

**214<sup>TH</sup> Meeting**

**Erskineville Town Hall  
Erskineville**

**Wednesday, 9 September 1998**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.47 pm on Wednesday, 9 September 1998.

**PRESENT**

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

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

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## **Confirmation of Minutes**

Moved by Councillor Lay, seconded by Councillor Macken:-

That the minutes of the Ordinary Meeting of Council of 26 August 1998 and the Extraordinary Meeting of Council of 1 September 1998 be taken as read and confirmed.

At the request of Councillor Fowler, and by consent, the minutes of 26 August 1998, were amended:-

- (a) on Page 923 by the deletion of the word "qangos" in lower case where appearing in the second line of the Question Without Notice No. 6 by Councillor Fowler and the insertion in lieu thereof of the word "Qangos" in capital letters.
- (b) on Page 924 by the deletion of the abbreviation "ESP" where appearing in the seventh line on the top of Page 924 of the Question Without Notice No. 6 by Councillor Fowler and the insertion in lieu thereof of the abbreviation "ESD".

Minutes, as amended by consent, were then confirmed.

## **Apology**

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

Moved by Councillor Deftereos, seconded by Councillor Fowler:-

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

Carried.

## **MINUTE BY THE MAYOR**

8 September 1998

### **DONATIONS - REQUEST FOR FINANCIAL ASSISTANCE FOR THE SHOP'S VOTING IN AUSTRALIA FORUM (2019147)**

Council received a request for financial assistance from the Shop, Women and Children Centre, for organising 'Voting in Australia' Forum, on 30 September 1998.

The 'Voting in Australia' forum, aims to inform the members of the Russian, Chinese, Arabic and Spanish speaking communities of South Sydney about the election

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process, as a democratic process influencing the formation of the three tiers of government, Local, State and Federal. The forum will aim to inform the participants from the four language groups about the political process in general, and will encourage their participation in the coming elections. The forum will result in an increased participation in the political process by the target groups.

By supporting this initiative, Council will actively support the community development process as it relates to the participation of the target groups in public life.

It is recommended that Council assists the Shop in organising the forum 'Voting in Australia', by providing financial assistance of \$1000 to cover interpreting and translating expenses, and catering for the forum.

**Recommendation:**

That Council supports the "Voting in Australia" forum to be conducted by the Shop, Women's and Children Centre with a financial contribution of \$1000 to cover interpreting and translating expenses, and catering for the forum, and that funds be voted accordingly to Account Code (KW99 034 77FO).

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

**MINUTE BY THE ACTING GENERAL MANAGER**

9 September 1998

**DONATIONS - FINANCIAL SUPPORT - FOR COMPLETION OF  
THE BOWER REPAIR AND RE-USE CENTRE (2019146)**

The Bower Co-operative is Sydney's first re-use and repair centre for recycling of discarded household furniture and materials that would otherwise go to landfill. This project was initiated by a group of residents trained as Earth Workers in 1996 in South Sydney. The Bower Co-operative received a 1997 grant from the EPA to develop the Centre, however these funds have been exhausted.

To enable completion of the Centre the Bower Co-operative have requested several in kind donations from SSCC. The request is for plant hire in an amount of \$2,500 and

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will be partially utilised on Monday 14<sup>th</sup> September 1998 for the hire of a crane to place roof trusses.

As this project is of considerable importance to the residents of South Sydney - contribution in whole or part is requested.

Marrickville Council are considering refund of the \$900 fees for BA and DA application for the Bower Centre.

**Recommendation:**

That approval be given for plant hire to the Bower Co-operative to a maximum value of \$2,500, such work to be funded from PW&S recurrent expenditure.

J. Harrison (SGD)  
**Acting General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

At the request of the Mayor, and by consent, the motion was amended by the addition of the following words to the recommendation "and that the Director of Public Works and Services have discussions with the Waste Services Manager in respect of South Sydney Council collecting discarded household furniture items and materials".

Motion, as amended by consent, carried.

**MINUTE BY THE ACTING GENERAL MANAGER**

8 September 1998

**DEPARTMENTS - REVIEW OF OPERATIONS - PUBLIC WORKS  
AND SERVICES DEPARTMENT (2019124)**

A minute by the General Manager dated 8 September 1998, was circulated to all Councillors prior to the Council Meeting.

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

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## **RECOMMENDATION**

That Council endorse the changes proposed in this report and that a further report be forwarded to the second meeting in November 1998 detailing the proposed new structures and indicating cost implications.

J. Harrison (SGD)  
**Acting General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

## **PETITION**

1. Councillor Macken tabled a petition with approximately 141 signatures appended from residents of Woolloomooloo requesting that the proposed removal trees in Forbes Street, Woolloomooloo be cancelled until a more effective Community Meeting can be arranged with residents and Council.

Received

## **QUESTIONS WITHOUT NOTICE**

1. **LAWRENCE STREET, NOS. 220-230, ALEXANDRIA - DAMAGE TO CARS FROM WATER BARRIER. - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (Q97-00442))**

### **Question:**

I have been approached by a number of residents concerning access to the new residential development on the corner of Maddox and Lawrence Streets, Alexandria. Residents are concerned that the access to the car park is damaging their cars due to a water barrier.

Can the relevant Officer investigate the situation and if the water barrier is on Council property, provide options for resolving the issue?

### **Answer by the Mayor:**

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I will as the Director of Public Works and Services and the Acting Director of Planning and Building to investigate that matter and have a report prepared for the Councillors Information Service this Friday.

2.

**PLANNING - PLANNING CONTROLS ON AIR SPACE ABOVE RAILWAY STATIONS IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2019144)**

**Question:**

Can the Acting Director of Planning and Building provide advice on Council's planning controls, if any, on the air space above railway stations in the South Sydney area?

**Answer by the Mayor:**

I will ask the Acting Director of Planning and Building to have a report prepared for the Councillors Information Service.

3.

**MEETINGS - PUBLIC HOUSING IN WOOLLOOMOOLOO - CLARIFICATION RE SELLING OF HOUSING - QUESTION WITHOUT NOTICE BY COUNCILLOR WATERS. (2011706)**

**Question:**

Members of the Woolloomooloo community brought to the attention of the Community Services Committee a flyer from Laing and Simmons Real Estate Agents encouraging investment in commercial property in Woolloomooloo.

The flyer claimed this investment had growth potential due to the fact that the Public Housing in Woolloomooloo would be sold off by the year 2000.

Could the Mayor write to the State and Federal Ministers for Housing, seeking clarification of their intentions and informing them of the opposition of South Sydney Council to any plan to sell off public housing in Woolloomooloo?

**Answer by the Mayor:**

I will take great delight in writing to both those ministers and I think that it is a disgrace that anybody is contemplating selling off public housing because there are people in our society who need housing of some description and there are some that are less fortunate than others and that is why our Council will continue to support the retention of public housing .

4.

**MAYOR - CONDOLENCES - MR. ROBERT BREADNER - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2004380)**

**Question:**

It is with regret that I inform the Council that Mr. Robert Breadner, the State Transit Authority delegate to Council's Traffic Committee, passed away suddenly on 28 August 1998. Could a letter of condolence under the Mayor's signature be sent to Robert's family?

**Answer by the Mayor:**

I will send a letter on behalf of the Council to the family.

5.

**GOODS AND EQUIPMENT - EFFECTS ON COUNCIL'S COMMUNITY GRANTS FROM PROPOSED GST - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (G51-00306)**

**Question:**

I understand that a number of different grants programs, including those from Industry to Organisations, would be subject to the proposed GST. Could I please be advised whether Council's Community Grants would be subject to a GST, if one were introduced?

**Answer by the Mayor:**

I will ask the Director of Health and Community Services to have a report prepared for Committee in relation to that matter.

6.

**GOODS AND EQUIPMENT - LIBRARIES - PROPOSED GST ON PURCHASE OF BOOKS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (G51-00306)**

**Question:**

Could I be advised as to the affect of this proposed tax on Council purchase of books for our libraries as I understand that books will also attract this tax?

**Answer by the Mayor:**

I will ask the Director of Health and Community Services to have a report prepare for Committee.

7.

**DEVELOPMENT - 149 CERTIFICATES - ENTITLEMENT OF RESIDENTIAL PARKING PERMITS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2012972)**

**Question:**

New residents are purchasing units without car parking and are unaware that occupiers of developments approved after 1995, are not entitled to Resident Parking Permits. Could the report on Residential Parking Permits consider the notification of this policy on Section 149 Certificates?

**Answer by the Mayor:**

I understand that there is a report coming to Council in relation to the co-ordination of the Development Application approvals and then the information is being passed on to the Permits Section. I will ask the Acting Director of Planning and Building to have that report also encompass the question of the 149 Certificates.

8.

**MACLEAY STREET, NO.18, POTTS POINT - SAFETY - RECESSED FIRE DOOR. - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON(2006806)**

**Question:**

I have received phone calls from residents of Macleay Street and Billyard Avenue, Potts Point, who are extremely worried about their personal safety because of a recessed fire door which opens onto the 1 metre wide Macleay Way from the new building at 18 Macleay Street.

The lane way between Potts Point and Elizabeth Bay is used by many pedestrians.

I understand that under proposed changes to Building Codes we may be able to assess whether public safety may take precedents over the existing codes.

Could Council Officers report if there is a way to design better fire doors in confined areas and Council's responsibility if doors open our footways?

**Answer by the Mayor:**

I will ask the Acting Director of Planning and Building to have a report prepared for Council's Committee. I will also ask that an urgent investigation be carried out by Officers of the Council's Fire Unit in respect of that particular doorway. I will ask that the investigation take place tomorrow and a report be prepared for the Councillors Information Service.

9.

**DARLINGHURST ROAD, NOS. 18-20, KINGS CROSS - AWARD -  
STRUCTUREFLEX CANOPY OVER THE FOUNTAIN CAFE - QUESTION  
WITHOUT NOTICE BY COUNCILLOR FENTON (2001673)**

**Question:**

I have been asked to pass on a letter of congratulations to Council from Sleiman Trading P/L for winning the most prestigious design award for the structureflex canopy over the Fountain Cafe in Potts Point. Could you pass this letter onto the relevant Officers?

**Answer by the Mayor:**

I certainly will pass that on.

**REPORT OF THE FINANCE COMMITTEE**

2 September 1998

**PRESENT**

**Councillor Sean Macken (Chairperson)**

**Councillors – Fenton and Waters**

At the commencement of business at 7.40 pm those present were:-

Councillors - Macken and Waters.

**Apology:**

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

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

That the Report of the Finance Committee of its meeting of 2 September 1998, be received and the recommendations set out below for Items 2 to 11, inclusive, 14 to 18 inclusive, 20 to 22 inclusive, 25 and 26 be adopted. The recommendations set out below for Items 12,13,19,23 and 24. having been dealt with as shown immediately following such Items.

Carried.

There was no quorum present at the commencement of the meeting. Councillors Macken and Waters who were present, recommended the following:-

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1.

**LEASING - OXFORD STREET, NO. 66, DARLINGHURST, SUITE 4, LEVEL 2  
- FARRINGTON CORPORATE SERVICES PTY LIMITED - REQUEST FOR  
ABATEMENT OF RENT (2018670)**

- (1) That arising from consideration of a report by the Director of Corporate Services dated 21 August 1998, approval be given to Farrington Corporate Services Pty Limited being offered a rent abatement of \$2,035 being one month's rental for disruption to their business at Council owned premises, Suite 4, Level 2, No. 66 Oxford Street, Darlinghurst, due to damage caused by heavy rain in April, 1998, subject to the Lessee signing a Form of Release to be prepared by Council's Legal Officer.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of the following new clause, namely:-

- (2) That the Director of Corporate Services when preparing the next report on Council's Commercial Properties for Committee, indicate how many occasions and the cost Council has incurred when the tenants have had free rent periods and rent abatements due to damage caused because of the lack of maintenance of Council's Commercial Properties.

