the land as open space.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

12 August 1998

ANTISOCIAL ACTIVITIES - JUVENILE CRIME IN WOOLLOOMOOLOO - MURAL PROJECT LAUNCH (2016504)

At its meeting of 27 May 1998 Council recommended support for the new mural project in Woolloomooloo by contributing \$2,000 towards the cost of engaging a Koori artist, together with inkind support to secure the area during installation and with workshop supplies.

Sandra Nicoll - the Woolloomooloo Crime Prevention and Safety Coordinator has been managing the mural project, in partnership with the staff of the Department of Housing, South Sydney Council, D4, and the Department of Juvenile Justice.

The Mural was directed by Koori artist Danny Eastwood with the assistance of over one hundred local young people. All of the students at Plunkett School assisted with the artwork.

The mural is now completed and will be officially launched on Saturday 22 August 1998. It is proposed to organise a Bar-B-Q for the Woolloomooloo community to launch the mural in order to raise community awareness and encourage local "ownership" of the work. This usually provides added protection and pride in the project.

The launch program will commence at 12 noon and will include a Bar-B-Q, jazz groups performing, the official opening, a visit by the Sydney Kings Basketball team and then a DJ with music and dancing for young people in the area until 4.30pm, on the adjacent Basketball Courts.

GENERAL MANAGER

Recommendation:

That Council approve the expenditure of \$1,500 for the launch of the Woolloomooloo Mural Project on Saturday 22 August 1998, from 12 noon until 4.30pm, and that a banner be erected to advertise the event, with funds available in the Community Services Section Youth Program Budget (KRB 0001 66D)

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

12 August 1998

**COMMUNITY SERVICES - COMMUNITY HARMONY PROJECT -
SUPPORT (2018914)**

At its meeting of 24th June, 1998, Council voted to affirm its full commitment to multiculturalism, reconciliation and tolerance, and to work towards the building of a safe, harmonious and culturally diverse society.

Since then, I attended the launch of the Ethnic Communities Council's (ECC) Community Harmony Project on 4 August 1998 and joined other organisations in supporting multiculturalism. It was emphasised by several speakers that Australia's greatest riches are its people, and that multiculturalism is a reality and not a matter that needs to meet the approval of a political party.

The Community Harmony Project is a community campaign that aims to include people from all walks of life.

I believe that Council needs to continue taking a pro-active approach in nurturing and maintaining the community harmony of the South Sydney Community, and should actively support the Community Harmony Project.

Through literature and promotional material (see kit attached), the Community Harmony Project aims to send its message of support for multiculturalism. The ECC will be organising a state-wide day of celebration next year, which will involve all the members of the community who participated in the project.

GENERAL MANAGER

Council's involvement can take the form of displaying the promotional material at all Council facilities and venues, making banners to be hung around the area, and involving schools and members of the community in other public displays carrying a message of support. At various Council events and functions, the message should also be actively promoted.

It is recommended that a working party be formed to coordinate South Sydney's Local Community Harmony Campaign over the next few months.

Furthermore, it is recommended that funds of \$5000 be allocated to purchase promotional material and produce publications to support the campaign.

Recommendation:

- (1) That a working party be formed to co-ordinate Council's Community Harmony Project;
- (2) That this Council request that a motion be sent to the National General Assembly of Local Government in support of community harmony;
- (3) That funds of \$5,000 be voted towards the provision of ongoing promotional material;
- (4) That framed copies of the NSW Charter of Principles for a Culturally Diverse Society be displayed in all Council facilities and venues, and personalised to carry this message from Council.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

3 August 1998

GENERAL MANAGER - ANNUAL LEAVE ARRANGEMENTS (20000000)

As agreed, I propose to take annual leave from 7 September 1998 to 3 October 1998, inclusive.

GENERAL MANAGER

During such absence it is recommended that:-

- (1) the Director of Planning and Building, Mr James Harrison, act as General Manager;
- (2) delegations to the General Manager, as detailed in the Manual of Standard Procedure, be delegated to Mr Harrison from 7 September 1998 to 3 October 1998.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

10 August, 1998

PRESENT

Business commenced at 5.45 pm. Those in attendance were:

Councillors Fenton, Harcourt, and Lay.

Apologies were received from the Mayor and Councillors Deftereos and Fowler.

There being no quorum, those present **recommended** the following:-

ADMINISTRATION – MANAGEMENT PLAN 1997/2000 – REPORT FOR 12 MONTHS ENDED 30 JUNE, 1998 (2013185)

Council receives and notes the report on the Management Plan 1997/2000 for the 12 months ended 30 June, 1998.

(GM Minute 7.8.98)

GENERAL MANAGER

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

QUESTIONS WITHOUT NOTICE

1.

BELMONT STREET, ALEXANDRIA - CLEANING - REMOVAL OF ABANDONED VEHICLES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017302)

Question:

There are two abandoned vehicles outside No. 351 Belmont Street, Alexandria, one of which belongs to a Huntley Green resident, which is not registered and is now permanently parked in the street. These cars were reported to the Abandoned Vehicles Section on three occasions. To date nothing has happened.

Could this matter be investigated?

Answer by the Mayor:

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

2.

PARKING - BELMONT AND LAWRENCE STREETS, ALEXANDRIA - INVESTIGATION OF RESIDENT PARKING PROBLEMS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P01-22345)

Question:

There has been a request from residents in Belmont and Lawrence Streets to investigate resident parking in that area adjacent to Huntley Green. Could this matter be referred to the Traffic Committee?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have that matter referred to the Traffic Committee for consideration.

REPORT OF THE FINANCE COMMITTEE

5 August 1998

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

At the commencement of business at 6.50 pm those present were:-

Councillors - Deftereos, Fenton, Macken, Waters.

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

That the Report of the Finance Committee of its meeting of 5 August 1998, be received and the recommendations set out below for Items 1 to 14, inclusive, and 16, be adopted. The recommendation for Item 15 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

MOTOR VEHICLES - COMMUNITY SERVICES - COMMUNITY BUS SCHEME - QUARTERLY REPORT (M56-00008)

That arising from consideration of a report by the Director Health and Community Services dated 22 July 1998, confirmatory approval be given to the motor vehicles' use costs, as listed in the abovementioned report, being treated as donations and charged against Section 356 of the Local Government Act (1993).

Carried.

2.

LEASING - COUNCIL'S SPORTING FACILITIES - CALLING OF EXPRESSIONS OF INTEREST FOR USE (L56-00569)

That the report by the Director of Corporate Services dated 21 July 1998, in respect of the use of Council's Sporting Facilities, be received and noted.

Carried.

GENERAL MANAGER

3.

FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD ENDING 30 JUNE 1998 (2015594)

That the Investment Report of the Director of Finance dated 20 July 1998, be received and noted.

Carried.

4.

COMMUNITY FACILITIES - ALEXANDRIA CHILD CARE CENTRE - PROPOSED ADDITIONAL FEES AND CHARGES - POLICY (2013319)

That arising from consideration of a report by the Director of Health and Community Services dated 28 July 1998, approval be given to the adoption of the policy and fees and charges for late pick up of children at the Alexandria Child Care Centre as outlined in the abovementioned report and that the schedule be advertised for public comment for the required 28 days.

Carried.

5.

PROPERTIES - BROWN STREET HALL, NEWTOWN - REQUEST FOR FREE USE, 15 AUGUST 1998 BY LESBIAN SPACE INC. CUSTODIAL COMMITTEE (2011180)

That arising from consideration of a report by the Director of Corporate Services dated 28 July 1998, it be resolved that Council support Lesbian Space Inc. Custodial Committee, by forgoing \$260 in income, and meet the expenses of \$350 (from account ENG 123) and allow Lesbian Space Inc. Custodial Committee free use of Brown Street Hall, Newtown, on Saturday, 15 August 1998, for their Public Forum.

Carried.

6.

DONATIONS - LOCAL GOVERNMENT & SHIRES ASSOCIATION - LEGAL COSTS FOR GOSFORD CITY COUNCIL (2002879)

That arising from consideration of a report by the Director of Corporate Services dated 20 July 1998, Council declines to contribute towards the legal costs of Gosford City Council concerning election challenges in 1995 and 1996 on the basis that there appears to be no significant impact on Local Government.

Carried.

7.

FINANCE - CHANGES TO SCHEDULE OF FEES AND CHARGES CAUSED BY AMENDMENTS TO SECTION 12 AND NEW SECTIONS 12A AND 12B OF THE LOCAL GOVERNMENT ACT, 1993 (2018716)

That arising from consideration of a report by the Director of Corporate Services dated 28 July 1998, it be resolved that:-

- (1) the amendments to the Schedule of Fees and Charges as detailed in the abovementioned report be advertised for 28 days to allow comments by the public;
- (2) Council ratify the amendments to charges stated in this report;
- (3) all staff be informed about the new charges.

Carried.

8.

FINANCE - REVOTE OUTSTANDING WORKS PROGRAMME ITEMS FROM 1997/98 TO 1998/99 ESTIMATES (B53-00053)

That arising from consideration of a report by the Director of Finance dated 10 August 1998, an amount of \$4,861,293 be re-voted from the 1997/98 Works Programme and added to the 1998/99 Estimates as detailed in the abovementioned report.

Carried.

9.

FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - JUNE 1998 (2018659)

That arising from consideration of a report by the Director of Finance dated 13 July 1998, approval be given to the confirmation of the payment of the accounts totalling \$17,592,920, as detailed in the Summary of Warrants for the Month of June 1998.

Carried.

10.

**DONATIONS - SOUTH SYDNEY POLICE CITIZENS YOUTH CLUB -
UPGRADING OF PREMISES (D53-00181)**

That for the reasons set out in the report by the Director of Corporate Services dated 31 July 1998, approval be given to funds of \$15,000 being allocated to Account Code LFN 05525 GMF, in order to carry out upgrading of the ceiling and timber floors at the South Sydney Police Citizens Youth Club, these funds will be reimbursed to Council from South Sydney Police Citizens Youth Club through approved funding from the N.S.W. Department of Sport and Recreation at completion of the work, and further, an amount of \$5,000 be provided by way of donation, A/C LFN, to South Sydney Police Citizens Youth Club in order to cover the costs of Council's project management.

Carried.

11.

**PARKS - SUPPLY AND DELIVERY OF SEEDLINGS, HERBS, PERENNIALS
AND ANNUAL FLOWERING PLANTS - ACCEPTANCE OF TENDER
(5207835)**

That Council accept the tender of Craigies Nursery (Wholesale) Pty Ltd at the rates specified for the supply of plant material in accordance with Council's specification for a period of 12 months with provision for the expenditure being made in the 1998/99 Departmental Estimates for Public of Works and Services (FBA55FO and FWP9181 Summer Flower Festival).

(DPWS Report 31.7.98)

Carried.

12.

**PLANNING - SECTION 94 FACILITIES PLAN - ENGAGEMENT OF
CONSULTANTS (2014340)**

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Planning and Building dated 3 August 1998, approval be given to:-

- (1) the appointment of TAG, S&S and Sydney University to jointly undertake research to support a new Section 94 Contributions Plan for Facilities at a cost of \$80,000;
- (2) the allocation of funds for this project from the 1998/99 budget as follows:
 - 2EK.BGY0 \$25,000 (Childcare)
 - 2EL.BGY0 \$25,000 (Community Facilities)

GENERAL MANAGER

- KW99008 66EO \$10,000 (Community Resources Contracts)
- KHL 66DO \$5 000 (Cultural Development)
- KW99032 66EO \$15, 000(Social Planning)

- (3) the project being jointly managed by the Planning and Building and Health and Community Services Departments.

Carried.

13.

PROPERTIES - UPGRADING - CEILING AND WALKWAY SYSTEMS - COUNCIL'S ADMINISTRATION BUILDING - NO. 140 JOYNTON AVENUE, ZETLAND (2017395)

That arising from consideration of a report by the Director of Corporate Services dated 3 August 1998, approval be given to \$25,000 being allocated from the Property Reserve to pay for the upgrade of the ceiling and walkway systems at Council's Administration Building, No. 140 Joynton Avenue, Zetland.

Carried.

14.

FINANCE - STATUTORY FEES - ENVIRONMENTAL PLANNING AND ASSESSMENT (AMENDMENT) ACT 1979 AND ENVIRONMENTAL PLANNING AND ASSESSMENT (AMENDMENT) REGULATION, 1998 AND UNAUTHORISED ENCROACHMENT OF BUILDINGS OR STRUCTURES OVER THE PUBLIC WAY (B53-00009)

That arising from consideration of reports by the Director of Planning and Building dated 15 July 1998, and the Director of Public Works and Services dated 5 August 1998, it be resolved that Council give public Notice, in accordance with Section 612 of the Local Government Act, 1993, as amended, to adopt the maximum fees permitted under:-

- (1) the Environmental Planning and Assessment (Amendment) Act, 1997, the Environmental Planning and Assessment (Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings & Transitional) Regulation 1998 Order as may be amended from time to time applicable to those matters set out in the attached annexure dated 15 July 1998, to the report by the Director of Planning and Building of the same date;
- (2) the Unauthorised Encroachment of Buildings or Structures over the Public Way using formula in the report by the Director of Public Works and Services dated 5 August 1998.

Carried.

15.

PROPERTIES - REGINALD MURPHY HALL, ELIZABETH BAY - REQUEST FOR FREE USE - KEN AND LILIAN HORLER (P56-00416)

That arising from consideration of a report by the Director of Corporate Services dated 5 August 1998, confirmatory approval be given to Ken and Lilian Horler to use Reginald Murphy Hall, Elizabeth Bay, free of charge from 5th August to 30th August 1998, for the purpose of rehearsing the play "Tilly's Turn" and the costs associated with such use be charged to account ENG 123, and that Council write to Ken and Lilian Horler wishing them the best with their production.

At the request of Councillor Macken, and by consent, the motion was amended by the addition of the words "and that the letter to be forwarded be under the signature of the Mayor" after the word "production" where appearing in the last line of the recommendation.

Motion, as amended by consent, carried.

16.

CELEBRATIONS - PUBLIC RELATIONS - MARDI GRAS - IMAX FILM - REQUEST FOR SPONSORSHIP (2016720)

That consideration of the above matter be deferred to allow the proponents to address the next Finance Committee Meeting on 19 August 1998.

Carried.

The Finance Committee Meeting terminated at 7.10 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

5 August 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken, Greg Waters.

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

Councillors:- Deftereos, Fenton, Macken.

GENERAL MANAGER

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

That the Report of the Community Services Committee of its meeting of 5 August 1998, be received and the recommendations set out below for Items 1, 2 and 4, be adopted. The recommendation for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

WELFARE - COUNCIL'S KITCHENS - AGED SERVICES - CONSULTANT'S REPORT (W51-00045)

That arising from consideration of a report by the Director of Health and Community Services dated 28 July 1998, approval be given to:-

- (1) receive and note a report by Regithermic Australia on the present and future operations of Council's kitchens;
- (2) the preparation of a further detailed report for the Community Services Committee meeting of 2 September 1998, which will put forward three options for Councils consideration (including a preferred option) on the future operation of Council's meal service.

Carried.

2.

CONFERENCES - 1998 NATIONAL CONFERENCE ON MULTICULTURAL ISSUES - 19 TO 21 AUGUST 1998, BEECHWORTH, VICTORIA (D51-00136)

That arising from consideration of a report by the Director of Health and Community Services dated 30 July 1998, approval be given to the Community Worker (Multicultural Services) to attend the National Conference on Local Government Multicultural Issues on 19-21 August 1998, at Beechworth, Victoria, and that any registration fees, accommodation and out-of-pocket expenses be borne by Council, for which funds are available in the 1998/99 Revenue Estimate (KAA 77RO).

Carried.

3.

CONFERENCES - AUSTRALIAN INSTITUTE OF ENVIRONMENTAL HEALTH - NATIONAL CONFERENCE - 25 TO 30 OCTOBER 1998, SURFERS PARADISE, QUEENSLAND - ATTENDANCE OF COUNCIL REPRESENTATIVES (C61-00236)

That arising from consideration of a report by the Director of Health and Community Services dated 29 July 1998, approval be given to the attendance of the Mayor, the Director of Health and Community Services, the Health Services Manager, the Waste Services Manager, Council's Medical Officer, and any interested Councillor to the Australian Institute of Environmental Health National Conference, 25-30 October 1998, inclusive, at Surfers Paradise, Queensland, and that any registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by Council, for which funds are available in the 1998/99 Budget (KAB77RO, DAA77RO, HAA77RO and KAA77RO).

It was moved as an amendment by Councillor Bush, that he nominate himself to attend the above Conference.

Amendment lapsed through want of a seconder.

Motion carried.

4.

PARKS - SYDNEY PARK - LAUNCH OF 1998 TEMPORARY SCULPTURE SYMPOSIUM - RECEPTION (2018146)

That arising from consideration of a report by the Director of Health and Community Services dated 3 August 1998, approval be given to a reception to launch the Temporary Sculpture Symposium at Erskineville Town Hall from 6-8.00 p.m. on Friday 4 September 1998, for which funds are available in this Departments 1998/99 General Revenue Estimates (KHL000577FO).