Motion, as amended by consent, carried.

2.

**PUBLIC RELATIONS - OLYMPIC AND PARALYMPIC GAMES - COUNCIL  
REPRESENTATION AT FUNCTIONS (2009321)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 19 August 1998, authority be delegated to the Mayor and General Manager to approve of Council's representatives who should attend functions associated with the Sydney 2000 Olympic and Paralympic Games, and that any cost associated with the attendance at these functions be charged to the Budgets of the relevant Departments.

Carried.

3.

**GOODS AND EQUIPMENT - GENERAL FUND STORES - STATIONERY  
STOCKTAKING FOR SIX MONTH PERIOD 1 JANUARY 1998 TO 30 JUNE  
1998 (2002950)**

That Council grants confirmatory approval to the amount of \$386.41 being debited to the stock adjustment account (\$198.64 to AAN.55A0 and \$187.77 to

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AAN0001.55A0) covering the six month stocktake period, ending 30 June 1998.

(DCS & CAM/PO Joint Report 19.8.98)

Carried.

At this stage a quorum was present. Those present being Councillors Fenton, Macken and Waters and the Committee **recommends** the following:-

4.

**FINANCE - ACCOUNTS -SCHEDULE OF PAYMENTS - JULY 1998  
(2018742)**

That arising from consideration of a report by the Director of Finance dated 11 August 1998 approval be given to the confirmation of the payment of the accounts totalling \$15,045,515.75, as detailed in the Summary of Warrants for the Month of July 1998.

Carried.

5.

**ADMINISTRATION - PROCEDURES - QUESTION WITHOUT NOTICE BY  
COUNCILLOR JOHN BUSH (5263043)**

That for the reasons set out in the report by the Director of Organisational Development dated 14 August 1998, the request to investigate the establishment of expense accounts for senior staff has been finalised and the proposal not be approved.

Carried.

6.

**FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD  
ENDING 31 JULY 1998 (2015594)**

That the Investment Report of the Director of Finance dated 19 August 1998, be received and noted.

Carried.

7.

**CONFERENCES - 18TH WORLD CONGRESS AND 1ST NATIONAL CONFERENCE - PARKS AND LEISURE AUSTRALIA - MELBOURNE, VICTORIA, 18 TO 23 OCTOBER 1998 - ATTENDANCE BY COUNCIL REPRESENTATIVES (C61-00225)**

That arising from consideration of a report by the Director of Public Works and Services dated 21 August 1998, Council approve the attendance of the Mayor, interested Councillors, General Manager, Director of Public Works & Services and Manager Parks Development or their alternates as delegates to the 18<sup>th</sup> World Congress and 1<sup>st</sup> National Conference Parks and Leisure Australia between 18 October, 1998 and 23 October, 1998 and that Council pay registration, accommodation and travel and reasonable out of pocket expenses, for which funds are available in 1998/99 Parks Budget.

Carried.

8.

**GRANTS - ACCEPTANCE - FAMILY LIAISON WORKER PROGRAM AND EMPLOYMENT OF PART TIME FAMILY LIAISON WORKER (2018954)**

That arising from consideration of a report by the Director of Health and Community Services dated 17 August 1998, approval be given to:-

- (1) the acceptance of approximately \$20,156 per annum in recurrent operational funding from the Federal Department of Health and Family Services for a Family Liaison Worker Program;
- (2) the employment of a permanent part-time Family Liaison Worker, with the hours of the position determined by the funds available following the job evaluation process.

Carried.

9.

**DONATIONS - REQUEST FOR ASSISTANCE WITH LEGAL COSTS - NORTH SYDNEY COUNCIL (2002879)**

That arising from consideration of a report by the Director of Planning and Building dated 26 August 1998, Council contribute \$471 towards the legal expenses of North Sydney Council on the interpretation of Section 102, for which funds are available in account GQA-77LE.

Carried.

10.

**PLANT AND ASSETS - SUPPLY AND DELIVERY OF SEVEN 3 TONNE NETT CAPACITY END TIPPING LORRIES (2018560)**

That arising from consideration of a report by the Director of Public Works and Services dated 18 August 1998, Council approves the acceptance of the tender submitted by Gilbert and Roach for the supply and delivery of seven (7) Isuzu NPR 300 Medium cab/chassis with bodywork and hoist equipment by Berry Howe Industries in the sum of \$31,364.00 per unit, in the total sum of \$219,548.00 less a total trade-in allowance of \$116,650.00 on Council vehicle Nos. 4255, 4256, 4264, 4265, 4266, 4267 and 4268, in the total nett sum of \$102,898.00 in accordance with Council's specification PWS 17/98 and the firm's tender dated 8 August 1998, for which funds are available in the 1998/99 Revenue Estimates.

Carried.

11.

**FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 30 JUNE 1998 (A52-00240)**

That the report by the Director of Finance dated 24 August 1998, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

12.

**COMPUTERISATION - DIAL UP RESIDENT INTERNET ACCESS (2013327)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the report by the Director of Corporate Services dated 13 August 1998, be referred to the Director of Health and Community Services for comment on the desire or need of community groups in the South Sydney area obtaining internet access, and that Council Officers provide a pricing policy for internet services, should Council decide to provide internet services to local residents, such a policy should include a full cost recovery for Council.

Carried.

13.

**PERSONNEL - INDUSTRIAL TRAINING - UNIVERSITY  
UNDERGRADUATES (2018541)**

- (1) That approval be given to Council employing on Trainee Grades within the Salaried Officers Award up to three undergraduate civil or environmental engineering students or environmental science students per year during the summer period (approximately three months) on industrial training with funds being made available from Departmental recurrent expenditure budgets.

(DPWS Report 25.8.98)

At the request of Councillor Macken, and by consent, the motion was amended by the addition of a new clause (2) to the recommendation namely:-

- (2) That Council appoint from January 1999 on an ongoing 12 monthly basis an Undergraduate Landscape Architect (3rd Year trained) at a salary level of Trainee Grade 3, for which funds are available in the Parks Development Branch Budget.

(DOD Report 9.9.98)

Motion, as amended by consent, carried.

14.

**LEASING - CROWN STREET, NOS. 470 - 474, SURRY HILLS - PROPOSED  
LEASE OF AIRSPACE (2009974)**

That arising from consideration of a report by the Director of Public Works and Services dated 14 August 1998, approval be given to:-

- (1) the Clock Hotel Group Pty Limited (ACN 076 632 865) or their successors in title being granted a lease under Section 149 of the Roads Act 1993, over the airspace above part of 470-474 Crown Street, Surry Hills as shown stippled on Plan No. S4-130/711 and subject to conditions (1) - (11) in the schedule accompanying the Director's report;
- (2) all relevant documents and plans being signed by Council's Attorney;.
- (3) all public utility authorities being advised of Council's decision;
- (4) the lease being for a period of 40 years under Section 149 of the Roads Act 1993 and at a rental (as determined by a representative of Council's independent panel of valuers) of \$3,900 per annum and increased annually by the CPI and reviewed to the market every five years;

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- (5) the date of commencement of the lease being 20 July, 1998;
- (6) this approval lapsing 6 months from the date of Council's approval to the granting of a lease if the applicant has failed to sign the lease agreement and/or provided proof of public risk insurance as required by Condition 5 in the schedule accompanying the Director's report.

Carried.

15.

**ADMINISTRATION - INTERNAL/ORGANISATIONAL DEVELOPMENT/  
MANAGEMENT DEVELOPMENT PROGRAM - LOCAL GOVERNMENT  
CERTIFICATE COURSE (2018573)**

That arising from consideration of a report by the Director of Organisational Development dated 28 August 1998, It be resolved that:-

- (a) approval be given to enrol those employees who have indicated their intention to undertake the two core subjects of the Graduate Certificate in Local Government from the University of Technology, Sydney;
- (b) the enrolment fees, up to a maximum of \$60,000 being for the 2 subjects be paid by Council for which funds are available in the Organisational Development budget 1998/99 (Account No.HP99003 77R2);
- (c) the time involved in the course attendance be granted as study leave with pay to the participating staff at an agreed time to the working arrangements of Council;
- (d) the Graduate Certificate in Local Government be conducted on an ongoing yearly basis.

Carried.

16.

**COMMITTEES - SUPPLY OF FURNITURE FOR NO. 140 JOYNTON  
AVENUE, ZETLAND - REQUEST FOR ADDITIONAL FUNDS TO COMPLETE  
STAGE TWO (2008384)**

That for the reasons set out in the report by the Director of Organisational Development dated 27 August 1998:-

- (1) Council vote the additional funds as detailed in the abovementioned report, being \$99,866 (the difference between the \$494,000 as voted in February 1998 and \$593,866 as currently listed ) for the completion of the supply of furniture for Councils Administration Offices located at Nos. 140 and 136 Joynton Avenue;

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- (2) That Council vote funds to cover the cost of the computer cabling associated with the supply of this furniture, amounting to approximately \$85,000.

Carried.

17.

**PROPERTIES - SOUTH SYDNEY YOUTH SERVICES BUILDING -  
UPGRADING - REVOTING OF FUNDS TO 1998/99 BUDGET AND SECTION  
94 CONTRIBUTIONS (2006593)**

That arising from consideration of a report by the Director of Health and Community Services dated 26 August 1998, approval be given to:

- (1) the revoting of the unspent donation of \$28,357 from the 199798 financial year to the 1998/99 budget for the upgrading of the South Sydney Youth Services Amenities Building;
- (2) the transfer of \$14,444 from the Section 94 Community Facilities fund towards the project. (KW 99011).

Carried.

18.

**PLANT AND ASSETS - SUPPLY AND DELIVERY OF TWO , 6 TONNE NETT  
CAPACITY END TIPPING LORRIES (2018560)**

That arising from consideration of a report by the Director of Public Works and Services dated 27 August 1998, Council approves the acceptance of the tender submitted by City Hino for the supply and delivery of two (2) Hino FD Ranger 6 Medium cab/chassis with bodywork and hoist equipment by Tipline Hydraulics Pty Ltd (\$55,220.00 per unit) optional brake warning light (\$250.00 per unit) and one (1) set of Workshop Manuals (\$285.00 per set) in the total sum of \$111,225.00, less a total trade in allowance of \$65,100.00 on Council vehicle Nos. 4287 and 4288 Isuzu lorries, in the total nett sum of \$46,125.00 in accordance with Council's specification PWS 18/98 and the firm's tender dated 11 August, 1998, for which funds are available in the 1998/99 Revenue Estimates.

Carried.

19.

**CONFERENCES - ABC - INTERNATIONAL USERS GROUP CONFERENCE - PHILADELPHIA, USA OCTOBER 1998 - ATTENDANCE OF COUNCIL'S REPRESENTATIVE (2015745)**

That arising from consideration of a report by the Director of Finance dated 28 August 1998 and 4 September 1998, approval be given to:-

- (1) the granting of leave with pay to Geoff Burton, Activity Based Costing Manager from 21 to 23 October 1998, to present a Paper at the ABC International Users Group Conference in Philadelphia, USA;
- (2) the payment of accommodation costs to a total of \$1,300 whilst attending the conference and meeting with representatives of Philadelphia City Council;
- (3) Mr. Burton being congratulated on his achievement and a copy of this report being placed on his Service File.