Carried.

The Community Services Committee Meeting terminated at 6.49 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

5 August 1998

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

At the commencement of business at 6.40 pm, those present were -

The Mayor and Councillors - Bush, Harcourt and Lay.

Apology:

An apology for non-attendance at the meeting was received from Councillor Fowler.
(Leave of Absence granted at meeting of Council 24 June 1998.)

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

That the Report of the Planning and Development Committee of its meeting of 5 August 1998, be received and the recommendations set out below for Items 1, 3, 5, 6, 8 to 10, inclusive, 12, 13, 15, 17 to 24, inclusive, 26 and 27, be adopted. The recommendations for Items 2, 4, 7, 11, 14, 16 and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ENTERTAINMENT - KING STREET, NEWTOWN - STREET BUSKING (L56-00057)

That confirmatory approval be given to the request for a charity event with buskers standing on King Street on Sunday 16 August 1998 from midday to 6.00 pm. as detailed in the report by the Director of Public Works and Services dated 22 July 1998.

Carried.

2.

PUBLIC RELATIONS - "WALK TO WORK" DAY - PARTICIPATION BY COUNCIL (2018707)

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Macken :-

- (A) That Council contribute \$6,000 to the Pedestrian Council of Australia for promotional material for the "Walk to Work" Day on 9 October 1998.
- (B) That a letter under the Mayor's signature be written to the Pedestrian Council of Australia advising of Council's support for the "Walk to Work" Day and that they can liaise directly with our Special Events Officer for say three "rally" points (in parks to be chosen), one for each Ward area, with a healthy breakfast provided for participants (at Council's cost) at these "rally" points. Advertising of the event in the Inner City News, which is delivered to all our residents, could also be arranged;
- (C) That Council encourages our staff to participate in this event by:-
- advertising in the Red and Green Scene;
 - allowing flexible hours on that day;
 - allowing staff to where casual clothing;
 - providing a healthy breakfast in "Burke's Backyard" for staff who participate in the event;
 - allowing lease back drivers to leave their cars at home on that day or at work overnight prior to the event;
 - providing "decals" free to our staff who participate.
- (D) That Council give in principle support to the participation of staff in the "Walk to Work" day, subject to a report by the Director of Organisational Development outlining the logistics of its implementation and measures to overcome any major interruptions to Council's work requirements.

At the request of Councillor Lay, and by consent, the motion was amended by the addition of the words "and further, that the Director of Organisational Development supply bus and train timetables to all staff that will be participating in the event" after the word "requirements" where appearing in the last line of clause (D).

Motion, as amended by consent, carried.

3.

CLEVELAND STREET, NOS. 246 - 250A, SURRY HILLS - USE PREMISES AS A NIGHTCLUB - DEVELOPMENT APPLICATION (U98-00082)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Rezerection Pty Ltd, with the authority of Amelia Home Units Pty Ltd to use of the entire first floor and part of the ground floor as a nightclub from 7:00am to 3:00am Mondays

GENERAL MANAGER

to Saturdays and 7:00am to 1:00am on Sundays, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans No. WD-01 issue A submitted with the development application;
- (2) That the hours of operation shall be restricted to between 7:00am to 3:00am Mondays to Saturdays and 7:00am to 1:00am on Sundays;
- (3) That the hours of operation beyond 12:00 midnight shall be for a 6 month trial period from the date of this consent . The applicant shall re-apply for an extension of hours before the expiry of the 6 month period specified above, otherwise the hours shall revert to 7:00am to 12:00 midnight daily. The applicant will need to provide proof that a genuine trial has occurred;
- (4) That one licensed uniformed security personnel shall be employed to patrol the area in the vicinity of the property and surrounding streets between 10:00p.m.and 3:00am when the premises are open to ensure that patrons do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood;
- (5) That details of the security firm employed shall be submitted to Council to verify that condition (3) has been satisfied;
- (6) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (7) That no flashing, moving or intermittent lighting visible from the public way shall be installed on the premises or on any external sign associated with the development;
- (8) That the number of persons permitted on the premises shall be restricted to a maximum of 250 persons including staff and entertainers (It should be noted that an application for a new Public Entertainment Authorisation reflecting the increases in numbers will need to be submitted to Council);
- (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;
- (10) That a report from a qualified acoustic consultant shall be prepared and submitted to Council detailing works required to comply with Condition (9) and the works recommended by the acoustic consultant shall be carried out within 2 months of this consent otherwise the use shall cease;
- (11) That a sign shall be prominently displayed within the building near the exit requesting that departing patrons leave quietly so as not to disturb local residents.

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That the storage area shall be separated from the place of public entertainment by construction having a fire resistance level of not less than 60/60/60;
 - (2) That all sections of the Section 124.4 Fire Safety Order Reference No. L56-00362 dated 1 July 1995 shall be fully complied with.
- (C) That those persons who made representations in respect of the proposal be notified of Council's decision.

Carried.

4.

ANZAC PARADE, MOORE PARK - SYDNEY GIRLS HIGH SCHOOL - CONSTRUCTION OF TWO TENNIS AND NETBALL COURTS - DEVELOPMENT APPLICATION (U98-00287)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay :-

- (A) That the Council as the responsible authority favours the granting of consent to the application submitted by Department of Education,

Training and Youth Affairs for the construction of a tennis court at Sydney Girls High School, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plan on file marked in red and annotated "amended plan received 5 August 1998";
 - (2) That the colour and height of the fencing to Cleveland Street shall be to the satisfaction of the Director of Planning and Building;
 - (3) That any lighting shall be so placed as not to interfere with the vision of passing drivers;
 - (4) That all trees on the site shall be retained and protected with the exception of those 3 trees (one conifer, one brushbox and one jacaranda) required to be removed and within the envelope of the tennis court;
 - (5) That two large trees north of the tennis courts (one kaffir plum tree and one peppercorn tree) shall have no fill placed around their bases and shall be protected during the course of the works;
 - (6) That details of levels shall be provided showing slope of batters, and measures to be employed to protect the trees on site for approval prior to construction commencing.
- (B) That Council delegate to the Director of Planning and Building authority to determine the application subject to such conditions as may be agreed to with the Department of Education, Training and Youth Affairs.

Carried.

5.

MISSENDEN ROAD, NOS. 155 - 179, NEWTOWN - USE PREMISES AS DOCTORS' SURGERIES - DEVELOPMENT APPLICATION (U98-00299)

That consideration of the application submitted by R Campicin Smith, with the authority of Whitehall Development Co No.11 Pty Ltd, for permission to fitout and occupy tenancies 6 and 7 on the ground floor of the mixed development as specialist medical surgeries, be deferred to the next Planning and Development Committee meeting to be held on 19 August 1998, as requested by the applicant in fax dated 4 August 1998.

Carried.

6.

MISSENDEN ROAD, NOS. 155 - 179, NEWTOWN - USE PREMISES AS A DOCTOR'S SURGERY - DEVELOPMENT APPLICATION (U98-00250)

That the application submitted by Hassell Pty Ltd, with the authority of Whitehall Development Co Pty Ltd, for permission to fitout and occupy tenancy 3 on the ground floor of the mixed development as medical surgeries, be deferred to the next Planning and Development Committee meeting to be held on 19 August 1998, as requested by the applicant in fax dated 4 August 1998.

Carried.

7.

HENDERSON ROAD, NO. 20, ALEXANDRIA - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - DEVELOPMENT APPLICATION (U98-00361)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken :-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Simeon Nelson, with the authority of S Nelson and D Fabyc, for permission to carry out alterations and additions to the existing building in accordance with submitted plans, subject to the following conditions, namely:-
- (1) That the external spiral staircase shall be deleted and separate access from the first floor to the back garden shall be provided by way of an isolated internal stairway;
 - (2) That the proposed windows along the western boundary shall comply with the Building Code of Australia requirements in terms of fire prevention;
 - (3) That the lower half of the windows at the first floor level on the western side, shall be fixed and have obscure glazing to the satisfaction of the Director of Planning and Building and shall comply with the Building Code of Australia with regard to fire separation;
 - (4) That the existing arch in the Henderson Road elevation shall be retained;
 - (5) That the existing arch at the front shall be retained and reinstated to match that on the adjoining building to the east;

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;
- (7) BC26 - Comply with BCA;
- (8) hsc500 - Premises to be ventilated;
- (9) hsc800 - Use of appliances emitting intrusive noise;
- (10) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated 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;
- (11) LDA376 - Hours of building work;
- (12) LDA377 - Construction noise regulation;
- (13) LDA392 - No obstruction to public way;
- (14) LDA393 - Delivery of refuse skips;
- (15) LDA396 - Works within boundaries.

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

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

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

Carried.

8.

DARLINGHURST ROAD, NO. 54, KINGS CROSS - ACCESS TO PREMISES (Z88-00518)

That Council in respect of the above premises, request the Licensing Sergeant of the Kings Cross Police to take appropriate action with respect to imposing a condition on the Liquor Licence of the new operator licensee that the use of the

doors in Kellett Street be restricted for emergency egress and the loading and unloading of goods only.

(DPB Report 28.7.98)

Carried.

9.

PALMER STREET, NOS. 137 - 155, DARLINGHURST - PREMISES TO BE USED FOR CAR PARKING - DEVELOPMENT APPLICATION (U98-00571)

That the Council as the responsible authority grants its consent to the application for permission to change the use of the designated area of Nos. 137-155 Palmer Street from car parking/storage to commercial car parking for a car rental company, subject to the following conditions, namely:-

- (1) That the subject area not be used for the purpose of a public car parking station;
- (2) That the delineation of car parking spaces shall be in accordance with DCP 11;
- (3) That the hours of operation shall be restricted to 7.00 a.m. to 7.00 p.m. throughout the week;
- (4) That all cars leave the building in a forward direction shall be in accordance with DCP 11;
- (5) That any amendments to the building's fabric will require a Building Application approval.

Carried.

10.

KENSINGTON STREET, NO. 21, WATERLOO - ALTERATIONS AND ADDITIONS TO DWELLING - BUILDING APPLICATION (Q98-00102)

(A) That the Council as the responsible authority grants its consent to the application submitted by Benjamin John McClure for permission to erect a second storey bedroom, and new bathroom, kitchen, dining room on ground level at the abovementioned premises, all in accordance with the submitted (amended) plan numbered 1/1 dated 19 May 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;

GENERAL MANAGER

- (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 a suitable off-street area and not in the public way, in accordance 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, 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;
- (7) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;

and the following adopted standard conditions:

- (8) BC2 - Compliance with Local Government Act 1993;
- (9) BC3 - Compliance with conditions on plan;
- (10) BC8 - Details of contractor;
- (11) BC11 - Inform Council for inspections;
- (12) BC15 - Approval relates to coloured work;
- (13) BC20 - Premises to remain as single dwelling;
- (14) BC62 - Survey Certificate for setup of building;

- (15) BC63 - Survey Certificate for finished building;
- (16) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (17) BC111 - Hours of work;
- (18) BC113 - Work to comply with noise standards;
- (19) BC114 - Existing building to be kept in stable condition;
- (20) BC116 - New work not to encroach boundaries;
- (21) BC123 - Demolition to comply with standard;
- (22) BC167 - Structural details and certification to be submitted;
- (23) BC170 - Structural certificate upon completion;
- (24) BC175 - Comply with Timber Framing Code;
- (25) BC176 - Approval for permanent work only;
- (26) BC186 - No structural work until approval granted;
- (27) BC189 - Termite protection;
- (28) BC337 - Construction of boundary walls;
- (29) BC352 - Glazing materials;
- (30) BC529 - Smoke alarm systems;
- (31) BC601 - Water closets and shower compartments;
- (32) BC602 - Clothes washing and drying facilities;
- (33) BC603 - Damp and weatherproofing;
- (34) BC608 - Ceiling heights;
- (35) BC617 - Rain or dampness penetration;
- (36) BC609 - Natural light and ventilation;
- (37) BC618 - Flashing to be provided;
- (38) HSC800 - Use of appliances emitting intrusive noise.

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

Carried.

11.

ZAMIA STREET, NO. 44, REDFERN - TWO STOREY ADDITION WITH A SINGLE STOREY BATHROOM AND LAUNDRY AT REAR - BUILDING APPLICATION (Q98-00214)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Cracknell and Lonergan Architects for permission to carry out a rear extension at the abovementioned premises, all in accordance with the submitted plan numbered BA1 dated 11 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 a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
 - (5) That for the purpose of child safety, it is recommended that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

and the following adopted standard conditions:

- (6) BC2 - Compliance with Local Government Act 1993;
- (7) BC3 - Compliance with conditions on plan;

GENERAL MANAGER

- (8) BC8 - Details of contractor;
- (9) BC11 - Inform Council for inspections;
- (10) BC15 - Approval relates to coloured work;
- (11) BC20 - Premises to remain as single dwelling;
- (12) BC63 - Survey Certificate for finished building;
- (13) BC64 - Applicant to make good damage to party walls;
- (14) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (15) BC111 - Hours of work;
- (16) BC113 - Work to comply with noise standards;
- (17) BC114 - Existing building to be kept in stable condition;
- (18) BC119 - Requirements when excavating below footings;
- (19) BC123 - Demolition to comply with standard;
- (20) BC116 - New work not to encroach boundaries;
- (21) BC167 - Structural details and certification to be submitted;
- (22) BC170 - Structural certificate upon completion;
- (23) BC175 - Comply with Timber Framing Code;
- (24) BC176 - Approval for permanent work only;
- (25) BC186 - No structural work until approval granted;
- (26) BC189 - Termite protection;
- (27) BC168 - Structural justification of existing building;
- (28) BC337 - Construction of boundary walls;
- (29) BC340 - Non-flammable sarking materials;
- (30) BC352 - Glazing materials;
- (31) BC421 - Private stairs construction;
- (32) BC529 - Smoke alarm systems;

- (33) BC601 - Water closets and shower compartments;
- (34) BC602 - Clothes washing and drying facilities;
- (35) BC603 - Damp and weatherproofing;
- (36) BC608 - Ceiling heights;
- (37) BC609 - Natural light and ventilation;
- (38) BC615 - Common walls sound transmission;
- (39) BC617 - Rain or dampness penetration;
- (40) BC618 - Flashing to be provided;
- (41) hsc500 - Premises to be ventilated;
- (42) hsc543 - Sanitary ventilation;
- (43) hsc800 - Use of appliances emitting intrusive noise;

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

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

Carried.

12.

**RILEY STREET, NOS. 2 - 4 (AND NOS. 87 - 99 CATHEDRAL STREET),
WOOLLOOMOOLOO - ERECT A RESIDENTIAL AND COMMERCIAL
BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED
IN CONSENT (U98-00028)**

- (A) That the Council accept the objection under State Environmental Planning Policy No.1 against the development standard relating to the maximum floor space ratio within Local Environmental Plan No.101, accepting that compliance with the standard would be unnecessary and unreasonable in this instance for the following reasons, namely:-

GENERAL MANAGER

- (1) That the proposal is acceptable in terms of its building bulk, scale and relationship with surrounding development;
 - (2) That the proposal complies with other development standards and controls;
 - (3) That the proposal is sympathetic to the attributes, character and significance of the surrounding area and adjoining heritage item.
- (B) That the Council grants its deferred commencement consent pursuant to Section 91AA of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Scott Revay and Unn Architects with the authority of Vixone Pty Ltd for permission to erect a mixed development comprising retail space, a residential flat building, terraces and basement car parking, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has satisfied the Director of Planning and Building as to the matters outlined below, with details in response to the conditions outlined below being lodged within three months of the date of this deferred commencement consent, namely:
 - (a) Deletion of 3 car parking spaces (C15-C17) in the south western corner of the basement car park, with dedication of the area for deep planting and retention of the existing tree above;
 - (b) Conversion of the 6 rear one bedroom units on the ground and first floor of the building fronting Cathedral Street into 3 two level two bedroom units;
 - (c) Deletion of the rear first floor balconies of the building fronting Cathedral Street (not required given ground level access to internal courtyard from the redesigned units);
 - (d) Deletion of the rear balconies on Level 2 of the building fronting Cathedral Street and alternative provision of balconies within the roof space above (with internal access to the units below), similar to the open deck proposed above the middle rear unit and ensuring the open space is situated so as not to allow overlooking to the internal courtyard below or immediately adjoining properties;
 - (e) Deletion of the rear first floor balconies of the 4 two bedroom terraces fronting Broughton Street;