Carried.

20.

**STREETS - BOTANY LANE, ALEXANDRIA - PROPOSED CLOSURE AND SALE OF PART (2017531)**

That arising from consideration of a report by the Acting Director of Public Works and Services dated 17 August 1998, approval be given for advertising and action to be taken for the proposed closure and sale of part of Botany Lane, Alexandria, as shown stippled on Plan No. S6-280/240A in accordance with the revised policy for the proposed closure and sale or lease of lane ways and sale of vacant Council owned land as adopted by Council on 12 June 1996.

Carried.

21.

**FINANCE - OUTSTANDING DEBTS - RENTS AND SUNDRIES AT 26 JUNE 1998 (2005599)**

That the report by the Director of Finance dated 31 August 1998, detailing outstanding sundry and rent debts at 26 June 1998, be received and noted.

Carried.

**22.**

**RATES - ARREARS AS AT 26 JUNE 1998 (2004815)**

That the report by the Director of Finance dated 31 August 1998, concerning arrears of rates and charges at 26 June 1998, be received and noted.

Carried.

**23.**

**PERSONNEL - FIXED TERM PERFORMANCE BASED CONTRACTS OF EMPLOYMENT (P53-00119)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay:-

- (a) That Council agrees in principle to the introduction of Performance Based Fixed Term Contracts of Employment for senior staff in the terms as detailed in the report by the Director of Organisational Development dated 28 August 1998;
- (b) That Council initiate discussions with those employees at Grade 14 to 18, regarding the investigation of a suitable system of performance recognition.
- (c) That should recommendation (a) be adopted, the Director of Organisational Development will confer with staff in the Grades 14 to 18 to explain the effect of this report and address any concerns raised and that a further report be prepared for Council's determination following discussions with the relevant staff.

Carried.

**24.**

**PLANNING - ERSKINEVILLE URBAN VILLAGE PROJECT (2009125)**

(This matter was also listed as Item No. 8 on the Planning and Development Committee.)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That Council adopt recommendations (1), (2) and (3) in the report of the Directors of Planning and Building, Public Works and Services and Health and Community Services dated 27 August 1998, namely that Council:-

- (1) approve the approach to the preparation of the Erskineville Urban Village Project, outlined in the brief attached to the abovementioned report;
- (2) approve funds to be drawn from the following accounts for the implementation of streetscape improvement works in Erskineville Road:  
  
\$35,000 - Public Works and Services - Erskineville Footpath Widening  
\$30,000 - Planning and Building - Strategic Planning Projects;
- (3) approve the allocation of an additional \$135,000 to contribute to the implementation of streetscape improvement works in Erskineville Road;

-and Item (4) to be amended as follows:-

- (4) to achieve the project objective of commencing construction of streetscape improvement works in Erskineville Road before the end of this Financial Year, Council approve:
  - (a) the following Officers nominated for the Project Team be permitted to contribute at least two full days per week to the Project for the life of the Project, with the initial Project stages requiring a commitment of two to three weeks full time:

Mainstreet Projects Officer	Nina Isabella
Landscape Architect	Kathleen Ng
Design Engineer	Bryan Willey
Cultural Development Officer	Berenice Carrington
  - (b) the nominated Support Staff with the required skills be permitted to contribute to the Project at key project stages;
  - (c) the Project Team report progress to Council through the Environment Steering Committee.

Carried.

**25.**

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

(This matter was previously listed as Item No. 1 on the Confidential Finance Committee.)

That the Report by the Director of Corporate Services dated 25 August 1998, submitting the Quarterly Report of all outstanding rents and lease payments for the 3 month period ending 25 August 1998, be received and noted.

**A/GENERAL MANAGER**

(DCS Report 25.8.98)

Carried.

26.

**PUBLIC RELATIONS - COUNCIL PUBLICATIONS AND NOTICES -  
DISTRIBUTION AND NOTIFICATION (2014543)**

That for the reasons set out in the report by the Media Manager, General Manager's Unit, dated 31 August 1998, it be resolved that:-

- (1) Australia Post delivery services be contracted to distribute the October and December issues of Inner City News at a cost of 8.2c per unit, and that \$3312 be voted to ENF 77FO to cover this additional cost;
- (2) an inter-departmental working party be established to examine the scope of Council's distribution needs and the feasibility of setting up a specific unit of staff to be responsible for distributing all of Council's publications and notices.

Carried.

The Finance Committee Meeting terminated at 8.04 p.m.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

**WEDNESDAY, 2 SEPTEMBER 1998 AT 8.05 PM**

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matters) during consideration of the undermentioned Items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

**Apology:**

An apology for non-attendance was received from Councillor Deftereos.

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

Item 2 - Leasing Matter

**A/GENERAL MANAGER**

Item 3 - Personnel Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 2 September 1998, be received and the recommendations set out below for Items 2 and 3, be adopted.

Carried.

The Committee **recommended** the following:-

1.

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

This matter was dealt with as Item No. 25 in the Finance Committee.

2.

**PADDINGTON TOWN HALL - OUTSTANDING HIRING FEE - HARRY M. MILLER & CO. MANAGEMENT PTY LTD (2017372)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay:-

That it be resolved that recommendation No. 3 in the report by the Director of Corporate Services dated 26 August 1998, be pursued and that Council's Solicitors, Pike, Pike and Fenwick and the Solicitors representing Harry M. Miller & Co. Management Pty Ltd settle this matter by negotiation.

Carried.

3.

**PROPERTIES - PADDINGTON TOWN HALL - PERSONNEL - VENUE MANAGEMENT TEAM (2013595)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Macken:-

- (1) That Mr. Peter Browning be engaged at all Council's functions at Paddington Town Hall;

- (2) That Stedman's Hospitality Personnel and Training be replaced by Council's Ordinance Inspectors as and when required;
- (3) That immediate action be taken to fill the outstanding Clerk's position.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 8.06 p.m.

## REPORT OF THE COMMUNITY SERVICES COMMITTEE

2 September 1998

### PRESENT

**Councillor Sean Macken (Chairperson)**

**Councillor – Waters.**

At the commencement of business at 6.58. pm those present were -

Councillors:- Macken and Waters

### **Apologies:**

Apologies for non-attendance at the meeting was received from Councillors Deftereos and Fenton.

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

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

Carried.

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

**A/GENERAL MANAGER**

1.

**WELFARE - COUNCIL'S KITCHENS - MEALS ON WHEELS SERVICE -  
FUTURE DISPOSITION - SSROC COUNCIL'S JOINT VENTURE  
(W51-00045)**

That arising from consideration of a report by the Director of Health and Community Services dated 24 August 1998, Council grants its approval to a letter being sent, under the Mayor's signature, to all Mayors in SSROC so as to assess their degree of interest in a joint venture kitchen, built to cater for all MOW and centre based meals services located throughout the 12 Council areas.

Carried.

2.

**COMMUNITY FACILITIES - CLOSURE OF THE SURRY HILLS (RILEY  
STREET) CHILDREN'S PROGRAM - PUBLIC HOLIDAY 5 OCTOBER 1998  
(2009968)**

That arising from consideration of a report by the Director of Health and Community Services dated 19 August 1998, approval be given to the closure of the Surry Hills (Riley Street) Children's Program on the public holiday of 5 October 1998.

Carried.

3.

**PARKS - LADY GOWRIE RESERVE, HAROLD STREET, NEWTOWN -  
PROPOSED REMOVAL OF BASKETBALL HOOP (5017395)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration from consideration of a report by the Acting Director of Public Works and Services dated 28 August 1998, it be resolved that:-

- (1) Council signpost the basketball hoop in the Harold Street Playground advising that its use is prohibited between the hours of sunset and sunrise;
- (2) following the notification of the restricted hours that Councils Ordinance staff carry out regular patrols of the area;
- (3) plans be prepared for the upgrading of the reserve and the removal of the basketball hoop be considered, and a further report be prepared on this matter following completion of the plans;

**A/GENERAL MANAGER**

- (4) Council Officers investigate appropriate lighting to discourage use of the playground after dark as a priority.

Carried.

4.

**TREES - FORBES STREET, WOOLLOOMOOLOO, BETWEEN CATHEDRAL STREET AND HARMER STREET - SAFETY AUDIT - PROPOSED REMOVAL OF TREES AND LANDSCAPE WORKS (2005246)**

That the report by the Director of Public Works and Services dated 28 August 1998, be received and noted, and that a further report be submitted on the following aspects:-

- (1) That a second opinion be obtained by an independent Arborist to check on all the Poplar trees in Forbes Street;
- (2) That urgent attention be given to treat the termite infestation mentioned in the Arborist's report;
- (3) That Council's staff investigate the condition of Tom Uren Place, Woolloomooloo and an urgent report be forwarded;
- (4) That the petition that was received at the Committee Meeting be tabled at the next Council Meeting.

Carried.

5.

**COMMITTEES - 1998 LOCAL GOVERNMENT MULTICULTURAL FORUM - ATTENDANCE BY COUNCIL'S REPRESENTATIVES (2010964)**

That arising from consideration of a report by the Director of Health and Community Services dated 1 September 1998, approval be given to:

- (1) four Council representatives attending the 1998 Multicultural Forum.
- (2) Council is represented by two Councillors, a Director and Council's Community Worker (Multicultural Services).

and that funds be allocated from KW99034 77FO to cover the registration fee of \$100.

At the request of the Mayor, and by consent, the motion was amended by the addition of a new clause (3) to the recommendation, namely:-

- (3) the two Councillors representing Council, being Councillor Jill Lay and Councillor Sonia Fenton.

**A/GENERAL MANAGER**

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 7.39 p.m.

## **REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

2 September 1998

### **PRESENT**

**Councillor Jill Lay (Acting Chairperson)**

**Councillors - Bush, Fowler, Harcourt.**

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

Councillors - Bush, Fowler, Harcourt, Lay.

#### **Apology:**

An apology for non-attendance at the meeting was received from the Mayor, Councillor Vic Smith.

Moved by the Chairperson (the Mayor, Councillor Smith), seconded by Councillor Lay.

That the Report of the Planning and Development Committee of its meeting of 2 September 1998, be received and the recommendations set out below for Items 3 to 4, 7, 9 to 11 inclusive, 13, 16 to 18 inclusive and 21 to 24 inclusive and 26, be adopted. The recommendations for Items 1,2,5 to 6 inclusive 8, 12, 14 and 15 inclusive, 17, 19 and 20 inclusive, and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

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

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Ms A Wright (owner) for permission to extend the trading hours of the hotel until 3am Mondays to Saturdays at the abovementioned premises, for the following reasons, namely:-

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- (1) That extended trading hours are likely to cause additional and unreasonable detrimental impact early in the morning on the adjacent residential area, particularly by way of:
    - (a) Noise from within the building;
    - (b) Noise generated by patrons walking to and from the hotel;
    - (c) Noise caused by patrons cars as they arrive and depart;
    - (d) Anti-social and boisterous behaviour of patrons outside the hotel;
  - (2) That the use is prohibited under the current and draft planning instruments and intensification of a non-conforming use in a residential area is not consistent with the objectives of these instruments;
  - (3) That extended trading hours would place additional pressure on the supply of on-street parking and no parking can be provided on the subject site;
  - (4) That the granting of consent to the application would set an undesirable precedent for hotels adjacent to residential areas in South Sydney;
  - (5) That the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

That the application submitted by Ms A Wright (owner) for permission to extend the trading hours of the hotel until 3am Mondays to Saturdays at the abovementioned premises, be withdrawn as requested in the fax dated 9 September 1998.