- (f) That following the deletion of the balconies referred to in (c) – (e) above, the former doorways to balconies shall be redesigned as windows, with the lower halves obscure;
 - (g) Reduction in the depth of the pitched roof over the terraces fronting Broughton Street to 8 metres in length (with a rear skillion), and maintaining a roof pitch to match the existing adjoining terrace fronting Broughton Street to the immediate east of the site;
 - (h) That the basement car park shall be either set back an additional 1 metre for the portion of the basement car park adjoining the rear of properties known as Nos. 6-16 Riley Street or a qualified arborists report be obtained specifying that the two large trees at the rear of No.10 and No. 16 Riley Street will not be adversely affected by the proposed excavation (to be lodged with the Building Application);
- (2) That the development shall be generally in accordance with submitted plans DA 2A -11A, dated 25 November 1997, except as amended by the undermentioned following conditions:
 - (3) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
 - (4) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$38,098	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$11,453	2E97002.BGYO
Accessibility And Transport	\$ 148	2E97006.BGYO
Management	\$ 578	2E97007.BGYO
Total	\$50,277	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the

relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

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

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

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

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

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 the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (6) That the 20 car spaces (noting the required deletion of 3 spaces through condition 2 above) shall be allocated on the basis of 7 for the adjoining commercial building (including the 6 nearest stacked spaces), 2 for visitors (C1 and C2), 2 for the retail area and the remainder for dwellings in the development, with no more than one space being allocated per dwelling;
- (7) That two inverted U bicycle stands shall be permanently provided in the proposed colonnade (to be detailed in the Building Application);
- (8) That access for people with disabilities shall be provided from the street to both retail areas;
- (9) That a geotechnical report shall be submitted with Building Application outlining the existing site conditions, including soil types, possible land movement, water table conditions and possible flooding, and shall outline necessary measures during excavation and construction to ensure structural stability for the development and no structural impacts to surrounding buildings;
- (10) That the applicant/owner shall carry out a dilapidation report of the buildings surrounding the site to the east and west (including the buildings known as Nos. 6-16 Riley Street), which shall be lodged with the Building Application and to the satisfaction of the

Director of Planning and Building prior to release of the Building Application;

- (11) That should the existing masonry wall forming the rear fence for properties known as Nos. 6-16 Riley Street be damaged during excavation or construction, it shall be fully repaired or replaced to matching materials and height;
- (12) That the basement car park shall be accessible to visitors by use of an intercom or similar approved system (detailed in the building application) to allow visitors to access to the car park at the point of entry;
- (13) That the ramp to the car park shall have a "landing" with a maximum grade of 1:20 for the first 6m within the site;
- (14) That the developer shall provide new street trees in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre in size and planted accordingly to Appendix C of the Street Tree Master Plan.

Street	Species	Common Name
Cathedral Street (4)	Platanus hybrida	Plane tree
Broughton Street (2)	"	"

- (15) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes shall be 75 litres for trees and 5 litres for shrubs;
- (16) That the developer is to provide construction details which are to accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (17) That the developer is to provide details regarding irrigation and or hose cock locations in all proposed garden beds;
- (18) That the developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;

- (19) That the developer shall arrange with the Parks Development Branch for a final inspection of the landscape works and the works shall be constructed in accordance with the plans approved with the Building Application;
- (20) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped or removed;
- (21) That the garbage storage area shall be large enough to contain 8 x 240 litre mobile garbage bins (6 for garbage, 2 for recycling);
- (22) 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;
- (23) That the car park shall be ventilated in accordance with Australian Standard 1668.1-1991. Specification 7 and Australian Standard 1668.2 Section 4;
- (24) That the construction of any proposed food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (25) That any proposed commercial food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (26) That a Certificate under Section 73 of the *Water Board (Corporatisation) Act 1994* in respect of the proposed development shall be submitted to Council prior to the release of the approved building plans;
- (27) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:-

- (28) LDA45 - Parking and driveways to be kept clear;
- (29) LDA48 - Safe walking surface on crossing;
- (30) LDA152 - Schedule of finishes;
- (31) LDA153 - Reflectivity of external glazing;
- (32) LDA155 - Windows and doors to be of timber joinery;
- (33) LDA160 - Provide service ducts within building;
- (34) LDA162 - Provide common aerial for each building;
- (35) LDA201 - Make separate application for sign;
- (36) LDA351 - Building Application required;
- (37) LDA369 - Allocation of street numbers;
- (38) LDA376 - Hours of building work;
- (39) LDA384 - New alignment levels;
- (40) LDA385 - Colonnade and footpath levels;
- (41) LDA387 - Footway crossings;
- (42) LDA369 - Allocation of street numbers;
- (43) LDA392 - No obstruction to public way;
- (44) LDA393 - Delivery of refuse skips;
- (45) LDA394 - Cost of alteration to signposting;
- (46) LDA396 - Works within boundaries;
- (47) HSC500 - Premises to be ventilated;
- (48) HSC103 - Environmental site assessment being carried out;
- (49) HSC001 - Compliance to Director of Health and Community Services;
- (50) HSC700 - Compliance with code for Garbage Handling System;
- (51) HSC705 - Construction of garbage room;

(52) HSC706 - Storage of recyclables;

(53) HSC800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

13.

BELMONT STREET, NO. 344, ALEXANDRIA - ERECT TWO STOREY RESIDENTIAL DWELLING - BUILDING APPLICATION (Q98-00350)

(A) That the Council as the responsible authority grants its consent to the application submitted by Mrs D Z Link for permission to erect a two storey residential dwelling at the abovementioned premises, subject to the following conditions, namely:-

(1) That details, shall be submitted, including materials proposed and colours or same for the approval of the Director of Planning and Building prior to the commencement of work, in respect of the following aspects of the proposal:

- (a) external finishes to walls;
- (b) roof finishes;

(2) 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;

(3) 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;

(4) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the

GENERAL MANAGER

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;

- (5) 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;
- (6) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (7) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (8) 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;
- (9) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

and the following adopted standard conditions:

- (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) BC20 - Premises to remain as single dwelling;
- (15) BC62 - Survey Certificate for setup of building;
- (16) BC63 - Survey Certificate for finished building;
- (17) BC64 - Applicant to make good damage to party walls;
- (18) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (19) 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) BC120 - Letter of consent to underpinning;
- (25) BC167 - Structural details and certification to be submitted;
- (26) BC170 - Structural certificate upon completion;
- (27) BC175 - Comply with Timber Framing Code;
- (28) BC176 - Approval for permanent work only;
- (29) BC186 - No structural work until approval granted;
- (30) BC189 - Termite protection;
- (31) BC337 - Construction of boundary walls;
- (32) BC340 - Non-flammable sarking materials;
- (33) BC341 - Roof lights in dwellings;
- (34) BC352 - Glazing materials;
- (35) BC529 - Smoke alarm systems;
- (36) BC601 - Water closets and shower compartments;
- (37) BC603 - Damp and weatherproofing;
- (38) BC608 - Ceiling heights;
- (39) BC609 - Natural light and ventilation;
- (40) BC615 - Common walls sound transmission;
- (41) BC617 - Rain or dampness penetration;
- (42) BC618 - Flashing to be provided;
- (43) BC619 - Washing facilities to be provided;
- (44) HSC500 - Premises to be ventilated;
- (45) HSC555 - Bathroom ventilation;

(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.

14.

PHILLIPS STREET, NO. 24, ALEXANDRIA - ERECT SINGLE STOREY WEATHERBOARD COTTAGE - DEVELOPMENT APPLICATION (U98-00266)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr. P. Chamos with the authority of Mr P, Mr C and Mr S Chamos for permission to demolish the existing building and to erect a new dwelling, part single storey part two storey with attic room subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans Drawing No. 1/5 to 5/5 and attached sketches;
- (2) That a planter box 600mm wide and at least 900mm high shall be constructed along the rear of the top floor terrace and planted with suitable screening planting to the satisfaction of the Director of Planning and Building;
- (3) That the front façade treatment shall be simplified by squaring off the bay window, deleting the quoins, replacing the proposed cast metal colonial columns with simple timber columns, details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building.;
- (4) That the existing trees on the site shall be retained;
- (5) That archival recording of the cottage in accordance with NSW Heritage Office guidelines shall be undertaken prior to demolition and 2 copies lodged with Council;

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;
- (7) LDA376 - Hours of building work;

- (8) LDA377 - Construction noise regulation;
- (9) LDA384 - New alignment levels;
- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA392 - No obstruction to public way;
- (12) LDA393 - Delivery of refuse skips;
- (13) BC26 - Comply with BCA;
- (14) hsc100 - Removal of spoil from site;
- (15) hsc500 - Premises to be ventilated;
- (16) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

- (B) That openings in external walls with 900mm of the side boundaries shall comply fully with the requirements of Clauses 3.7.1.3 and 3.7.1.5 of the Building Code of Australia Housing Provisions.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

PLANNING - RESTRICTED PREMISES - CUMULATIVE IMPACTS - OXFORD STREET, NOS. 124 - 128, DARLINGHURST (U98-00310)

That the report by the Director of Planning and Building dated 31 July 1998, regarding the above matter, be received and noted.

Carried.

16.

CAULIFLOWER HOTEL, BOTANY ROAD, NO. 123, WATERLOO - ALTERATIONS AND ADDITIONS TO HOTEL - DEVELOPMENT APPLICATION (U98-00586)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by John Greenwood and Associates, with the authority of Tudor Properties Pty Ltd, for permission to refurbish the existing hotel including re-roofing the beer garden, providing a new access to Wellington Street and using the eastern most of the first floor bedrooms as a managers office, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans 9814-BA01A;
 - (2) That the hours of operation shall be restricted to between 7.00a.m. to midnight, Mondays to Saturdays and 7.00 a.m. to 10.00 p.m. Sunday;
 - (3) That signs shall be erected on the inside and outside of the pedestrian gate to Wellington Street indicating that the gate is not to be used (except in case of fire) after 9.00p.m at night;
 - (4) That during demolition and construction all building materials, rubbish and the like are to be stored within the site;
 - (5) That construction vehicles shall not park within the resident parking spaces in Wellington Street;
 - (6) That the premises shall not at any time be used as a place of public entertainment and no stage shall be constructed;
 - (7) That the "store" located beside the existing ladies toilet shall be returned to its previous use as a garage for use by residents or staff of the premises and shall be kept clear of goods, rubbish or

GENERAL MANAGER

the like. If necessary to facilitate vehicular access the timber door may be replaced by a roller door or tilt a door in a colour compatible with the walls of the building;

- (8) That the proposed steel fence above the side wall shall either be deleted or replaced with a similar or less height extension of the masonry wall rendered and finished to match the existing wall;
- (9) That the new roller shutter to Wellington Street shall be of a colour similar to the wall and shall be kept closed except when in use for the entry or egress of goods or of vehicles from the garage;
- (10) That any new external signage, other than painted wall signs, shall be the subject of a separate Development Application;
- (11) That at least once each day an employee of the hotel shall check the footpaths in Botany Road and Wellington Street within 25 metres of the site for litter and collect and dispose of same;
- (12) 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;
- (13) That plans and specifications showing details of 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;
- (14) The construction, fitout and finishing of the premises comply with Food (General) Regulation 1992 and the National Code for the Construction and Fitout of Food Premises;

and the following adopted standard conditions:

- (15) LDA376 - Hours of building work;
- (16) LDA350 - BA approval before commencement;
- (17) BC26 - Comply with BCA;
- (18) LDA392 - No obstruction to public way;
- (19) LDA393 - Delivery of refuse skips;
- (20) LDA396 - Works within boundaries;

- (21) hsc018 - Sanitary facilities;
- (22) HSC500 - Premises to be ventilated;
- (23) hsc543 - Sanitary ventilation;
- (24) HSC800 - Use of appliances emitting intrusive noise;
- (25) LDA167 - No garbage on public way.

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the matter of extension of the resident parking scheme to the northern side of Wellington Street raised in the petition be forwarded to the Local Traffic Committee for consideration.

Carried.

17.

WYNDHAM STREET, NOS. 146 - 156, ALEXANDRIA - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - DEVELOPMENT APPLICATION (U98-00076)

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to a maximum floor space 1:1 and maximum height of 9 metres in LEP 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-
 - (1) That the FSR complies with Council's adopted DCP, the existing section of the second floor is at the same level as the extension and the extension is set back from all boundaries to minimise its visibility and impact.
- (B) That Council as the responsible authority grant its consent to the application submitted by Mrs M Pongrass for permission to extend the building at ground and second floor levels to provide additional parking at ground floor level and office space at second floor level, to erect a terrace area on the northern side of the first floor and to refurbish the building and its façade, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the ground floor shall be redesigned such that there is only one driveway/roller shutter to Wyndham Street and only one driveway/roller shutter to the rear lane, (preferably in the locations of the existing roller shutters) and if so located, the 3 metre setback in from the northern extension shall be landscaped with mature shrubs and trees to Council's satisfaction;
- (2) That the development shall be generally in accordance with plans Drawing Nos. 97/01, 02, 03 and 04;
- (3) That between a maximum of 16 and a minimum of 15 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (4) That the stacked parking spaces shall only be used for staff parking;
- (5) That screen type plantings be planted in the planter beds adjacent to the northern and southern boundaries;
- (6) That secure parking shall be provided within the building for a minimum of two bicycles;
- (7) That either the front stair be fire isolated or the building shall be sprinklered to comply with the BCA;

and the following adopted standard conditions:-

- (8) LDA36 - Loading only within confines of the site;
- (9) LDA44 - Driving in forward direction only;
- (10) LDA47 - Loading, parking and access to be kept clear;
- (11) LDA201 - Make separate application for sign;
- (12) LDA351 - Building Application required;
- (13) LDA377 - Construction noise regulation;
- (14) LDA376 - Hours of building work;
- (15) LDA387 - Footway crossings;
- (16) LDA389 - Stormwater disposal requirements;

- (17) LDA392 - No obstruction to public way;
- (18) LDA393 - Delivery of refuse skips;
- (19) LDA394 - Cost of alteration to signposting;
- (20) hsc018 - Sanitary facilities;
- (21) hsc019 - Plans and specifications;
- (22) hsc500 - Premises to be ventilated;
- (23) hsc801 - Noise from premises;
- (24) hsc101 - Not give rise to emissions into the environment;
- (25) hsc105 - Storage areas being bunded;
- (26) hsc107 - Mechanical repairs in workshop.

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

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

- (C) That the Department of Urban Affairs and Planning be notified of Council's determination under SEPP NO. 1 in accordance with the Departments circulars.
- (D) That the persons who made written representations regarding the proposal be advised of Council's decision.

Carried.

18.

BOURKE STREET, NO. 783, REDFERN - ALTERATIONS AND ADDITIONS TO CREATE THREE UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00259)

- (A) That the Council as the responsible authority grants its consent to the application submitted by M Privett, with the authority of N & D Floros, for permission to make alterations and additions to the existing building to provide 2x2 bedroom units and 1x1 bedroom unit, and to strata subdivide, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the development shall be generally in accordance with plans DA/98002-01 issue B dated March 1998;
- (2) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$2,256	2E97001.BGYO
Open Space/Townscape/ Accessibility And Transport	\$ 678	2E97002.BGYO
Public Domain	\$ 8	2E97006.BGYO
Management	\$ 38	2E97007.BGYO
Total	\$2,980	

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.

GENERAL MANAGER

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

(B) Works in Kind

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

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

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

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

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

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

- (3) That privacy screens to a height of 1.6m above the floor level shall be erected along the southern edge of the rear balconies on levels 2 and 3 to the satisfaction of the Director of Planning and Building;

- (4) That the proposed juliet balconies on level 3 on the Bourke Street elevation shall be deleted and the existing openings retained;
- (5) That the reinstated balcony on level 2 on Bourke Street shall be provided with a balustrade similar to that which would have been provided originally and details shall be submitted to the satisfaction of the Director of Planning and Building;
- (6) That the roof over the proposed rear addition shall be changed to a low pitch skillion type roof and details shall be submitted with the Building Application to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:

- (7) LDA152 - Schedule of finishes;
- (8) BC26 - Comply with BCA;
- (9) hsc500 - Premises to be ventilated;
- (10) hsc800 - Use of appliances emitting intrusive noise;
- (11) hsc700 - Compliance with code for Garbage Handling System;
- (12) LDA376 - Hours of building work;
- (13) LDA377 - Construction noise regulation;
- (14) LDA389 - Stormwater disposal requirements;
- (15) LDA392 - No obstruction to public way;
- (16) LDA393 - Delivery of refuse skips;
- (17) LDA351 - Building Application required.

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

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

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

Carried.

19.

BURNELL PLACE, NOS. 19 - 21, DARLINGHURST - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00401)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Colville Anne, with the authority of Mr K Webber, for permission to undertake alterations and additions at the subject premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 98/EK/01-09 dated February 1998;
 - (2) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) size and proportion of windows and doors;
 - (3) That an energy efficient hot water system be established on the site by installing either a heat pump system or a solar hot water system. A solar hot water system shall have a one panel system with a minimum tank capacity of 180 litres. Details of the system shall be submitted with the building application;
 - (4) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,466	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 440	2E97002.BGYO
Accessibility And Transport	\$ 6	2E97006.BGYO
Management	\$ 22	2E97007.BGYO
Total	\$1,934	

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

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

where:

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

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

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

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

(B) Works in Kind

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

GENERAL MANAGER

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

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

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

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

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

- (5) That the properties 19-21 Burnell Place and 116 Riley Street shall remain interlinked and is the same ownership and shall not be separated without further application being made to Council indicating internal and external works necessary to achieve separate ownership;
- (6) That all openings in western external wall of the building adjacent to Burnell Place shall be protected in accordance with the requirements of Clauses C.3.2 and C.3.4 of the BCA;
- (7) That the ceiling beneath the first floor of the abovementioned premises shall be constructed of material having resistance to the incipient spread of fire of one hour and the stairway shall be separated from the ground floor area by construction having a minimum fire resistance level of 60/60/60;

and the following adopted standard conditions:-

- (8) LDA153 - Reflectivity of external glazing;
- (9) LDA351 - Building Application required;
- (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) LDA394 - Cost of alteration to signposting;
- (17) LDA351 - Building Application required;
- (18) BC609 - Natural light and ventilation;
- (19) BC602 - Clothes washing and drying facilities;
- (20) BC528 - Fire detectors and alarm system;
- (21) BC26 - Comply with BCA;
- (22) HSC500 - Premises to be ventilated;
- (23) HSC800 - Use of appliances emitting intrusive noise.