Motion, as amended by consent, carried.

2.

**CHISHOLM STREET, NO. 28, SURRY HILLS - ERECT GARAGE AND DWELLING AT REAR OF SITE (U97-01075)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

**A/GENERAL MANAGER**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr P Brookes, for permission to erect garage and studio at rear of the abovementioned site, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans unnumbered 9732.01 dated 19 May 1998;
  - (2) That the proposed first floor balcony shall be deleted and that the whole of the garage/dwelling shall be moved forward so as to reflect the front building line of adjoining development.
  - (3) That the rear wall of the garage/dwelling shall not extend more than one metre beyond the rear building line of adjoining development.
  - (4) That the opening at the first level of the garage/dwelling (Sims Street elevation) shall be deleted and shall be replaced by two vertically proportioned window openings. Details of the proposed fenestration of the garage/dwelling shall be provided with the Building Application.
  - (5) That the maximum height of the roof from the parapet to the ridgeline shall be 2600mm;
  - (6) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
  - (7) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
    - (a) external finishes to walls;
    - (b) roofing finishes;
    - (c) balcony balustrade treatment;
    - (d) proposed fences;
    - (e) size and proportion of windows and doors;
  - (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
  - (9) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the

Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;

- (10) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (11) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (12) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (13) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (14) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (15) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (16) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (17) That all proposed work shall be wholly within the boundaries of the subject site.

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.

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

Carried.

**3.**

**ELIZABETH BAY ROAD, NO. 104, ELIZABETH BAY - GLASS ROOF AND BALUSTRADE SCREENS TO ROOFTOP - DEVELOPMENT APPLICATION (U98-00627)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr P Diment, with the authority of the Registered Proprietors Strata Plan 9337, for permission to replace the existing metal terrace roof with a new glass roof in conjunction with glass balustrade screens, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 971320 dated May 1998;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (3) That the proposed external glazing shall have a reflectivity not exceeding 20%;
  - (4) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;  
  
-this does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
  - (5) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
    - (a) in the case of work to be done by a licensee under that Act:

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- (i) has been informed in writing of the licensee's name and contractor licence number, and
  - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
- (i) has been informed in writing of the person's name and owner-builder permit number, or
  - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

-and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which the EPA Act 1998 Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

- (6) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane).

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

Carried.

4.

**ABERCROMBIE STREET, NO. 370, CHIPPENDALE - ADDITIONS AND ALTERATIONS TO THE ROYAL HOTEL - BUILDING APPLICATION (Q98-00348)**

- (A) That the Council, as the responsible authority, grant its consent to the application submitted by D Callahan for permission to extend the hotel including a two storey high enclosure of the existing beer garden courtyard and a new first floor TV room at the abovementioned premises, all in accordance with submitted plan No.BA-1 (dated 21 April 1998) subject to the following conditions, namely:-

- (1) That compliance shall be given to the conditions of the approval granted by Council under Development Application No. U95-01000 (copy attached);
- (2) That the new deck shall be provided with non-combustible construction throughout including the ground floor columns;
- (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (4) That plans and specifications showing details of:-
  - (a) all proposed mechanical ventilation systems;
  - (b) the garbage room;

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

- (5) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (6) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (7) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (8) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for

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the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

- (9) That the opening upon Wilson Lane on the first floor within 6 metres of the far boundary of a road adjoining the allotment shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (10) That a suitable automatic fire detection and alarm system shall be provided to the TV room and passage way and shall be installed to comply with E2.2 of the BCA;
- (11) That entrance doorways to all sole occupancy units and TV room on the first floor shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (12) That plans and specifications showing details of:-
  - (a) all proposed mechanical ventilation systems;
  - (b) the garbage room;

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

and the following standard adopted conditions:

- (13) BC2 - Compliance with Local Government Act 1993;
- (14) BC3 - Compliance with conditions on plan;
- (15) BC11 - Inform Council for inspections;
- (16) BC15 - Approval relates to coloured work;
- (17) BC62 - Survey Certificate for setup of building;
- (18) BC63 - Survey Certificate for finished building;
- (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) BC123 - Demolition to comply with standard;
- (24) BC167 - Structural details and certification to be submitted;
- (25) BC168 - Structural justification of existing building;
- (26) BC170 - Structural certificate upon completion;
- (27) BC175 - Comply with Timber Framing Code;
- (28) BC176 - Approval for permanent work only;
- (29) BC186 - No structural work until approval granted;
- (30) BC342 - Materials, linings and surface finishes;
- (31) BC352 - Glazing materials;
- (32) BC403 - Unobstructed height of exits;
- (33) BC407 - Discharge of exits;
- (34) BC417 - Storage under non-fire isolated stairs;
- (35) BC420 - Construction of stairways and ramps;
- (36) BC426 - Exit doors, shutters and grilles;
- (37) BC431 - Steel bollards re: entry doors;
- (38) BC432 - Unobstructed access to all exits;
- (39) BC501 - Fire extinguisher;
- (40) BC507 - Hose reels;
- (41) BC508 - Hydrants;
- (42) BC524 - Emergency lighting;
- (43) BC525 - Exit signs;
- (44) BC526 - Directional exit signs;
- (45) BC603 - Damp and weatherproofing;
- (46) BC609 - Natural light and ventilation;
- (47) BC608 - Ceiling heights;

- (48) HSC500 - Premises to be ventilated;
- (49) HSC555 - Bathroom ventilation;
- (50) HSC705 - Construction of garbage room;
- (51) HSC800 - Use of appliances emitting intrusive noise;
- (52) HSC801 - Noise from premises;

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, 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.

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

Carried.

5.

**BROUGHAM STREET, NO. 195, WOOLLOOMOOLOO - ERECTION OF TWO STOREY ADDITION TOGETHER WITH ATTIC CONVERSION - BUILDING APPLICATION (Q97-01166)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr L Chen for permission to erect a two storey addition together with attic conversion at the abovementioned premises, all in accordance with the submitted (amended) plans numbered 9709BA166 dated 8 May 1998, subject to the following conditions, namely:-
  - (1) That the curved roof line to the rear extension shall be reduced in height by a minimum of 600mm;
  - (2) That the external louvre blinds shall be installed in a fixed position to avoid overlooking;
  - (3) That the stormwater drainage system shall be redesigned to ensure that all water collected from the roof of the premises shall

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be made to discharge to Brougham Street. Details to be submitted prior to any work commencing (including demolition);

- (4) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for Discharge of Storm Water";
- (5) 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;
- (6) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (7) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (8) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

and the following adopted standard conditions:

- (9) BC63 - Survey Certificate for finished building;
- (10) BC64 - Applicant to make good damage to party walls;
- (11) BC111 - Hours of work;
- (12) BC113 - Work to comply with noise standards;
- (13) BC114 - Existing building to be kept in stable condition;
- (14) BC119 - Requirements when excavating below footings;
- (15) BC167 - Structural details and certification to be submitted;
- (16) BC168 - Structural justification of existing building;
- (17) BC175 - Comply with Timber Framing Code;
- (18) BC186 - No structural work until approval granted;
- (19) BC189 - Termite protection;

- (20) BC338 - Openings in external walls;
- (21) BC529 - Smoke alarm systems;
- (22) BC601 - Water closets and shower compartments;
- (23) BC603 - Damp and weatherproofing;
- (24) BC608 - Ceiling heights;
- (25) BC609 - Natural light and ventilation;
- (26) BC610 - Mechanical ventilation;
- (27) BC615 - Common walls sound transmission;
- (28) BC619 – Provide clothes washing facilities;
- (29) HSC014 – Hot water safety devices;
- (30) HSC500 - Premises to be ventilated;
- (31) HSC539 - Exhaust electrically interlocked;
- (32) HSC540 - Bathroom exhaust;
- (33) HSC542 - Approved bathroom system;
- (34) HSC555 - Bathroom ventilation;
- (35) HSC556 - Laundry ventilation;
- (36) HSC800 - Use of appliances emitting intrusive noise;
- (37) HSC801 - Noise from premises;
- (38) HSC802 - Noise from plant.

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

Carried.

6.

**GEORGE STREET, NOS. 36 - 38, REDFERN - ERECT FOUR RESIDENTIAL FLATS AND STRATA SUBDIVIDE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00249)**

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 Meyerson Associates Architects, with the authority of the C.F.M.E.U, for permission to erect four residential flats and strata subdivide, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans reference R97451 - DA/01-05 inclusive as amended by plans submitted on 29 July 1998 and sketch plan dated 3 September 1998.
  - (2) That the roof and eastern end of the proposed second storey of the commercial building shall be amended to the satisfaction of the Director of Planning and Building to achieve a profile of no greater than 36<sup>0</sup> degree pitch above R.L 35.05 to reduce overshadowing of the rear courtyards of the adjoining property No. 40 George Street - details to be submitted in the Building Application;
  - (3) That all window openings in the proposed east elevation of the second storey of the commercial building shall be constructed in glass bricks or other translucent material and shall be designed to ensure that no overlooking of adjoining residential properties can occur, details to be submitted in the Building Application;
  - (4) That the 900mm setback of the residential building from the southern boundary on the ground level shall be repeated on all of the upper levels;
  - (5) 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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition Open Space/Townscape/	\$9,250	2E97001.BGYO

**A/GENERAL MANAGER**

Public Domain	\$2,756	2E97002.BGYO
Accessibility And Transport	\$ 36	2E97006.BGYO
Management	\$ 140	2E97007.BGYO
<b>Total</b>	<b>\$12,182</b>	

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;

**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

**CPI<sub>1</sub>** 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.

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

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

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

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

- (6) That a minimum of two residential and three commercial off-street car parking spaces shall be provided with each space a minimum of 5.4m x 2.6m or 5.5m x 2.5m except for the tandem spaces which shall be a minimum 6.5m long and the spaces shall be marked and located to the satisfaction of the Director of Planning and Building;
- (7) That a minimum of 2 x type 1 secure bicycle storage facilities (refer As2890.3 Bicycle Parking Facilities) shall be provided to the satisfaction of the Director of Planning and Building for use in conjunction with the residential units;
- (8) That privacy screens at least 1800mm in height shall be provided on both sides of the proposed rear balconies of the residential units;
- (9) That the ramps shall have a maximum grade of 1 in 15 for the first 4m from the alignment and then 1 in 8 without transitions of 1 in 6 with a suitable transition at the other end;

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- (10) That the car park being ventilated in accordance with Australian Standard 1668.1 Specification 7 and Australian Standard 1668.2 Section 4;
- (11) That plans and specifications showing details of:-
- (a) proposed mechanical ventilation systems;
  - (b) the garbage room;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (12) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes shall be 75 litres for trees and 5 litres for shrubs. Specifically the landscape plan should indicate planting within the street setback, on balconies, roof gardens and pergolas;
- (13) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1966). Trees shall be sized and planted according to Appendix C of the Street Tree Master Plan (see attached copy). The species nominated for George Street is the Plane tree (*Platanus x hybrida*);
- (14) That the Developer shall arrange with the Parks Development Branch for a final inspection of the landscape works and that the works shall be constructed in accordance with the plans approved with the Building Application;
- (15) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;

and the following standard adopted conditions:

- (16) LDA12 - Applicant to liaise with Sydney Water;
- (17) LDA21 - No resident parking for residential flat developments;

- (18) LDA36 - Loading only within confines of the site;
- (19) LDA44 - Driving in forward direction only;
- (20) LDA45 - Parking and driveways to be kept clear;
- (21) LDA66 - Minimum 2.2m headroom;
- (22) LDA67 - Stacked parking use;
- (23) LDA152 - Schedule of finishes;
- (24) LDA153 - Reflectivity of external glazing;
- (25) LDA155 - Windows and doors to be of timber joinery;
- (26) LDA159 - Provide details of exhaust vents;
- (27) LDA166 - Provide screening for garbage area;
- (28) LDA162 - Provide common aerial for each building;
- (29) LDA261 - Washing down of trucks;
- (30) LDA351 - Building Application required;
- (31) LDA366 - Liaise with Natural Gas Company;
- (32) LDA367 - Timing device on alarms;
- (33) LDA376 - Hours of building work;
- (34) LDA377 - Construction noise regulation;
- (35) LDA384 - New alignment levels;
- (36) LDA387 - Footway crossings;
- (37) LDA389 - Stormwater disposal requirements;
- (38) LDA392 - No obstruction to public way;
- (39) LDA393 - Delivery of refuse skips;
- (40) HSC100 - Removal of spoil from site;
- (41) HSC101 - Not give rise to emissions into the environment;
- (42) HSC103 - Environmental site assessment being carried out;

- (43) HSC111 - Liquid wastes to sewer;
- (44) HSC555 - Bathroom ventilation;
- (45) HSC704 - Garbage storage area;
- (46) HSC706 - Storage of recyclables;
- (47) HSC801 - Noise from premises;

NOTE 1: For the purpose of child safety, it is recommended that all new or replacement hot water system be designed to deliver hot water to a maximum 50<sup>0</sup>C and/or install safety devices such as child resistant taps, single lever mixing taps and automatic flow reduction devices.

NOTE 2: 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.

NOTE 3: That details relating to the residential garbage and recycling facilities should be referred to Council's Waste Services Section, Public Works and Services Department, for approval of the location and type of storage containers.

NOTE 4: The owner's attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
  - (1) That an additional exit shall be provided to the western end of the car park level;

- (2) That the stairway connecting the office levels shall be fire isolated and redesigned to comply fully with the requirements of Parts C and D of the BCA;
- (3) That proposed openings in external walls shall be redesigned to comply fully with the requirements of Clauses C.3.2 and C.3.4 of the BCA;
- (4) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

and the following adopted standard conditions:

- (5) BC318 - Fire entrance doors to units;
  - (6) BC420 - Construction of stairways and ramps;
  - (7) BC426 - Exit doors, shutters and grilles;
  - (8) BC501 - Fire extinguisher;
  - (9) BC507 - Hose reels;
  - (10) BC508 - Hydrants;
  - (11) BC524 - Emergency lighting;
  - (12) BC525 - Exit signs;
  - (13) BC528 - Fire detectors and alarm system;
  - (14) BC609 - Natural light and ventilation;
  - (15) BC611 - Ventilation of bathrooms/laundries;
  - (16) BC612 - Wall sound transmissions;
  - (17) BC614 - Floor sound transmissions;
  - (18) BC26 - Comply with BCA.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

**BOURKE STREET, NOS. 346 - 348, SURRY HILLS - RESTORE THE EXISTING TERRACES AND ERECT A NEW RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00189)**

- (A) That the Council resolve to support the State Environmental Planning Policy No. 1 objection to non-compliance with the requirements for on-site car parking contained in Clause 51 of the City of Sydney Planning Scheme Ordinance for the following reason, namely:-

The significance of, and the need to maintain, the existing buildings on-site severely restrict the ability to provide any on-site parking;

- (B) That the Council as the responsible authority grants its consent to the application submitted by Tasman Pty Ltd (owners) to retain and restore the existing terrace structures fronting Bourke and Short Streets, convert those terraces to 2 x 2 bedroom dwellings and a commercial tenancy, and erect a new multi-level residential flat building in the rear yard area containing an additional 21 x 1 bedroom units, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawing A01 Issue A to A15 Issue A inclusive , all dated 26 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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition Open Space/Townscape/ Public Domain	\$28,530	2E97001.BGYO
Public Domain	\$ 8,614	2E97002.BGYO
Accessibility And Transport Management	\$ 119	2E97006.BGYO
	\$ 428	2E97007.BGYO
<b>Total</b>	<b>\$37,691</b>	

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

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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;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** 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.

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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 in consultation with and subject to concurrence with the adjoining owners of 348A Bourke Street, Surry Hills, the elevation adjacent to the adjoining lightwell shall be treated with light reflective/materials/colours and nightlighting;
- (4) That an archaeological investigation be carried out by a qualified consultant before construction work is commenced and that a record (photographic) shall be kept of this investigation. The investigation should also examine the building fabric as work progresses on the existing buildings on the site;
- (5) That a certificate under Section 73 of the Water Board (Corporation) Act 1994 in respect of the proposed development shall be submitted to Council prior to the release of the building plans;
- (6) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
  - (a) external finishes to walls;
  - (b) roofing finishes;
  - (c) balcony balustrade treatment;
  - (d) size and proportion of windows and doors;
- (7) That a separate application shall be submitted at the appropriate time for the specific use of the Short Street commercial tenancy ;
- (8) 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, garden bed edging, 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;

- (9) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (10) That the developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre container size, 2.5 metres high and 75mm caliper;

**Street Trees to be Provided:**

<b>Street</b>	<b>Species</b>	<b>No. of Trees to be Provided</b>
Bourke Street	Lophostemon confertus	1
Short Street	Lophostemon confertus	2

- (11) That the developer arrange with the Parks Development Branch for a final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application;
- (12) 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;
- (13) That unit 19 be provided with a balcony on the Short Street elevation identical to those provided to units 4, 7, 10, 13 and 16;
- (14) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (15) That due to the shortfall of car parking and a reliance on alternative transport modes, the applicant shall contribute \$14,000 to Council for embellishment of the pedestrian environment, public transport and public domain in the general

vicinity of the site. Payment is to be lodged prior to release of the Building Application;

and the following adopted standard conditions:

- (16) LDA351 - Building Application required;
- (17) LDA21 - No resident parking for residential flat developments;
- (18) LDA157 - Provide details of heritage colour scheme;
- (19) LDA162 - Provide common aerial for each building;
- (20) LDA376 - Hours of building work;
- (21) LDA377 - Construction noise regulation;
- (22) LDA384 - New alignment levels;
- (23) LDA389 - Stormwater disposal requirements;
- (24) LDA391 - Builder's Hoarding Permits;
- (25) LDA392 - No obstruction to public way;
- (26) LDA393 - Delivery of refuse skips;
- (27) LDA394 - Cost of alteration to signposting;
- (28) HSC103 - Environmental site assessment being carried out;
- (29) HSC100 - Removal of spoil from site;
- (30) HSC111 - Liquid wastes to sewer;
- (31) HSC018 - Sanitary facilities;
- (32) HSC500 - Premises to be ventilated;
- (33) HSC555 - Bathroom ventilation;
- (34) HSC518 - Exhaust vent;
- (35) HSC415 - Lighting
- (36) HSC709 - Garbage room;
- (37) HSC706 - Storage of recyclables;
- (38) HSC800 - Use of appliances emitting intrusive noise.

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

Carried.

**8.**

**PLANNING - ERSKINEVILLE URBAN VILLAGE PROJECT (2009125)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That Council -

- (1) approve the approach to the preparation of the Erskineville Urban Village Project outlined in the brief accompanying the report;
- (2) approve funds to be drawn from the following accounts for the implementation of streetscape improvement works in Erskineville Road;  
  
\$35 000 - Public Works and Services - Erskineville Footpath Widening  
\$30 000 - Planning and Building - Strategic Planning Projects
- (3) approve the allocation of an additional \$135,000 to contribute to the implementation of streetscape improvement works in Erskineville Road;

-and that Item 4 be amended to read:-

- (4) To achieve the project objective of commencing construction of streetscape improvement works in Erskineville Road before the end of this Financial Year, Council approve:
  - (a) that the following Officers nominated for the Project Team be permitted to contribute at least two full days per week to the Project for the life of the Project, with the initial Project stages requiring a commitment of two to three weeks full time:

Mainstreet Projects Officer	Nina Isabella
Landscape Architect	Kathleen Ng
Design Engineer	Bryan Wiley
Cultural Development Officer	Berenice Carrington
  - (b) that the nominated Support Staff with the required skills be permitted to contribute to the Project at key project stages.
  - (c) that the Project Team report progress to Council through the Environment Steering Committee.

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(DPB, DPWS & DHCS Joint Reports 27.8.98 & 4.9.98)

Carried.

9.

**DARLINGHURST ROAD, NOS. 169 - 173, DARLINGHURST - CHANGE OF OPERATING HOURS FOR RESTAURANT - DEVELOPMENT APPLICATION (U98-00485)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ms H Dodds with the authority of Bostaran Pty Ltd for permission to change the operating hours of the abovementioned restaurant to 7.00 a.m. – 3.00 a.m. daily , subject to the following conditions, namely:-
- (1) That no time shall any gambling/gaming be conducted on the premises without the prior consent of Council;
  - (2) That no live entertainment shall be provided on the premises;
  - (3) That no garbage or waste shall be placed on the public way eg. footpaths and roadways at any time;
  - (4) That the applicant shall enter into a contract for the daily collection of trade waste;
  - (5) That the hours of operation shall be restricted to between 7.00 a.m. and 3.00 a.m., 7 days a week;
  - (6) That a separate application shall be submitted at the appropriate time for any proposed signs;
  - (7) That the use of the premises shall not give rise to:-
    - (a) transmission of vibration to any place of different occupancy;
    - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise";
    - (c) an "offensive noise" as defined in the Noise Control Act, 1975.

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

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

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

Carried.

10.

**TILFORD STREET, NO. 27, ZETLAND - ERECT NEW DWELLING WITH GARAGE - DEVELOPMENT APPLICATION (U98-00504)**

- (A) That the Council resolve that the State Environmental Planning Policy No 1 objections against the development standards relating to the maximum floor space ratio in Clause 10 of Local Environmental Plan No 114 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-

(1) That the additional floor space is acceptable in terms of residential amenity impacts and will not detract from the character of the streetscape in terms of bulk and scale.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Clonlara Holdings Pty Ltd, for permission to erect a two storey dwelling with a studio and garage at the rear, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans drawing Nos. 1-3 dated June 1998;

(2) That the rear dormer and attic level are to be deleted;

(3) That the window to the dormer in north-east garage/studio elevation shall be obscurely glazed;

(4) That the height of garage/studio shall have a maximum height of 5.4 metres;

(5) That the rear studios above the garages not be used as a separate dwelling;

and the following adopted standard conditions:

(6) LDA152 - Schedule of finishes;

(7) LDA21 - No resident parking for residential flat developments;

(8) LDA351 - Building Application required;

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- (9) LDA376 - Hours of building work;
- (10) LDA377 - Construction noise regulation;
- (11) LDA384 - New alignment levels;
- (12) LDA387 - Footway crossings;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA391 - Builder's Hoarding Permits;
- (15) LDA392 - No obstruction to public way;
- (16) LDA394 - Cost of alteration to signposting;
- (17) BC26 - Comply with BCA;
- (18) hsc500 - Premises to be ventilated;
- (19) hsc800 - Use of appliances emitting intrusive noise;
- (20) LDA158 - Treatment of exposed walls;
- (21) LDA368 - Display of street numbers;
- (22) 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 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.

11.

**BOURKE STREET, NOS. 103 - 107, WOOLLOOMOOLOO - ERECT TWO INTERNALLY ILLUMINATED ADVERTISING DISPLAYS - DEVELOPMENT APPLICATION (U98-00541)**

That the application submitted by State Rail Authority of NSW, for permission to install two illuminated advertising signs (85 square metres each) located on

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the railway viaduct, above the Eastern Distributor, be withdrawn as requested by the applicant in fax dated 2 September 1998.

Carried.

12.

**BAYSWATER ROAD, NOS. 96 - 98, RUSHCUTTERS BAY - APPLICATION TO VARY HOURS OF BUILDING WORK (U97-00438)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay :-

- (A) That the Council having considered an application pursuant to Section 102 of the Environmental Planning and Assessment Act 1979, submitted by Multiplex Constructions to vary the approved hours of building work for a hotel and residential flat project, hereby refuses to delete or amend condition (51) of Development Consent No. U97-00438, dated 7 January 1998, for the following reasons:-
- (1) The proposed extended working hours as proposed would adversely affect the amenity of the surrounding residential area by reason of additional noise and disturbance.
  - (2) Approval of extended working hours as proposed would not be in the public interest.
- (B) That the Council would consider and advertise a new application pursuant to Section 96 of the Environmental Planning and Assessment (Amendment) Act 1997 which related to Stage 1 of the hotel only and was supported by greater detail, including acoustic information did not include Sundays and specifically outlined the proposed activities to be included in any revised working hours.
- (C) That the persons who made representation be advised of Councils decision.

It was moved as an amendment by Councillor Waters, seconded by Councillor Deftereos, that a clause (D) be added to the recommendation namely:-

- (D) That the developer be informed of the noisy power tools used during working hours.

Amendment carried.

Motion, as moved by Councillor Harcourt and as amended by Councillor Waters, carried.

13.

**DUNBLANE STREET, NOS. 8 - 14, CAMPERDOWN - DEMOLISH EXISTING DWELLINGS AND ERECT 14 RESIDENTIAL UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00523)**

(A) That the Council as the responsible authority grants its consent to the application submitted by SOMA Design Partnership for permission to demolish the existing building and erect a new building containing 14 residential units with basement parking for 11 cars, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered DA01 to DA11 inclusive, dated June 1997;
- (2) (A) Section 94 Contributions

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$16,126	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 4,869	2E97002.BGYO
Accessibility And Transport	\$ 67	2E97006.BGYO
Management	\$ 242	2E97007.BGYO
<b>Total</b>	<b>\$21,304</b>	

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;
- CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics

at the time of payment; and  
**CPI<sub>1</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (3) That the car park shall be redesigned so that it provides a maximum of 8 resident car spaces and 2 visitor spaces with aisle and parking space dimensions in accordance with DCP 11, to the satisfaction of the Director of Planning and Building;
- (4) That a minimum of 5 secure resident bicycle storage spaces and 1 visitor space shall be provided in accordance with DCP 11, to the satisfaction of the Director of Planning and Building;
- (5) That the applicant shall, in addition to the required s.94 contribution, plant street trees in accordance with Council's Street Tree Masterplan, along the frontage of the site to the satisfaction of the Director of Public Works and Services;
- (6) That the existing buildings shall be archivally recorded before demolition in accordance with the requirements of the Director of Planning and Building and no demolition shall commence until the details of the recording are agreed in writing;
- (7) That the developer shall include with the Building Application a plan detailing the Building Alignment Levels as approved by the Director of Public Works and Services. The developer shall apply and pay the fees for us to consider these levels;
- (8) That the developer to reinstate any damaged kerb and gutters with materials similar to those existing;
- (9) That the Developer shall where necessary, construct or re-construct at the Developer's cost, roads and drainage to the satisfaction of the Director of Public Works and Services. Our Manager Traffic and Design will provide our specifications for the construction or re-construction of roads and drainage;
- (10) That the Developer shall accept the responsibility for the costs of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;
- (11) That the developer shall provide off street parking for workers constructing the development;

- (12) That the proposed garbage/recycling storage area be large enough to accommodate the containerisation requirements set by the Waste Services Manager;
- (13) That the garbage/recycling area be accessible from Dunblane Street to satisfy the needs of Council's kerbside collection service;
- (14) That the Developer shall provide a maintenance schedule for all landscape works for the first 12 months with evidence of a contract to carry out such works after Practical Completion;
- (15) That the Developer is to arrange for a final inspection of the landscaped works, with the Parks Development Branch to ensure that the works are constructed in accordance with the plans approved with the Building Application;
- (16) That plans and specifications showing details of:-
  - (a) all required mechanical ventilation systems;
  - (b) car park ventilation systems;
  - (c) the garbage room;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (17) That the car park shall be ventilated in accordance with the requirements of Australian Standard 1668.1-1991, Section 7 and 1668.2-1991, Section 4;
- (18) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted for approval. The plan shall nominate hard works and soft works including decorative paving types for the court yards if any, raised planter boxes, planting types and species, plant numbers and sizes (container size and height) and irrigation and furniture;
- (19) 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 1,000mm 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 is to provide details regarding the treatment of all garden bed edges. On ground planters and or garden bed edges should be *treated with masonry*, which complements the architectural style of the building. This is critical especially along the Dunblane Street frontage;

- (21) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (22) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (23) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (24) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (25) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (26) 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;
- (27) That any discharge to the atmosphere from the development shall comply with the requirements of the Clean Air Act and Regulations made thereunder;
- (28) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;

- (29) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (30) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (31) That prior to the commencement of any demolition/building work, an application for a Builder's Hoarding Permit shall be made to the Director of Public Works and Services and a hoarding shall be erected to the satisfaction of the Director of Public Works and Services;
- (32) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (33) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (34) That all proposed work shall be wholly within the boundaries of the subject site;
- (35) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, paving, guttering, drainage, etc;
- (36) That the applicant shall accept responsibility for the cost of any alteration or adjustment to existing public services affected by the proposed work;
- (37) That the applicant shall liaise with the Water Board to obtain its requirements for connection to the Board's sewerage system and these shall be submitted with the Building Application;
- (38) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
  - (a) external finishes to walls;
  - (b) roofing finishes;
  - (c) balcony balustrade treatment;
  - (d) proposed fences;
  - (e) size and proportion of windows and doors;

- (39) That any external glazing shall have a reflectivity not exceeding 20%.

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 entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
  - (2) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
  - (3) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
  - (4) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
  - (5) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (6) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
  - (7) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
  - (8) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3,

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E4.4 of the BCA and AS2293.1;

- (9) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
  - (10) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
  - (11) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
  - (12) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
  - (13) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
  - (14) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
  - (15) That an additional exit shall be provided to serve the first floor of the proposal which shall comply fully with the requirements of Part D of the BCA with specific attention directed to Clause D.1.4 of the BCA;
  - (16) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation.
- (C) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

**REGENT STREET, NO. 143, CHIPPENDALE - ERECTION OF A  
CARETAKERS FLAT - DEVELOPMENT APPLICATION (U98-00268)**

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

- (A) That the Council, as the representative authority, refuses its consent to the application submitted by Richard Collins for permission to carry out alterations and additions to the existing building for the following reasons, namely:-
- (1) That the proposal is inconsistent with the overall height and character of the existing streetscape which is characterised by two storey buildings with repetitive pitched roofs behind parapets;
  - (2) That the proposed rear balconies will cause a privacy conflict with the adjoining property to the south which has a roof top terrace, as well as properties to the west. The proposed galvanised steel external staircase adjacent to the southern boundary also has privacy and acoustic implications;
  - (3) That the proposed skylight is contrary to the controls in South Sydney DCP 1997 which require a window for light and ventilation in any habitable room as well as the Building Code Of Australia;
  - (4) The proposal is inconsistent with the performance controls contained in South Sydney DCP 1997 which encourage existing buildings to conform to the existing building alignments and built form patterns except where can be otherwise justified.

-and accordingly the granting of consent would not be in the public interest.

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

Carried.

15.

**RILEY STREET, NOS. 374A - 374B, SURRY HILLS - PERGOLA ADDITION  
TO A TERRACE DWELLING (U98-00434)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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- (A) That the Council as the responsible authority grants its consent to the application submitted by M Hawatt & Associates, with the authority of Paul Chidiac, for permission to erect a pergola structure on the roof, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans A01 dated 7 May 1998 as amended by the conditions below;
  - (2) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
  - (3) That the maximum height of the pergola shall not exceed 3m above the finished floor level of the roof. Details shall be submitted with the Building Application;
  - (4) That the roof of the pergola shall be consistent with the prevailing roof form in the street. Details of such including the proposed method of drainage shall be submitted with the Building Application;
  - (5) That the proposed pergola shall maintain a setback that is flush with the existing upper level building setback of the property known as No. 374 Riley Street. No structure shall be erected within the 1.5m setback. Details to be provided with the Building Application;
  - (6) That all existing unauthorised lattice erected on the roof level shall be removed prior to the commencement of any works on the site;
  - (7) That a masonry wall shall be constructed along the eastern side of the roof terrace between the existing laundry and the stairway access. Additionally, a door shall be fitted between the stairway and the roof terrace area. Details to be submitted with Building Application.
  - (8) That the northern and western boundaries of the roof terrace shall be appropriately secured to comply with the safety standards of the Building Code of Australia. This may be achieved by increasing the parapet wall height or by decorative balustrading. Details of the preferred method should be to the satisfaction of the Director of Planning and Building and submitted with the Building Application.

Carried.

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.

16.

**FORBES STREET, NO. 62, NEWTOWN - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00416)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mrs D Pythagoras (owner) , for permission to carry out alterations and first floor rear additions including a rear balcony on premises No.62 Forbes Street, Newtown, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Job No.98557-1 & 2 both dated 7 May 1998;
  - (2) That the proposed first floor balcony shall be reduced so as to extend no further than one metre from the rear wall of the proposed bedroom, with the height of the side privacy screens being reduced to 1600mm above the floor level of the balcony and the balcony roof be deleted from the proposal and replaced with a lightweight cantilevered awning over the doorway;
  - (3) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
  - (4) That the floor space ratio shall not exceed 1:1;
  - (5) That the materials on the addition shall match those of the existing dwelling;

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- (6) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
  - (7) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
  - (8) The proposed timber pergola not being covered without a separate application to Council.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

**FORBES STREET, NO. 265, DARLINGHURST - ERECTION OF  
BALCONIES AND EXTENSION OF ATTIC - DEVELOPMENT  
APPLICATION (U98-00511)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Nordon Jago Architects, with the authority of L Davidson, to carry out alterations and additions including the erection of deck and extensions to the attic at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans BA01A dated 25 May 1998;
  - (2) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
  - (3) That the developer shall submit for the approval of the Director of Public Works and Services the details of the stormwater disposal and drainage for the development;

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- (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (6) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (7) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (8) That any external glazing shall have a reflectivity not exceeding 20%;
- (9) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
  - (a) external finishes to walls;
  - (b) roofing finishes;
  - (c) balcony balustrade treatment;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (12) That a privacy screen shall be erected along the southern side of the first floor deck, to reduce direct overlooking into the adjoining property. Details of the proposed method of screening (such as lattice or louvre screens) shall be submitted for approval with the Building Application. It is recommended that the applicant liaise with the adjoining property owner (No. 267 Forbes Street) to establish the most appropriate method of screening in this area.

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

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

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

Carried.

18.

**ELIZABETH BAY ROAD, NO. 77, ELIZABETH BAY - ALTERATIONS AND ADDITIONS TO BUILDING - DEVELOPMENT APPLICATION (U98-00545)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Wolff Architecture Pty Ltd, with the authority of Mr A & Mrs A & Mrs C & Mrs J Booth, for permission to alter and add to the residential flat building, extending units 21 and 23 at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans dated May 1998 and numbered 98007;
- (2) That the balustrades located at the roof decks shall be consistent with the balustrades used for the approved balconies on the eastern elevation;
- (3) That the treatment of the external walls shall be consistent with the approved treatment under the previous development consent;

and the following adopted standard conditions:-

- (4) LDA351 - Building Application required;
- (5) BC26 - Comply with BCA;
- (6) hsc800 - Use of appliances emitting intrusive noise;
- (7) LDA376 - Hours of building work;
- (8) LDA377 - Construction noise regulation;
- (9) LDA389 - Stormwater disposal requirements;
- (10) LDA392 - No obstruction to public way;
- (11) LDA393 - Delivery of refuse skips;
- (12) 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 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.

**OXFORD STREET, NO. 88, DARLINGHURST, - PREMISES TO BE USED AS NIGHTCLUB WITH EXTENSION OF HOURS - DEVELOPMENT APPLICATION (U98-00551)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr D McPherson, with the authority of South Sydney Council, for the use of the premises at No. 88 Oxford Street for a "Piano Bar/Nightclub with Restaurant Facilities", generally in accordance with plans Ref No. 9806, Sheets 1-2, prepared by Peter Clark and Mark Pearse Architects, dated May 1998 held in the above file, subject to the following conditions, namely:-
- (1) That the capacity of the restaurant shall be limited to a maximum of 100 patrons;
  - (2) That the exit door to Foley Street at the basement level shall be used for emergencies only;
  - (3) That the hours of operation of the Piano Bar/Nightclub shall be restricted to 12 noon to 3.00 am, seven days, and upon expiration of the permitted hours, all restaurant service and entertainment shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following hour;
  - (4) That the bricked-in window at the ground floor level in the rear wall of the premises, i.e. the wall facing Foley Street, shall be rendered in a manner similar to the adjacent wall area;
  - (5) That the emergency exit to Foley Street should consist of two sets of double leaf solid core timber doors not less than 50mm thick, separated by 1.8 metres, thereby forming a sound lock and that medium pile carpet on rubber or felt underlay and a mineral fibre tile false ceiling should be installed between the two sets of doors;

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- (6) That the window adjacent to the men's toilet should be fully closed with brickwork and that ventilation should be provided by a fan with an attenuator located on the Foley Street side of the fan;
- (7) That the speakers of an amplified sound system should be vibration isolated from the structure;
- (8) That the intake and exhaust outlets of the ventilation system should be directed towards Oxford Street, to an area of higher ambient background noise levels and away from residences;
- (9) That no external stowage of glass or bottles for collection/ recycling or any other purpose shall take place between 9.00 pm and 9.00 am the following day;
- (10) That plans and specifications showing details of:-
  - (a) all required mechanical ventilation systems;
  - (b) the garbage room;
  - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

- (11) That the construction of the bar shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;

and the following adopted standard conditions:

- (12) LDA257 - Regulation of noise transmissions;
- (13) LDA371 - No dancing;
- (14) LDA351 - Building Application required;
- (15) hsc500 - Premises to be ventilated;
- (16) hsc001 - Compliance to Director of Health and Community Services;
- (17) hsc301 - Cooking of food only if air handling system is provided;
- (18) hsc101 - Not give rise to emissions into the environment;

- (19) hsc111 - Liquid wastes to sewer;
  - (20) hsc200 - Compliance with Food Premises Code;
  - (21) hsc700 - Compliance with code for Garbage Handling System;
  - (22) hsc709 - Garbage room;
  - (23) hsc711 - Commercial contract (trade waste);
  - (24) hsc705 - Construction of garbage room;
  - (25) hsc803 - Acoustic report;
  - (26) hsc801 - Noise from premises.
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993, the following is required:
- (1) That new stairways shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
  - (2) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
  - (3) The portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (4) That a system of emergency lighting shall be installed through out the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS 2293.1;
  - (5) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS 2293.1;
  - (6) That a fire blanket complying with the requirements of AS 3504 shall be provided in the kitchen adjacent to the cooking appliances;
  - (7) That the entertainment area shall be separated from the rest of the building by construction having a fire resistance level of not

less than 60/60/60;

- (8) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
  - (9) That all relevant sections of the BCA shall be complied with.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Harcourt and by consent, the motion was amended by:-

- (1) the deletion of the words "100 patrons" where appearing in condition (A)(1) and insertion in lieu thereof of the words "105 patrons";
- (2) the intending lessee be advised to contact Council Fire Safety Section in the Planning and Building Department to determine the need for fire safety upgrade works prior to entering into any lease for the premises.

Motion, as amended by consent, carried.

20.

**OXFORD STREET, NO. 231, DARLINGHURST - PROPOSED  
CONTINUATION OF USE OF FIRST FLOOR FOR ENTERTAINMENT,  
EXTENSION OF HOURS OF OPERATION OF ENTERTAINMENT AND  
AMENDMENT TO OPERATING CONDITIONS - DEVELOPMENT  
APPLICATION (U98-00600)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Auswool Australia Pty Ltd, with the authority of Melina Holdings Pty Ltd, for permission to continue cabaret-style entertainment on a permanent basis, subject to the following conditions, namely:-
- (1) That the proposed entertainment is in accordance with floor plan details previously approved by Council under development application U97-00185;
  - (2) That the first floor of the premises shall have seating for 55 persons at all times;
  - (3) That the proposed entertainment is restricted to first floor level;
  - (4) That the ground floor restaurant and proposed first floor level entertainment shall be open for business only between the hours of 7.00am and 1.00am daily;

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- (5) That entertainment on the first floor of the premises be restricted to cabaret-style entertainment only, being piano music, solo performances and music featuring acoustic instruments. Further, a dance floor shall not be provided on the premises and amplified music is not permitted unless it accompanies a performance;
- (6) That entertainment on the first floor of the premises be restricted to a maximum of six performers at any one time;
- (7) That the existing loading dock door shall remain closed except for deliveries, with deliveries from the rear to take place only between the hours of 7.30am and 10.00pm on any given day;
- (8) That all garbage and bottle collection shall occur no later than 10.00p.m. on any given day;
- (9) That all bottle sorting shall take place entirely within the premises at all times;
- (10) That access to the first floor rear storage area and to the second floor level shall be restricted to staff only at all times;
- (11) That all refrigeration and air handling equipment shall be acoustically treated so as not to cause any noise offence under the Noise Control Act, 1995;
- (12) That acoustic treatment to all first floor windows at the rear of the premises and in the lightwell shall remain effective at all times;
- (13) 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 under the Noise Control Act, 1975;
- (14) That all requirements of the Liquor Licensing Board shall be complied with.

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

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

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

At the request of Councillor Harcourt and by consent the motion was amended by the deletion of the words "six performers" where appearing in condition (6) of the recommendation and the insertion in lieu thereof, of the words "eight performers".

Motion, as amended by consent carried.

21.

**CLEVELAND STREET, NOS. 232 - 236, CHIPPENDALE - ERECT RESIDENTIAL, COMMERCIAL AND LIGHT INDUSTRIAL BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01209)**

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 resolves that the State Environmental Planning Policy No. 1 objection against the development standards relating to floor space ratio clause 11 and car parking and setbacks in clause 7 of Local Environmental Plan 66 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-
- (1) That the additional floor space in terms of residential amenity impacts and will not distract from the character of the existing streetscape in terms of bulk and scale;
  - (2) That the proposed parking is considered acceptable having regard to the requirements of Development Control Plan No. 11 - Transport Guidelines for Development and the location of the site in respect of access to public transport.
- (B) That the Council as the responsible authority grants its consent to the development application submitted by Richard McLachlan, with the authority of Mr J & Mrs H Kolotas, for permission to convert the Mercantile Bank and to demolish the industrial building to erect a mixed use development to contain residential, commercial and light industrial, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Nos. DA02B, DA03D-DA07D, DA08C, DA09D, DA11D, DA12C, DA13C, DA15B all date stamped 5 August 1998;

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- (2) That the roof of the Mercantile Bank Building (Cnr Regent and Cleveland Street) shall be redesigned to a more sympathetic design to the satisfaction of the Director of Planning and Building;
- (3) That a detailed Heritage Assessment should be carried out on the Mercantile Bank building at the corner of Regent and Cleveland Street and submitted with any Building Application;
- (4) That the footpath fronting Cleveland, Regent and Chippen Streets shall be paved in accordance with the requirements of the Director of Public Works and Services;
- (5) That the applicant maintain upgrading of the Regent Street island shall be done to the satisfaction of the Director of Public Works and Services;
- (6) That the Developer shall provide street trees (new and infill) in accordance with the Council's street tree masterplan (1997). Trees shall be 75 litre container size, 2.5m high and planted at 6m intervals. Street tree selection along Cleveland and Regent Streets *Plantanus Sp.* (Plane Tree) and Chippen Street) *Fraxinus x "Raywoodii"* (Claret Ash);
- (7) (A) Section 94 Contributions

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$78,945	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$24,026	2E97002.BGYO
Accessibility And Transport	\$ 323	2E97006.BGYO
Management	\$ 1,313	2E97007.BGYO
<b>Total</b>	<b>\$104,607</b>	

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;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

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

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

(B) Works in Kind

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

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

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

Security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to

the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

**Note:** Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement;

- (8) That a maximum of 37 resident and 6 visitor 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;
- (9) That a landscape plan for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and soft works including decorative paving types, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, 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;

- (10) 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;
- (11) That the Developer submit a survey of the existing site which indicates all existing trees, their species, height, caliper and their status ie to be retained or to be removed. (A tree is classified as any plant taller than 3.4m). This plan shall also include any street trees adjoining the site;
- (12) That where large avenue species are requested to be planted as street trees, the Developer shall aerial bundle overhead wires. This work is to be carried out in conjunction with Energy Australia;
- (13) That any security fencing proposed for the site shall be located behind perimeter landscape areas or integrated into the landscape areas, in each case to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (14) That the Developer arrange with the Parks Development Branch for a final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application;
- (15) That the Developer shall provide a system of on site stormwater detention and overland flow paths to the satisfaction of the Director of Public Works and Services. The Developer to submit with the Building Application, the required fee and detailed drainage plans to be considered by the Director of Public Works and Services. If the plans are approved, they shall form part of any approved Building Application;
- (16) That the developer to pay Council to construct new carriageway, kerb, gutter, footpath and drainage along the Chippen Street frontage to the site;
- (17) That the developer to create, to the satisfaction of the Director of Public Works and Services, drainage easements over the stormwater drainage pipes crossing the site;
- (18) That the developer shall include with the Building Application a plan detailing the Building Alignment Levels as approved by the Director of Public Works and Services. The developer shall apply and pay the fees for us to consider these levels;

- (19) That the developer shall locate the new pipes outside the proposed building envelope;
- (20) That the developer shall design and replace, each to the satisfaction of the Director of Public Works and Services, the existing stormwater pipes crossing the site;
- (21) That the developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;
- (22) That Council shall construct or re-construct, at the developer's cost, roads and drainage required because of the development;
- (23) 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;
- (24) 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;
- (25) That full compliance shall be given to any requirement of the Director of Health and Community Services;
- (26) That the car park being ventilated in accordance with Australian Standard 1668.1 - 1991 Section 7 and Australian Standard 1668.2 Section 4;
- (27) That the café shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (28) That the bathroom and laundry exhaust discharge vents shall be designed to discharge the effluent air in a vertical direction above roof level in positions approved by the Health and Community Services Department;
- (29) That all air handling system fresh air intake vents shall be located in positions approved by the Health and Community Services Department not less than three metres above ground level and not less than six metres from any air handling vent, cooling tower, toilet window, or other source of contamination;
- (30) That the construction of the café/restaurant and any proposed food premise shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;

- (31) That the garbage room and storage area shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (32) That the applicant shall enter into a commercial contract for the removal of trade waste from the commercial portion of the premises;
- (33) That plans and specifications showing details of:
- (a) all proposed 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 ceiling finishes to all commercial food preparation and storage areas, ground floor
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (34) That the application may be liable to prosecution under the Local Government Act 1993 for a breach of an approval condition, or under the Clean Waters Act 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allow to flow street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures;
- (35) That appropriate arrangements should be made for the storage, removal and disposal of rubbish and trade wastes to the satisfaction of Council's Public Works and Services Department, Cleansing Services Group;
- (36) That vehicular access for demolition is to be off Chippen Street.
- (37) That the developer shall provide off street parking for workers constructing the development.

and the following adopted standard conditions:

- (38) LDA21 - No resident parking for residential flat developments;
- (39) LDA252 - Discharge to atmosphere to comply;
- (40) LDA376 - Hours of building work;
- (41) LDA351 - Building Application required;

- (42) LDA384 - New alignment levels;
- (43) LDA387 - Footway crossings;
- (44) LDA389 - Stormwater disposal requirements;
- (45) LDA391 - Builder's Hoarding Permits;
- (46) LDA392 - No obstruction to public way;
- (47) LDA394 - Cost of alteration to signposting;
- (48) LDA396 - Works within boundaries;
- (49) LDA399 - Cost of consequential roadworks;
- (50) LDA414 - Costs for alterations to public services;
- (51) LDA29 - Provide sign indicating parking;
- (52) LDA151 - Schedule of finishes;
- (53) LDA153 - Reflectivity of external glazing;
- (54) LDA161 - Provide common television aerial;
- (55) LDA367 - Timing device on alarms;
- (56) LDA373 - Disabled access provision;
- (57) LDA377 - Construction noise regulation;
- (58) LDA396 - Works within boundaries;
- (59) HSC103 - Environmental site assessment being carried out;
- (60) HSC500 - Premises to be ventilated;
- (61) HSC018 - Sanitary facilities;
- (62) HSC801 - Noise from premises;
- (63) HSC706 - Storage of recycables;
- (64) HSC101 - Not give rise to emissions into the environment;
- (65) HSC111 - Liquid wastes to sewer;
- (66) BC26 - Comply with BCA.

- (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 stairs No. 1, 4, 5 and 6 shall be fire isolated and redesigned to comply fully with the requirements of Part D of the BCA with specific attention directed to clauses D1.7 and D2.4 of the BCA;
  - (2) That openings located in the northern wall of the proposed commercial strata units shall comply fully with the requirements of Clauses C2.6 and C3.2 of the BCA.
- (C) That the applicant be advised that the Rail Estate has provided the following:
- (1) That Council has a number of copies of State Rail's publication entitled "Rail Related Noise and Vibration: Issues to Consider in Local Environmental Planning - Development Applications and Building Applications". The satisfactory and maximum noise levels for relevant rooms and recreation areas established by AS2107 are included on page 26 of this publication. State Rail requests that Council require that all new dwellings satisfy the requirements of AS2107.  
  
Notwithstanding the above requirement, exceptions may be considered where it can be demonstrated that the best available techniques not entailing excessive cost (known as the BATNEEC Principle) have been used in determining the location, design, building orientation, room layout and insulation of the development.  
  
Measures such as double glazing, solid balcony balustrades and careful construction will assist to minimise noise nuisance;
  - (2) That there must be no adverse impacts from the construction of any future development of the site on the stability of any rail corridor;
  - (3) The State Rail and the Rail Access Corporation advice 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;
  - (4) That landscaping and fencing should be combined to screen and soften occupants' views of the rail tracks and to help alleviate their sense of exposure to the source of rail noise;

- (5) That State Rail supports an increase of residential population and workforce close to stations in a way which maximises population densities, encourages utilisation of public transport (eg through design which minimises walking distance to the station and limits the supply of on-site parking), and protects future residents from any adverse impacts from public transport operations.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**22.**

**NEWMAN STREET, NO. 15, NEWTOWN - ALTERATIONS AND ADDITIONS AT REAR - BUILDING APPLICATION (Q98-00517)**

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr Nick Pyner for permission to erect ground level alterations and additions to the rear of the abovementioned premises, all in accordance with the submitted plans numbered 1/2 and 2/2 dated 12 June 1998, subject to the following conditions, namely:-
  - (1) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or construction having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (2) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;(PWS7)
  - (3) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
  - (4) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
  - (5) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
  - (6) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not

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give rise to an “offensive noise” as defined under the provisions of the Noise Control Act 1975;

- (7) That full details of the proposed system of stormwater drainage for the development shall be submitted for approval;
- (8) That a certificate shall be submitted for a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and “Code of Standard Requirements for Discharge of Storm Water”;
- (9) That a certificate shall be submitted at the completion of the proposed drainage system for a licensed builder or architect confirming that all work complies with the approved certified plan;

and the following adopted standard conditions, namely:

- (10) BC2 - Compliance with Local Government Act 1993;
- (11) BC3 - Compliance with conditions on plan;
- (12) BC11 - Inform Council for inspections;
- (13) BC62 - Survey Certificate for setup of building;
- (14) BC63 - Survey Certificate for finished building;
- (15) BC64 - Applicant to make good damage to party walls;
- (16) BC111 - Hours of work;
- (17) BC113 - Work to comply with noise standards;
- (18) BC175 - Comply with Timber Framing Code;
- (19) BC603 - Damp and weatherproofing;
- (20) BC618 - Flashing to be provided.

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;

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

Carried.

23.

**BOURKE STREET, NOS. 679 - 695, SURRY HILLS - ERECT FENCE STRUCTURES - DEVELOPMENT APPLICATION (U97-00915)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Theo Lamb Pty Ltd, with the authority of the Registered Proprietors Strata Plan No.8153, for permission to erect fence structures, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 54/97/1 to 56/97/1;
  - (2) That the fence on the Nickson Street elevation shall be restricted to 1.8m in height;
  - (3) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
  - (4) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
  - (5) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
  - (6) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;

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- (7) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
  - (8) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
  - (9) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
  - (10) That the proposed chainwire fences shall be green.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**24.**

**MOUNTAIN STREET, NOS. 22 - 36, INCLUDING NO. 18 AND NOS. 20 - 22  
SMAIL STREET, ULTIMO - STRATA TITLE SUBDIVISION OF EXISTING  
COMMERCIAL BUILDINGS - DEVELOPMENT APPLICATION (U98-00386)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Richard Tanner Architects with the authority of Baresque Pty Ltd for permission to carry out minor internal and external work and to strata subdivide the buildings on 22-36 Mountain Street into 57 commercial lots and 6 utility storage areas, together with 49 parking lots and a development lot on No. 18 and 20-22 Smail Street, all as Stage 2 of a staged redevelopment of both parcels of land, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 97.13 DA 2/01/, 07A, 202A, 206A and draft strata subdivision plan but only to the extent that they are consistent with the consent for U98-00387 for Stage 1 development on No 18 and 20-22 Smail Street;
  - (2) That all lot/unit numbers in the building proposed to be strata subdivided shall correspond to the lot numbers in the Strata Plan of subdivision and, where this is impractical, the relevant lot numbers shall be permanently affixed to each unit;
  - (3) That all parking or utility lots (including storage lots) shall be part of a parent lot or otherwise they shall be subject of a restriction as

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to user referred to section 39 of the Strata Titles (Freehold) Act 1973;

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

- (a) all required mechanical ventilation systems;
- (b) car park ventilation systems;
- (c) the garbage room;
- (d) the recycling storage area;

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

(5) That the proposed new brickwork shall match the existing;

and the following adopted standard conditions:

- (6) BC26 - Comply with BCA;
- (7) LDA201 - Make separate application for sign;
- (8) LDA351 - Building Application required;
- (9) LDA367 - Timing device on alarms;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;
- (12) LDA387 - Footway crossings;
- (13) LDA392 - No obstruction to public way;
- (14) LDA393 - Delivery of refuse skips;
- (15) hsc018 - Sanitary facilities;
- (16) hsc500 - Premises to be ventilated;
- (17) hsc700 - Compliance with code for Garbage Handling System;
- (18) hsc706 - Storage of recyclables;
- (19) hsc711 - Commercial contract (trade waste);
- (20) hsc800 - Use of appliances emitting intrusive noise;
- (21) hsc801 - Noise from premises.

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

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

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

Carried.

25.

**SMAIL STREET, NOS. 18, 20 - 22, ULTIMO - ERECT STUDENT ACCOMMODATION, RETAIL AND CAR PARKING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00387)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That consideration of the application submitted by Richard Turner Associates, with the authority of Joylin Investments Pty Ltd, for permission to redevelop the site for a six/seven storey mixed use building with student residential accommodation on the upper levels, retail space, foyer and car parking for the building on the ground level and car parking for commercial occupants of the adjoining buildings on Nos. 22-36 Mountain Street on the basement level as stage 1 of a two staged development of both sites, be deferred to the Planning and Development Committee to be held on 7 October 1998.

Carried.

26.

**CHELSEA STREET, NO. 26, REDFERN - ALTERATIONS AND ADDITIONS TO REAR GARDEN WALL - DEVELOPMENT APPLICATION (U98-00607)**

- (A) That the council as the responsible authority grants its consent to the application submitted by Mr D and Mrs A McKenzie, (owners) for permission to extend the height of the existing rear brick boundary wall to 1.8m, subject to the following conditions, namely:-
- (1) That no work shall be carried out until a Construction Certificate has been issued;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage

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and encroachment deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (3) That prior to the collection of any approved construction certificate plans, it will be necessary to lodge with Council a fee of \$100 for the carrying out of building inspections;
- (4) That a Survey Certificate shall be submitted from a registered surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the work being commenced;
- (5) That a Survey Certificate shall be submitted from a registered surveyor at the completion of the building, certifying the location of the building in relation to the boundary lines of the allotment;
- (6) That the development shall be generally in accordance with rear fence details shown on the plan numbered 002-DA1 (received with the application);
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (9) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (11) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way

(PWS18);

- (12) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
- (13) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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

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

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

Carried.

The Planning and Development Committee Meeting terminated at 8.30 p.m.

The Council Meeting terminated at 7.38 p.m.

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

**CHAIRPERSON**

**A/GENERAL MANAGER**

**A/GENERAL MANAGER**