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

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

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

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

Carried.

20.

PLANNING - ALEXANDRA CANAL WOOLSHEDS (2010556)

That Council give confirmatory approval to the request for an interim conservation order over sheds 65, 66 and 67.

(DPB Report 31.7.98)

Carried.

21.

KINGS CROSS ROAD, NO. 1 (EASTERN SITE), DARLINGHURST - ERECT 18 LEVEL BUILDING COMPRISING 155 RESIDENTIAL FLATS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00124)

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 grants its consent to the development application submitted by the Walker Group, with the authority of Rushcutter Properties Ltd, for permission to erect an 18 level residential tower, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans 97/85, DA01-14 Amendment B dated 19 June 1998;
- (2) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$295,399	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$88,762	2E97002.BGYO
Accessibility And Transport	\$1,151	2E97006.BGYO
Management	\$4,478	2E97007.BGYO
Total	\$389,790	

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.

Note: This site is carrying a credit in the form of a Bank Guarantee held by Council based on payments made in respect of DA93-510 approved by Council on 23 March 1994. Subject to final clarification the payment in relation to this site equates to \$210,651 which may be deducted from the above figure at time of payment. This would equate to a revised contribution of \$179,138;

- (3) That a secure storage area for a minimum of 65 bicycles shall be provided and maintained at all times to the satisfaction of the Director of Planning and Building;
- (4) That Class 1 bicycle lockers be provided in the bicycle room constructed to AS2890.3, to the satisfaction of the Director of Planning and Building;

- (5) That 15 inverted 'U' stand spaces be provided in a secure, publicly observable location, near the foyer to the satisfaction of the Director of Planning and Building;
- (6) That all Public Domain works as defined by a concept plan to be submitted and approved pursuant to DA93-00510 shall be completed to the satisfaction of the Director of Planning and Building prior to occupation of the approved building;
- (7) 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;
- (8) That the floor space shall not exceed 12,30m² with the exception of the approved café fronting Ward Avenue;
- (9) That a separate application shall be submitted at the appropriate time for the specific use of the approved retail/ cafe unit;
- (10) 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;
- (11) 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. Any such measures shall be undertaken prior to occupation of the building;
- (12) That the parking layout design be amended to the satisfaction of the Director of Planning and Building in order to maximise the visibility of parking spaces to either side and opposite the base and top of ramps. Details to be included with the Building Application;
- (13) That the security shutter at the driveway entry off Kings Cross Road shall be located at the bottom of the ramp to allow an entering vehicle to stand clear of the kerbside lane and footway;
- (14) That Pedestrians in Craigend Street be provided with a warning (preferably a flashing light) at the exit driveway, of vehicles exiting the building. Signs should also be provided at the exit reminding drivers to watch for pedestrians to the satisfaction of the Director of Planning and Building;

- (15) That internal acoustics comply with guidelines in State Rail's publication entitled "Rail Related Noise and Vibration; Issues to Consider in Local Environmental Planning - Development Application and Building Applications". The "satisfactory" and "maximum" noise levels for relevant rooms and recreation areas established by AS 2107 are included on page 26 of this publication. This development shall satisfy the requirements of AS 2107. Details, to the satisfaction of the Director of Planning and Building, shall be submitted with the Building Application;
- (16) That there shall be no adverse impacts from the excavation or construction of any future development of the site on the stability of any rail corridor;
- (17) That stormwater is not to be diverted onto the rail corridor, and there must be no adverse impacts from construction of the development on the stability of the nearby rail corridor and railway land;
- (18) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels (including between the street level and building), drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (19) That construction details accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (20) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be sized and planted according to Appendix C of the Street Tree Masterplan. (See attached copy);
- (21) That plans for all proposed landscaping areas including both the podium level, streetscape level, roof gardens and penthouse areas shall be submitted with the Building Application for approval by the Director of Public Works and Services, South Sydney City Council;

- (22) That consideration be given to wind patters and velocity and their potential visual and physical impact on the proposed landscaping;
- (23) That where works are to be carried out in lieu of a S94 Contribution, (i.e. streetscape improvements) detailed plans, specifications and itemised costing of the works are to be submitted for approval with the Building Application. Plans for the development of streetscape areas shall integrate with the existing streetscape paving and tree species selection and layout shall follow that surrounding the adjoining "Elan Development" and Victoria Street works;
- (24) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (25) 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 the approved retail/cafe unit as a refreshment room (subject to separate development consent) will require the provision of toilet facilities for people with disabilities;
- (26) That smoke hazard management systems shall be provided in accordance with the Building Code of Australia. Details to be submitted to Council's Planning and Building Department;
- (27) That the car park be ventilated in accordance with Australian Standard 1668.1-1991 Section 7 and Australian Standard 1668.2 Section 4;
- (28) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (29) That any proposed commercial food premises shall comply with the requirements of the National Code for the Construction and Fitout of the Food premises
- (30) That the garbage rooms shall be designed and built in accordance with Council's Waste Management/Minimisation Fact Sheets.
- (31) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved conditions, 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;

- (32) That all details relating to garbage services should be referred to Council's Cleansing Services Branch for comment;
- (33) That a maximum of 165 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;
- (34) That the required off-street car parking spaces shall be allocated on the basis of:
 - residents 145
 - visitors 16
 - retail 2
 - disabled 2;
- (35) That two 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;
- (36) That no more than one parking space shall be allocated to any residential unit;

and the following adopted standard conditions:

- (37) LDA165 - Provide garbage room on-site;
- (38) LDA168 – refuse collection point;
- (39) LDA109 - Relocating street trees;
- (40) LDA351 - Building Application required;
- (41) LDA260 - On-site stormwater detention;
- (42) LDA21 - No resident parking permits for residential flat developments;
- (43) LDA374 - Disabled entry;
- (44) LDA373 - Disabled access provision;
- (45) LDA376 - Hours of building work;

- (46) LDA377 - Construction noise regulation;
- (47) LDA384 - New alignment levels;
- (48) LDA386 - Road Opening Permit;
- (49) LDA387 - Footway crossings;
- (50) LDA391 - Builder's Hoarding Permits;
- (51) LDA392 - No obstruction to public way;
- (52) LDA393 - Delivery of refuse skips;
- (53) LDA394 - Cost of alteration to signposting;
- (54) LDA397 - Energy Australia dedication;
- (55) LDA414 - Costs for alterations to public services;
- (56) LDA12 - Applicant to liaise with Sydney Water;
- (57) LDA28 - Off-street parking not to be public;
- (58) LDA36 - Loading only within confines of the site;
- (59) LDA43 - Parking space and aisle sizes;
- (60) LDA44 - Driving in forward direction only;
- (61) LDA47 - Loading, parking and access to be kept clear;
- (62) LDA48 - Safe walking surface on crossing;
- (63) LDA49 - Signage for vehicular egress;
- (64) LDA152 - Schedule of finishes;
- (65) LDA162 - Provide common aerial for each building;
- (66) LDA251 - Only clean and unpolluted water shall be permitted to discharge;
- (67) Hsc801 - Noise from premises;
- (68) LDA258 - Regulation of emissions;
- (69) HSC100 - Removal of spoil from site;

- (70) HSC300 - Air handling systems for future food premises;
- (71) HSC018 - Sanitary facilities, that a garbage chute be provided in accordance with the requirements of Council's "Waste management / Minimisation Fact Sheets".

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

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

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

Carried.

22.

OXFORD STREET, NOS. 18 - 32, DARLINGHURST - CHANGE TRADING HOURS FOR UNIT 137 TO 7.00 A.M. TO 3.00 A.M. - DEVELOPMENT APPLICATION (U98-00479)

- (A) That Council as the responsible authority grants its consent to the application submitted by the Tonic Corporation, with the authority of Registered Proprietors Strata Plan 20734 & 38287, for permission to allow the existing refreshment room to operate from 7am to 3 am the following day, daily, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with details received by Council on 1 June 1998;
 - (2) That the hours of operation shall be restricted to between 7.00 a.m. - 3.00 a.m., daily;
 - (3) That the operation beyond 12 midnight shall cease after a period of 8 months from the date of commencement;

(The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed extended trading hours).
 - (4) That this consent relates to the use of the premises as a refreshment room (Restaurant) only and does not authorise any other use;

- (5) That the rear terrace area shall not be used for any purpose, after 9.00 p.m. and all openings to the rear shall be fixed shut after this time;
- (6) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (7) That the rear terrace area shall not include tables and shall not be used for dining at any time;
- (8) That all bottled and other garbage from the premises shall be stowed or sorted only between the hours of 7.00 a.m. – 7 00 p.m. daily;

and the following adopted standard conditions:-

- (9) LDA165 - Provide garbage room on-site;
- (10) LDA167 - No garbage on public way;
- (11) LDA170 - Commercial daily garbage collection;
- (12) LDA201 - Make separate application for sign.

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

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

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

Carried.

23.

SURREY STREET, NO. 61, DARLINGHURST - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - DEVELOPMENT APPLICATION (U98-00368)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Dr D R Sevil, with the authority of Dr D & Mr D Sevil, for permission to extend the existing terrace house, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with submitted plans 01 to 06, dated 23 April 1998, as amended by the undermentioned following conditions;
- (2) That the attic level deck shall be deleted;
- (3) That the doors at the rear of the attic room shall be replaced by windows to the satisfaction of the Director of Planning and Building;
- (4) That the colours and materials of the addition shall match the existing;

and the following adopted standard conditions:-

- (5) LDA351 - Building Application required;
 - (6) LDA376 - Hours of building work;
 - (7) LDA377 - Construction noise regulation;
 - (8) LDA389 - Stormwater disposal requirements;
 - (9) LDA392 - No obstruction to public way;
 - (10) LDA393 - Delivery of refuse skips.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

24.

PROSPECT STREET, NO. 27, ERSKINEVILLE - ERECT 4 NEW TERRACE HOUSES AND SUBDIVIDE THE SITE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00222)

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to the maximum floor space ratio of 1:1 in Clause 10 of Local Environmental Plan No. 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

The exceedence of the standard is very minor and does not result in unreasonable environmental impact on surrounding properties.

- (B) That the Council as the responsible authority grants its consent to the development application submitted by New Space Constructions, with the authority of B Oskarsson, for permission to demolish the existing cottage and redevelop the site for 4 terrace houses in 2 storey plus attic level construction with rear dormer windows and front and rear balconies at the first floor level, and to subdivide the site into 4 lots, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA465/01 to 10 inclusive dated 15 July 1998;

- (2) That the height of the buildings shall be amended to the satisfaction of the Director of Planning and Building to comply with the statutory height control of 9m in Local Environmental Plan No.107 and the adopted height control of 6m plus height within a 36° attic roof envelope in Development Control Plan No.1997 - details to be submitted with the building application;

- (3) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$9,477	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$2,823	2E97002.BGYO
Accessibility And Transport	\$ 36	2E97006.BGYO
Management	\$ 144	2E97007.BGYO
Total	\$12,480	

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

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

Works in Kind

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

GENERAL MANAGER

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

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

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

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

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

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

and the following adopted standard conditions:

- (5) LDA12 - Applicant to liaise with Sydney Water;
- (6) LDA21 - No resident parking for residential flat developments;
- (7) LDA79 - Washing down of trucks to prevent debris;
- (8) LDA101 - Provide landscaping plan;
- (9) LDA152 - Schedule of finishes;
- (10) LDA153 - Reflectivity of external glazing;

- (11) LDA351 - Building Application required;
- (12) LDA366 - Liaise with Natural Gas Company;
- (13) LDA367 - Timing device on alarms;
- (14) LDA368 - Display of street numbers;
- (15) LDA376 - Hours of building work;
- (16) LDA377 - Construction noise regulation;
- (17) LDA384 - New alignment levels;
- (18) LDA387 - Footway crossings;
- (19) LDA389 - Stormwater disposal requirements;
- (20) LDA392 - No obstruction to public way;
- (21) LDA393 - Delivery of refuse skips;
- (22) hsc100 - Removal of spoil from site;
- (23) hsc500 - Premises to be ventilated;
- (24) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

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

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

Carried.

25.

DARLINGHURST ROAD, NOS. 83 - 97, POTTS POINT - USE PREMISES AS A THEATRE - DEVELOPMENT APPLICATION (U98-00120)

- (A) That Council as the responsible authority grants its consent to the application submitted by Owens and Legge Design, with the authority of Stasia Pty Ltd, for permission to use the premises as a theatre with live entertainment, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 97021/1 - 97021/14, dated 16 October 1997;
 - (2) That access shall be from Darlinghurst Road and that the fire exit door to Earl Place shall remain closed and alarmed and shall only be used in the event of a fire emergency;
 - (3) That the hours of operation shall be restricted to between 6.00 p.m. to 3.00 a.m. the following day, seven days per week;
 - (4) That the premises shall not operate any of the following:-
 - (a) external speakers;
 - (b) internal speakers within 3 metres of the entrance;
 - (c) the use of spruikers;
 - (5) That the maximum number of people on the premises shall be limited to 250 including entertainers and staff;
 - (6) That the Building Application shall be accompanied by details, including plans indicating how it is proposed to comply with condition (5);
 - (7) That no snooker/pool tables shall be permitted;
 - (8) That details of the live entertainment shall be submitted and approved by Council as part of the Building Application;
 - (9) That prior to the release of building approval the applicant shall submit evidence of a formal lease arrangement for provision of 7 off street car parking spaces for a minimum period of 2 years 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;

GENERAL MANAGER

and the following adopted standard conditions:-

- (10) LDA351 - Building Application required;
- (11) LDA201 - Make separate application for sign;
- (12) LDA259 - Provide acoustic consultant's report;
- (13) LDA360 - Amusement machines not permitted;
- (14) LDA381 - Not to be used as restricted premises;
- (15) hsc710 - Commercial contract (daily);
- (16) hsc500 - Premises to be ventilated;
- (17) hsc801 - Noise from premises.

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

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

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

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

That the application be deferred to the next Planning and Development Committee meeting to be held on 19 August 1999, for a further report to be prepared on the additional information submitted to Council on 10 August 1998.

Motion, as amended by consent, carried.

26.

PLANNING - CO-ORDINATION OF COUNCIL'S URBAN VILLAGES PROGRAM (2009125)

That Council:-

- (1) Reconfirm its commitment to the principles of achieving civic improvement through the implementation of the Urban Village Program;
- (2) Approve the following structure for the management of the program.
 - (a) an officer level, Urban Villages Taskforce, being established as a sub group of the Environment Committee;
 - (b) the Urban Villages Taskforce provide regular reporting through the Environment Committee to Council;
 - (c) Council's Mainstreet Projects Officer co-ordinate the Taskforce, with membership on the committee comprising representatives of Parks Development, Traffic, and Design, Arts and Cultural Development, Strategic Planning, Community Services and Housing and Environmental Health. The two major projects for the Taskforce being the preparation of the Streetscape Masterplan and the Urban Villages Project;
 - (d) approve the preparation of the Urban Village Plan for the Erskineville Precinct, in this regard a report be prepared for the next Planning and Development Committee which identifies:
 - (i) the key in-house staff required for the project and the time they would need to devote to the project;
 - (ii) support staff needed;
 - (iii) a time frame for the project from inception to completion of construction and the options for community participation;
 - (iv) possible levels of funding available from within 1998/99 Revenue Estimates.

(DPB Report 3.8.98)

Carried.

27.

NICHOLS STREET, NO. 7, SURRY HILLS - REVIEW OF BUILDING POLICY FOR THE PROVISION OF LAUNDRY FACILITIES - BUILDING APPLICATION (Q98-00410)

- (A) That the Council as the responsible authority determines to amend condition (20) of Building Application Q98-00410 submitted by Matthew Humphreys-Grey, as follows:-
 - (20) That clothes washing and drying facilities shall be provided comprising a basin or bath and one washing machine.

GENERAL MANAGER

The utility basin may be provided in the bathroom;

(B) That Council adopts the following as a policy:-

- That where an applicant chooses to provide laundry facilities in accordance with the performance requirements of the BCA, then the provision of a washing machine, together with a 35 litre utility basin or a bath instead of a wash-tub, shall be deemed to comply with those requirements.

(DPB Report 5.8.98)

Carried.

The Planning and Development Committee Meeting terminated at 8.15 p.m.

The Council Meeting terminated at 7.07 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER