

215th Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 23 September 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.30 pm on Wednesday, 23 September 1998.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 9 September 1998, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

23 September, 1998

PUBLIC RELATIONS - RECEPTION FOR TOURING CANADIAN INDIAN INDOOR SOCCER TEAM (2019338)

The Canadian Indian Indoor Soccer team is touring Australia in October and is scheduled to play the Australian Aboriginal team in a test match at Sydney University on Friday, 2nd October, 1998.

The event is supported by the Indigenous Sports Programme at the Australian Institute of Sport and is billed as one of the most prestigious international Indigenous sporting events.

The teams will be visiting The Block and promoting their sport and the event to Aboriginal youth in the area.

This is an important event for the indigenous community, and for local Aboriginal youth in particular, and it is recommended that Council support it by both promoting the event and hosting a small reception to welcome the Canadian team.

Recommendation:

That Council supports the Australia vs Canada Indigenous Indoor Soccer event by circulating posters and flyers. And further that Council hosts a reception for the touring Canadian Indigenous team to be held at Erskineville Town Hall on Friday, 2nd October, 1998 and that \$600 be voted to EBC 7CAT to cover the cost of the lunch.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

23 September, 1998

PUBLIC RELATIONS - MR. RAY MARRIOTT OF 1ST ALEXANDRIA BOY SCOUTS - O.A.M. AWARD (P58-00081)

TO COUNCIL

It is with pleasure I advise Council that Mr. Ray Marriott of the 1st Alexandria Boy Scouts was awarded an O.A.M. in the Queen's Birthday Honours List. It was awarded for 60 years of service to the Community and Scouting.

Ray was the first Club Scout in the 1st Alexandria in 1932 and has been there continually since. Without the participation of Ray and others like him, the children of the South Sydney area would have missed a lot in life.

Recommendation:

That a letter of congratulations be forwarded to Mr. Ray Marriott on being awarded an O.A.M. in the Queen's Birthday Honours List.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

At this stage the Mayor asked the Acting General Manager to read out the relevant Code of Conduct relating to Pecuniary Interest.

The Acting General Manager read out the appropriate section of the Code to Council.

The Mayor indicated to Councillor Bush that he might want to declare an interest in the upcoming minute by the Acting General Manager dated 18 September 1998, relating to defamation proceedings against the South Sydney Bulletin.

GENERAL MANAGER

MINUTE BY THE ACTING GENERAL MANAGER

18 September 1998

**SOUTH SYDNEY BULLETIN - ARTICLE 12 AUGUST 1998
DEFAMATION OF PROCEEDINGS (5099054)**

A minute by the General Manager dated 18 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.

Recommendation:

That Council's Solicitor be instructed to commence proceedings on behalf of Councillor Harcourt against the Editor, and Bulletin Newspaper Pty. Ltd., as publishers, and that Council indemnify Councillor Harcourt .in respect of all costs associated with the action.

J Harrison (SGD)
A/General Manager

At this stage and at 6.45 pm, it was moved by Councillor Deftereos, seconded by Councillor Fowler:-

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

Carried.

Councillor Harcourt declared an interest in the item and did not take part in discussions or voting.

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

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

At 6.54 pm the Council Meeting resumed.

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

GENERAL MANAGER

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

Councillor Bush declared an interest and did not take part in discussion or voting on the item.

That Council's Solicitor be instructed to commence proceedings on behalf of Councillor Harcourt against the Editor, and Bulletin Newspaper Pty. Ltd., as publishers, and that Council indemnify Councillor Harcourt in respect of all costs associated with the action.

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

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

MINUTE BY THE ACTING GENERAL MANAGER

23 September 1998

DONATIONS - "VOTING IN AUSTRALIA" FORUM - PUBLIC MEETING 30 SEPTEMBER 1998 (D53-00355)

In a Mayoral Minute of 9 September 1998, Council approved support for the "Voting in Australia" forum being organised by The Shop and South Sydney Community Aid to be held on Wednesday, 30 September 1998, with a financial contribution of \$1000 to cover interpreting, translating and catering expenses.

The meeting is to be held at Redfern Public School from 10am to 1pm.

Further to this, on 15 September 1998, Council received a request from the organising committee for assistance with the printing and distribution of 18,000 A4 leaflets to cover the suburbs where people from those language groups targeted largely live. The estimated cost is \$4000 for which funds are available in the Public Meeting – EBN budget account for 1998/98, and have been used.

To meet the deadline for the meeting, the printing of the leaflet required immediate attention. The letter-boxing of leaflet is taking place at this moment.

Recommendation:

In consideration of a Minute by the Acting/General Manager dated 23 September 1998, that Council give confirmatory approval to the expenditure of \$4000 for which funds are available in the Public Meeting EBN 77C0 budget account for 1998/99, to cover the cost of the printing and distribution of 18,000 leaflets, notifying residents of the "Voting in Australia" forum to be held on Wednesday 30 September 1998 at Redfern Public School.

GENERAL MANAGER

J. Harrison (SGD)
A/General Manager

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

At the request of Councillor Bush, the Mayor indicated that if minutes are taken at the Public Meeting he would ask that the appropriate Council Officer circulate those minutes in the Councillors Information Service.

MINUTE BY THE ACTING GENERAL MANAGER

23 September, 1998

PROPERTIES - WILSON BROTHERS SITE - ACCEPTANCE OF QUOTATION (2017337)

The Director of Public Works and Services has prepared the attached Minute recommending the engagement of Pittendrigh, Skinkfield & Bruce to prepare a Plan of Management for the Wilson Brothers site.

An additional amount of \$6,300 is required to be added to the project budget which is available from savings in the current Works Programme.

In view of the urgency of engaging the consultant to allow sufficient progress of the study prior to the Christmas holiday period it is appropriate that the matter be dealt with at tonight's Council meeting (23 September 1998) rather than referred to the Finance Committee. It should be noted that Council will be in recess for a week with the next Finance Committee scheduled for 7 October.

Recommendation:

The approval be given to engage Pittendrigh, Shinkfield & Bruce Ltd to prepare a Plan of Management and Masterplan for the Wilson Brothers site for a fee of \$76,300 for which \$70,000 has been provided for in the 1998/99 budget with the additional amount of \$6,300 to be provided from savings from the current Works Programme.

J. Harrison (SGD)
Acting General Manager

GENERAL MANAGER

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE ACTING GENERAL MANAGER

23 September 1998

PERSONNEL - APPRENTICES/CADETS/TRAINEEES - INTAKE FOR 1999 (P53-00155)

A minute by the Acting General Manager dated 23 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.

J Harrison (SGD)
A/General Manager

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

NSW TRAINING AWARDS - PRESENTATION TO SOUTH SYDNEY COUNCIL

At this stage the Mayor read out the following:-

This Monday evening, the Honourable John Aquilina, MP, Minister for Education and Training, presented to South Sydney City Council its nomination as a finalist in the NSW Training Awards. This was in recognition of Council's commitment to training.

These awards are sponsored by the NSW Department of Education and Training and this is the second year in a row that Council has been nominated as a finalist.

GENERAL MANAGER

I have great pleasure in presenting this award on behalf of Council and its staff, to our Director of Organisational Development, Mr. Peter Chaffe.

The Director thanked the Mayor and Council.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 24 signatures appended from residents of Albion, Bourke and Nichols Streets, Surry Hills, objecting to the proposed traffic conditions in relation to the right-of-way into properties, No. 201 Albion Street, Nos. 376 and 380 Bourke Street, Surry Hills, with respect to proposed Development Application at Nos. 13 - 29 Nichols Street, Surry Hills.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 78 signatures appended from residents of Erskineville supporting the closure of Bray Street at King Street and the opening of Concord Street to two-way traffic at King Street, Newtown.

Received.

3.

Councillor Deftereos tabled a petition with approximately 281 signatures appended from The Friends of the Yellow House and residents of Sydney and the Artistic Community of Australia requesting the artistic centre remain with respect to the Yellow House, proposed Development Application at Nos. 57 - 59 Macleay Street, Potts Point.

Received.

QUESTIONS WITHOUT NOTICE

1.

DONATIONS - BLACKFRIARS CHILDCARE CENTRE - DONATIONS OF PLANTS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2013165)

Question:

I have been approached by Blackfriars Child Care Centre who are seeking Council's professional advice on what type of plants they should plant around the Centre.

Could the relevant Officer contact Ms. Natalie Dupalion to arrange for an inspection of the Centre by a Gardener and the relevant advice be provided?

Could Council also provide, where possible, the plants they need?

Answer by the Mayor:

I will ask the Acting Director of Public Works and Services to have his staff contact the school tomorrow and in terms of the supplying of plants, we will seek a donation in kind.

2.

OXFORD STREET, PADDINGTON - WATERBOARD SITE - PROPOSAL FOR SITE BY DEVELOPERS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2010813)

Question:

The Waterboard has advertised for many months for Expressions of Interest for the site it owns on Oxford Street, Paddington.

Item 8 on tonight's Finance Committee, Walter Reid Reservation, adjacent to the Waterboard site states "that several suggestions of possible re-development have been put forward by developers". I have had representations from residents in Renny Street and Oatley Road adjacent to the site for a meeting with the Mayor and Director of Planning and Building and any relevant Council Officer to discuss any proposals that have been put forward by developers.

Answer by the Mayor:

There have been no representations made, but certainly when they are I will speak to the residents.

3.

GRANTS - EASTERN SYDNEY AREA HACC FORUM - LOBBYING TO COMMONWEALTH AND STATE GOVERNMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (5248849)

Question:

Members of the Eastern Sydney Area HACC Forum are seeking your support in lobbying the Commonwealth and State governments to:-

- reconsider their position on 1998/99 HACC growth funding and ensure that NSW receives the full 5.4% allocation as promised and;
- review the decision to introduce competitive processes into the HACC funding program in NSW in the light of the recommendations of the House of Representatives Standing Committee Report on the Competitive Tendering of Welfare Service Delivery (June 1998).

Answer by the Mayor:

Certainly, I will write to those people.

4.

DEVELOPMENT - "THE BLOCK ", REDFERN - MAYOR'S POSITION ON SAFE INJECTING ROOMS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2018557)

Question:

Could the Mayor please clarify his position on whether he believes that 'the Block' in Redfern is a suitable location for a safe injecting room should they become possible? I ask this question in light of a letter circulated in the surrounding community by some residents.

Answer by the Mayor:

My position on safe injecting rooms is quite clear and it is on Public Record that I never said that I would support a safe injecting room on a Wilson Brothers site that we own in Redfern. Those people out there are spreading lies and false information and misleading information might I add, because none of them have ever spoken to me about this Council's proposal where a safe injecting room should be in the Redfern area. So I want to clarify that and put it on the public record and let those people know out there that my door is always open for discussion about Council's policies and decision.

I certainly haven't heard from the people who are putting out these vicious lies and innuendo's about me. If they need to talk to me they know where to find me. I am at No. 140 Joynton Avenue, Zetland, seven days a week.

5.

PLANNING - GREEN SQUARE MASTER PLAN - REDUCTION OF FLOOR SPACE RATIO - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2019106)

Question:

The Green Square Master Plan reduces the F.S.R. of the existing terrace housing in Zetland to 0.75 to 1. This F.S.R. will create a rush of Development Applications before the Green Square Master Plan is gazetted. Residents have also stated that they feel that any reduction in F.S.R. is discriminatory.

Could the Acting Director of Planning and Building seek the views of residents affected so that they can be informed when they comment on the exhibited plan?

Answer by the Mayor:

I am glad you suggested that Councillor Bush, because if those people who you refer to turned up at these workshops, they would learn and understand what floor space ratio and what height limits are. The Council has had a number of workshops and residents are not interested. Residents are interested when it affects them directly and you will find that out as development takes place in the Green Square area, that residents will become concerned. But unfortunately it may be too late.

The other matter that you raised and I have to correct you Councillor Bush, there is no reduction in the floor space ratio, it is currently 0.75 to 1. So there is no reduction and there will be an amendment to the Green Square recommendations which will take care of your proposal as an amendment.

6.

PARKS - PORTMAN STREET, ZETLAND - REQUEST BY RESIDENTS FOR THE GRASS FOOTPATH VERGE TO BE CONVERTED TO A GARDEN BED - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2004457)

Question:

Residents at the southern end of Portman Street, Zetland, have made representations to me regarding the grass footpath verge. Dogs have adopted this particular grass verge as an area to defecate.

Could the grass be replaced with a garden bed?

Answer by the Mayor:

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

7.

PUBLIC RELATIONS - THE INNER CITY NEWS - CONTRIBUTION TO NEWSLETTER BY RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2014543)

Question:

Could the Acting General Manager direct the Media Department to contact established resident groups, community organisations and interested individuals so that they can contribute directly to South Sydney Council's ratepayer funded newspaper "The InnerCity News"?

Answer by the Mayor:

No. It is a Council Newsletter and it relates to Council policies and Council decisions and informs residents of what is happening in Council. It is not a resident's document.

8.

SPRINGFIELD AVENUE, KINGS CROSS - SPRINGFIELD MALL - REMOVAL OF BLACK METAL FENCE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (\$57-00009)

Question:

There is a black metal fence running east-west along the Springfield Mall from the money change kiosk toward Darlinghurst Road.

This fence was installed to operate the footway licence from the public way when the kiosk was leased to a food outlet and is no longer required for this purpose.

People said to be drug dealers are operating in this area and lean against the fence which appears to be fixed to the pavement by a series of easily removed bolts.

I should be grateful if Officers would investigate the removal of the fence. Could this be done as a matter of urgency?

Answer by the Mayor:

I will ask the Acting Director of Public Works and Services to investigate that matter and have a report prepared for the Councillors Information Service on any decisions made about its removal.

9.

PARKS - FITZROY GARDENS - REQUEST FOR SHADED AREAS IN CHILDREN'S PLAYGROUND - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2017511)

Question:

The new children's playground in the Fitzroy Gardens is being used extensively by local and visiting children and Council recently agreed to an extension of the space. I noticed today that the area is in full sun and this will in the summer be extremely dangerous for small children.

Could Council Officers investigate some form of shade?

Answer by the Mayor:

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

10.

PUBLIC RELATIONS - COUNCILLORS - CELEBRATION OF 10 YEARS SERVICE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2019307)

Question:

Could staff liaise with the Councillors who will have completed 10 years service to Council at the Anniversary of South Sydney Council next February with the view of arranging some form of celebration?

Answer by the Mayor:

Yes, it is already underway.

11.

STREETS - FIRE EXITS - ARNOLD LANE AND LITTLE OXFORD STREET, DARLINGHURST - LACK OF EGRESS SPACE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (S56-00926)

Question:

A number of businesses that have fire exits on to Arnold Lane and Little Oxford Street, Darlinghurst, have noted the lack of egress space from these exits, even with the fire doors being set back from the property line.

A suggested change to parking signage would not solve the problem.

Could Council Officers investigate these fire exits and undertake to establish if bollards or some other treatment (perhaps widening of the footpath) will ensure permanent ease of exit in the event of use of the fire exits?

Answer by the Mayor:

I will ask the Acting Director of Public Works and Services to investigate that matter for you and also have the Acting Director of Planning and Building investigate in respect of the fire exits and have a report prepared for the Councillors Information Service.

REPORT OF THE FINANCE COMMITTEE

16 September 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Deftereos and Fenton.

At the commencement of business at 6.35 pm those present were:-

Councillors - Deftereos, Fenton and Macken.

Apology:

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

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

That the Report of the Finance Committee of its meeting of 16 September 1998, be received and the recommendations set out below for Items 1 to 4 and 6 to 15, inclusive, be adopted. The recommendations set out below for Items 5 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES - HIRING - PADDINGTON TOWN HALL - REQUEST FOR FREE USE BY ST FRANCIS WELFARE - 8 OCTOBER 1999 (P56-00437)

That arising from consideration of a report by the Director of Corporate Services dated 31. August 1998, it be resolved that Council support St Francis Welfare by foregoing \$5,100 in income for the use of Paddington Town Hall on

GENERAL MANAGER

8 October 1999, for their fund raising recital and St Francis Welfare to pay expenses of \$980.

Carried.

2.

PUBLICATIONS - REVISED COMMUNITY INFORMATION DATABASE - DEVELOPMENT OF A REPORT (P58-00113)

That arising from consideration of a report by the Director of Health and Community Services, dated 1 September 1998, approval be given to the development of a Community Information Database by external consultants, under the following conditions, namely:-

- (1) That the acceptance of the Data Diction proposal to enter into the development of an inter-Council Community Information database at no initial cost to South Sydney Council;
- (2) That the revote of \$14,000 to budget code KCB 66DO from the \$20,000 allocated to budget code KCB 66DO in 1997/98, including:
 - \$7,000 in 1998/99 for updating the existing South Sydney community service and facilities data, data entry into the new database and editing of entries;
 - \$3,000 in 1998/99 for production of approximately 1,000 disks for distribution to the community;
 - \$4,000 in 1998/99 for ongoing development of the database and maintenance of the Web site;
- (3) The allocation of \$9,000 per year in recurrent funds under the new budget code KCB0016 77FO for 1999/2000 and beyond, for the ongoing development and maintenance of the Community Information Database, including:
 - \$3,000 per year for approximately 1,000 disks;
 - \$4,000 per year for the ongoing development and maintenance of the database;
 - \$2,000 per year for ongoing data collection and entry.

Carried.

3.

DONATIONS - CITY TO SURF - SPONSOR A COUNCIL TEAM (D53-00421)

That arising from consideration of a report by the Director of Health and Community Services dated 1 September, 1998, it be resolved that:-

- (a) Council sponsor an official South Sydney Council team comprising of Councillors and Staff, in the annual City to Surf Footrace to be held on Sunday 8 August, 1999;
- (b) each member of the official Team have his/her entry fee paid and be supplied with an appropriate Council running uniform;
- (c) an amount of \$3,500 be allocated in the 1999/2000 Estimates to meet the fun run expenses, including refreshments at conclusion of run.

Carried.

4.

MEMBERSHIPS - SYDNEY COASTAL COUNCILS - CONTRIBUTION FOR FINANCIAL YEAR 1998/99 (M54-00018)

That arising from consideration of a report by the Director of Public Works and Services dated 8 September 1998, Council maintains its membership of the Sydney Coastal Councils Group and approves payment of annual membership contribution for 1998/1999 in the amount of \$7,393, for which non-specific funds are available in the 1998/1999 Budget Estimates (EBK 77W0).

Carried.

5.

LICENSING - DARLINGHURST ROAD, NO. 20, POTTS POINT - FOOTWAY LICENCE (L56-00295)

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

There was no quorum present for this item. Councillor Deftereos and Macken who were present recommended the following:-

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That for the reasons set out in the report by the Director of Public Works and Services dated 1 September 1998, it be resolved that:-

GENERAL MANAGER

- (1) a rebate of 25% of the weekly rental, be granted to Sleiman Trading Pty Limited licensee of The Fountain Café at No. 20 Darlinghurst Road and No. 1A Elizabeth Bay Road, Potts Point, as shown on Plan No. S4-130/373C;
- (2) the rebate in (1) above commencing on 11 May, 1998 and reviewed on a month by month basis until such work is completed.

Carried.

At this stage a quorum was present. Those present being Councillor Deftereos, Fenton and Macken.

At the Council Meeting, Councillors Bush and Deftereos requested that their names be recorded as voting against the foregoing Item.

6.

SPORTS - DONATIONS - FINANCIAL ASSISTANCE TO LOCAL YOUTH ATHLETE FOR TRANSPLANT GAMES (2017742)

That arising from consideration of a report by the Director of Health and Community Services, dated 15 September 1998, Council approves:-

- (1) a donation of \$785 to the South Sydney Athletic Club to support athlete Kate Fame's participation in the National Multi-Disability Games in Ballarat, Victoria, for which funds are available in the Health and Community Services 1997/98 Budget;
- (2) a letter of support be given to Kate Farne's application for Scholarship under the Athletes with Disabilities Program to compete in the World Transplant Games;
- (3) a donation of \$3,700 to Kate Farne to cover travel and accommodation costs and entry fees for the 1999 World Transplant Games and the funds be made available in the 1999/2000 Section 356 Estimates if her Scholarship application is unsuccessful.

Carried.

7.

COMMERCIAL PROPERTIES - QUARTERLY SUMMARY REPORT APRIL TO JUNE 1998, INCOME EXPENDITURE AND PROFITABILITY (P56-00385)

That the Quarterly Report by the Director of Corporate Services dated 25 August 1998, on Income, Expenditure and Profitability for the period 1 April

GENERAL MANAGER

1998 to 30 June 1998, on Council's Commercial properties and the 12 month period July 1997 to June 1998, be received and noted.

Carried.

8.

DEVELOPMENT - PROPOSED REDEVELOPMENT OF WALTER REID RESERVE - NOS. 255A - 255B OXFORD STREET, PADDINGTON (2001093)

That arising from consideration of a report by the Director of Corporate Services dated 7 September 1998, it be resolved that:-

- (1) an engineer be appointed to confirm the structural integrity of the reservoir structure with approximate cost of up to \$5,000 is envisaged;
- (2) the properties Branch prepare a Brief to appoint a heritage architect to investigate viable development options for the reserve site, subject to the recommendations of the 1993 Conservation Plan and outcome of the Heritage Office recommendations with costs to be around \$15,000;
- (3) funds (\$20,000) from account BBG 66AO (Properties Maintenance, Consultant Fees), current balance \$25,000 be transferred into Account 7LND 66AO;
- (4) the availability of funds in 1999 from the NSW Heritage Office for project works be investigated and applied for.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of a Clause (5) to the recommendation, namely:-

That Council Officers approach the RAlA to the steps for Council to conduct an ideas competition for the future of the site and its significance to Paddington Town Hall Post Office and Juniper Hall and listed buildings.

Motion, as amended by consent, carried.

Carried.

9.

FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - AUGUST 1998 (2019115)

That arising from consideration of a report by the Director of Finance dated 9 September 1998, approval be given to the confirmation of the payment of the

accounts totalling \$13,950,823.69, as detailed in the Summary of Warrants for the month of August 1998.

Carried.

10.

DONATIONS - HIRING - BROWN STREET HALL - REQUEST FOR FREE USE BY LESBIAN SPACE INC CUSTODIAL COMMITTEE - 18 OCTOBER 1998 (2011180)

That arising from consideration of a report by the Director of Corporate Services dated 7 September 1998, it be resolved that Council support Lesbian Space Inc. Custodial Committee by forgoing \$260 in income, and meet the expenses of \$350 (from account ENG 123) and allow Lesbian Space Inc. Custodial Committee free use of Brown Street Hall, Newtown, on Saturday, 17 October 1998, for their Public Forum.

Carried.

11.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 14 MOTOR VEHICLE FLEET ITEMS - TENDER (2015532)

That approval be given to:-

(A)(1) the acceptance of the tender submitted by the Brian Hilton Motor Group for the supply and delivery of five Toyota Camry CSi sedans at \$21,940 each less the following trade-in allowances:

VEH 5001 - \$ 17,500

VEH 5005 - \$ 17,500

VEH 6131 - \$ 17,000

VEH 6145 - \$ 17,000

VEH 6248 - \$ 17,000

-total changeover cost for the five vehicles = \$23,700.

-the above is all in accordance with Councils Specification PWS 22/98 and the firm's tender dated 25 August 1998;

(2) the acceptance of the tender submitted by the Brian Hilton motor group for the supply and delivery of one Toyota Camry CSi sedan for \$21,940 (No trade-in basis).

-the above is all in accordance with Council's Specification PWS 22/98 and the firm's tender dated 25 August 1998;

GENERAL MANAGER

- (3) the acceptance of the tender submitted by Lander Toyota for the supply and delivery of two Toyota Camry CSi sedans at \$22,342 each less the following trade-in allowances:

VEH 6038 - \$17,900

VEH 6040 - \$17,900

-total changeover cost for the two vehicles = \$8,884.

-the above is all in accordance with the Council's Specification PWS 22/98 and the firm's tender dated 21 August 1998;

- (4) the acceptance of the tender submitted by Mosman Toyota for the supply and delivery of one Toyota Camry CSi Station Wagon for \$23,825 less the trade-in allowance of \$18,000 for VEH 6044. The changeover cost for this vehicle is \$5,825.

-the above is in accordance with Council's Specification PWS 22/98 and the firm's tender dated 25 August 1998;

- (5) the acceptance of the tender submitted by Fulton Holden for the supply and delivery of three Holden Commodore 'S' utilities at \$19,300 each less the following trade-in allowances:

VEH 4531 - \$21,000

VEH 4540 - \$20,500

VEH 4544 - \$20,500

-total changeover cost for the three vehicles = - \$4,100.

-the above is all in accordance with Council's Specification PWS 22/98 and the firm's tender dated 24 August 1998;

- (6) the acceptance of the tender submitted by West City Holden for the supply and delivery of one Holden Commodore 'S' Utility for \$19,305 less the trade-in allowance of \$20,250 for VEH 4532. The changeover cost for this vehicle is -\$945.

-the above is all in accordance with Council's Specification PWS 22/98 and the firm's tender dated 24 August 1998;

- (7) the acceptance of the tender submitted by the Clintons Motor Group for the supply and delivery of one Toyota Hilux 4 x 2 cab/chassis and steel body for \$17,702 less the trade-in allowance of \$15,160 for VEH4511:

(a) the change over cost for this vehicle is \$2,542.

(b) the above is all in accordance with Council's Specification PWS 22/98 and the firm's tender dated 25 August 1998.

- (c) funds for A-1 to A-7 are available in the 1998/99 Revenue Estimates.

(B)(1) The disposal of Council vehicle VEH 6142 at auction.

(DPWS Report 3.9.98)

Carried.

12.

FINANCE - COMMUNITY ROAD SAFETY BUDGET (T52-00106)

That Council:-

- (a) accept the Grants according to the terms and conditions specified by the RTA and IMEA;
- (b) credit the Grants to the Community Road Safety 1998/99 Budget (Account No: CBA 0042);
- (c) give approval for the Community Road Safety Budget (Account No: CBA 0042) to be increased by \$12,500 to include this amount. (\$3000 was received last financial year).

(DPWS Report 31/8/98)

Carried.

13.

PERSONNEL - EMPLOYEE ASSISTANCE PROGRAM - SERVICE PROVIDERS (2003231)

- (A) That Council enter into a one year agreement with ACCESS Programs to provide an employee assistance program to meet the particular needs of our staff.
- (B) That additional funding of \$7,000 be made available to the current budget of \$19,000 previously allocated for the 1998/99 financial year.

(DOD Report 8.9.98)

Carried.

14.

**FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS
FOR PERIOD ENDED 31 JULY 1998 (A52-00240)**

That the report by the Director of Finance dated 8 September 1998, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

15.

**HEALTH - RESPONSE TO REQUEST FOR FINANCIAL ASSISTANCE FOR
THE ESTABLISHMENT OF A BICYCLE PATROL IN SURRY HILLS
(2013947)**

That arising from consideration of a report by the Director of Health and Community Services dated 14 September 1998, it be resolved that Council provide a one off only seeding grant of \$10,000 to the Surry Hills Police patrol to assist with the establishment of a bicycle patrol for the area and that additional funds to cover this donation be allocated.

Carried.

The Finance Committee Meeting terminated at 7.01 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

16 September 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Deftereos, Macken.

At the commencement of business at 7.02 pm those present were -

Councillors:- Deftereos, Fenton and Macken.

Apology:

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

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

That the Report of the Community Services Committee of its meeting of 16 September 1998, be received and the recommendations set out below for Items 1 to 6, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY FACILITIES - AGED SERVICES - OUT OF HOURS HIRING OF ACTIVITY CLUBS - REVIEW OF POLICY (C59-00063)

That arising from consideration of a report by the Director of Health and Community Services dated 3 September 1998, approval be given to rescind the policy regarding the out of hours hire of the Activity Clubs dated 12 December 1990 and to adopt the new policy as outlined hereunder:-

Council's Activity Clubs may be hired to non-profit groups of local residents meeting for the benefit of the community at an hourly rate of \$8, under the following conditions:

- (1) That no alcohol be allowed;
- (2) That the clubs not be let for parties or receptions;
- (3) That the Aged and Disability Services Manager has discretion to reduce the hourly rate for short periods in certain cases of hardship;
- (4) That free use be granted to Neighbourhood Watch and Safe House schemes;
- (5) That a refundable charge be made of \$20 as key deposit;
- (6) That a form of agreement be signed by the hirer.

Carried.

2.

COMMITTEE - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 11 AUGUST 1998 (2017377)

That the report by the Director of Health and Community Services dated 9 September 1998, and the accompanying minutes of the Access Committee for People with Disabilities held on 11 August 1998, be received and that the undermentioned recommendation of the Committee be adopted, namely:-

That arising from the minutes of Council's Access Committee meeting of 11 August 1998, Council grant its approval to:-

- (1) update Council's Access Kits and Access Policy for People With Disabilities;
- (2) the inclusion of the following sentence in all publications and advertising where contact details are given:

"Deaf, hearing impaired or speech impaired callers may call through the ACE-NRS using modem or TTY by dialling 13 25 44 then asking for 9300 4000".

Carried.

3.

COMMUNITY FACILITIES - DARLINGTON ACTIVITY CLUB - REQUEST FOR FREE USE - REDFERN AND ENVIRONS NEIGHBOURHOOD EDUCATION WORKSHOP (C59-00090)

That arising from consideration of a report by the Director of Health and Community Services dated 2 September 1998, Council grants its approval for free use of Darlington Activity club by Redfern & Environs Neighbourhood Education Workshop group on the 11, 18, 25 October and 1 November for a series of workshops, costs are estimated at \$64, for which funds are available from 1998/99 (KEV.77FO).

Carried.

4.

COMMITTEES - HEALTHY OLDER PEOPLE PROGRAM (HOPP) - MINUTES OF MEETING, 25 AUGUST 1998 (2018510)

That the report by the Director of Health and Community Services dated 15 September 1998, the minutes of its Healthy Older People Program (HOPP) Committee of 25 August 1998, be received and noted.

Carried.

5.

PARKS - RUSHCUTTERS BAY PARK - EXHIBIT DRAFT PLAN OF MANAGEMENT - EXHIBITION (2008533)

That arising from consideration of a report by the Director of Public Works and Services dated 9 September 1998, approval be given to the exhibition of the Draft Rushcutters Bay Park Plan of Management for a period of 28 days at Kings Cross Library, Council's Administrative Offices and an on-site display at

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the Park, advertise the exhibition in local press publications and to conduct an event at the Park to promote the Draft Plan of Management, for which funds are available in the 1998/99 Works Programme.

Carried.

6.

PARKS - WILSON BROTHERS SITE BOUNDED BY HUGO STREET, CAROLINE STREET AND LOUIS STREET, REDFERN - PLAN OF MANAGEMENT - STEERING COMMITTEE AND SELECTION OF COMMUNITY REPRESENTATIVES (2017337)

That arising from consideration of a report by the Director of Public Works and Services dated 8 September 1998, approval be given to the following persons being selected as community members for the Wilson Brothers Plan of Management Steering Committee:

- Dennis Weatherall (Redfern Aboriginal Corporation)
- Margaret Weir (Chippendale Residents Wilson Brothers Factory Site Action Group)
- Jan Flanagan
- Deborah Wall (Redfern Residents for Reconciliation)

Carried.

The Community Services Committee Meeting terminated at 7.07 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

16 September 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillors -

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

The Mayor and Councillors -Christine Harcourt, Jill Lay, John Fowler and John Bush.

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

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That the Report of the Planning and Development Committee of its meeting of 16 September 1998, be received and the recommendations set out below for Items 1,2, 4, 6 to 8 inclusive, 10, 12 and 13, 15, 18 to 25 inclusive, be adopted. The recommendations for Items 3,5,9, 11, 14, 16 and 17 and 26 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

HEALTH - NSW GUIDELINES FOR DANCE PARTIES (2003608)

That Council adopt the documents "NSW Guidelines for Dance Parties" and the "Code of Practice for Dance Parties" as best practice for guidelines for the organisation, planning and assessment of dance parties in the South Sydney Local Government Area.

(DPB Report 4.9.98)

Carried.

2.

ABERCROMBIE STREET, NO. 257, REDFERN - UNAUTHORISED WORK - DEVELOPMENT APPLICATION (U96-00111)

That consideration of a report by the Director of Planning and Building dated 1 September 1998 in connection with the unauthorised roller shutter door at the abovementioned premises be deferred to the next Planning and Development Committee to be held on 7 October 1998, as requested by the applicant in Fax dated 11.9.98.

Carried.

3.

FLINDERS STREET, NOS. 112 - 114, DARLINGHURST - ALTERATIONS AND ADDITIONS TO TERRACE AND NEW BUILDING - DEVELOPMENT APPLICATION (U97-00992)

That the application be deferred.

Moved by Councillor Lay, seconded by Councillor Waters.

(A) That Council as the responsible authority refuses its consent to the application submitted by Gallego Holdings P/L with the authority of same for permission to carry out alterations to the existing terraces fronting Flinders Street and to erect a four level structure fronting South Dowling Street for the following reasons, namely:-

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- (1) That the proposal fails to satisfy the criteria and objectives of SEPP No. 10 in relation to the loss of low cost accommodation and the concurrence of the Department of Housing has not been granted;
 - (2) That the proposed new structure does not comply with Development Control Plan 1997 in relation to height, bulk, solar access, privacy and setback provisions;
 - (3) That the proposal has an unsatisfactory relationship to the existing heritage items on the site in relation to distance of separation, height, bulk, privacy and overshadowing;
 - (4) That the proposed site cover is considered unsatisfactory as it does not allow for a satisfactory degree of open space for the occupants of the premises;
 - (5) That the proposed streetscape is considered unsympathetic to the height and scale of the premises along this section of South Dowling Street;
 - (6) That the proposal is not in the public interest;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

MUNNI STREET, NO. 34, NEWTOWN - ERECTION OF NEW TWO STOREY DWELLING AND SUBDIVIDE INTO TWO LOTS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00442)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr P Devine, with the authority of Ms J Cummings, for permission to erect a new two storey dwelling including a garage, and subdivide the site into two new lots, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Job No.9815 A01a to A03a inclusive all dated 14 May 1998;
 - (2) (A) Section 94 Contributions

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act,

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1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$3159	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 954	2E97002.BGYO
Accessibility And Transport	\$ 12	2E97006.BGYO
Management	\$ 48	2E97007.BGYO
Total	\$4173	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (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 proposed garage and that part of the first floor above the garage shall be setback 1 metre from the Gowrie Street alignment;

- (5) That a certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed of the proposed development shall be submitted to Council prior to the release of the building plans;
- (6) That a plan for the landscaping of the site, including details of any subsoil drainage where landscaping is provided on a slab and any proposed security fencing, shall be lodged with the Director of Planning and Building for approval and the site shall be landscaped in accordance with the plan as so approved and be maintained at all times to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (7) That the existing landscaped areas shall be upgraded and additional super advanced trees and/or shrubs planted in accordance with an approved landscaping plan and maintained to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (8) That the proposed awning overhangs to Gowrie Street and Munni Street shall be deleted from the proposal;
- (9) 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;
- (10) 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) proposed fences;
 - (c) size and proportion of windows and doors;
- (11) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number;
- (12) 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;

- (13) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (14) 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;
- (15) 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;
- (16) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (17) That all proposed work shall be wholly within the boundaries of the subject site;
- (18) That a solar hot water, heat pump or energy efficient natural gas system shall be installed in accordance with the controls and guidelines in E30 and E54 of South Sydney Development Control Plan 1997. Details shall be submitted with the BA.

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.

5.

MENTMORE AVENUE, NOS. 61 - 71, ROSEBERY - CHANGE HOURS OF OPERATION TO WAREHOUSE - DEVELOPMENT APPLICATION (U98-00673)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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- (A) That the Council as the responsible authority grants its consent to the application submitted by Cecil E Mayo Pty Ltd, with the authority of E K Nominees Pty Ltd, for permission to extend the operating hours of the existing warehouse, subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted to between 7.00a.m. to 8.00p.m. Mondays to Fridays, 8.00a.m. to 4.00p.m. Saturdays ;
 - (2) That no activities outside the building (including yard cleaning, garbage collection, loading of vehicles, packaging of goods and the use of forklifts or the like) and no truck movements (except for small trucks up to 7.5 metres in length using the Morley Avenue dock) shall take place except between 7.30a.m. and 7.00p.m. Mondays to Fridays and 8.00a.m. to 4.00p.m. Saturdays, this restriction does not apply to the clearing of leaves from the yard by non mechanical means between 7.00 a.m. and 7.30 a.m. Mondays to Fridays;
 - (3) That the only serving vehicle movements outside the approved hours shall be the delivery of life support equipment to hospitals in emergency situations and shall take place via either the Morley Avenue dock (using vehicles less than 7.5 metres in length) or the Hayes Road gate and the fire door (not roller shutter) in the southern elevation (involving vans, utilities or like vehicles only);
 - (4) That no radios shall be used inside or outside the building except between 8.00a.m. and 6.00p.m. Mondays to Fridays;
 - (5) That all roller shutters (except the door of the Morley Avenue dock) shall be kept closed at all times except between 7.30a.m. and 7.00p.m. Mondays to Fridays and 8.00a.m. to 4.00p.m. on Saturdays;
 - (6) That any trucks or other servicing vehicles arriving or departing the site outside of 7.30 a.m. to 7.00 p.m. Mondays to Fridays and 8.00 a.m. to 4.00 p.m. Saturdays shall travel to and from the site via the western section of Morley Avenue or Hayes Road to/from Botany Road and shall not drive through the residential section of Rosebery;

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.

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

Carried.

6.

MCEVOY STREET, NOS. 111 - 117, ALEXANDRIA - HOUSE AND CUT CERAMIC STONES/TILES AND MARBLE SLABS - DEVELOPMENT APPLICATION (U98-00646)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Telescope of Mosman, with the authority of R & A Dalley & Co Pty Ltd, for permission to use that part of the building known as No.7 Brennan Street (also known as eastern half Bay 3) for the warehousing of tiles and marble slabs and the cutting of marble slabs to fabricate kitchen bench tops and like goods, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans submitted on 15 July 1998;
 - (2) That the hours of operation shall be restricted to between 7.30 a.m. and 5.00 p.m. Mondays to Fridays, 9.00 a.m. and 3.00 p.m. Saturdays;
 - (3) That all vehicles shall leave the tenancy in a forward direction;
 - (4) That all internal toilets shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
 - (5) That the roller shutter door to Brennan Street shall be kept closed at all times that the marble cutting machine is in operation;
 - (6) That not more than 100 tonnes of marble shall be cut in any year;
 - (7) That between a minimum of two and a maximum of four 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, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
 - (8) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;

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- (9) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (10) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (11) That the use of the office area shall be ancillary to the use of the premises;
- (12) That at no time shall retail sales be made from the premises; sales shall be made by wholesale to the trade only;
- (13) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room or garbage receptacle storage area;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (14) hsc101 - Not give rise to emissions into the environment;
- (15) hsc111 - Liquid wastes to sewer;
- (16) hsc500 - Premises to be ventilated;
- (17) hsc700 - Compliance with code for Garbage Handling System;
- (18) hsc711 - Commercial contract (trade waste);
- (19) 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.

7.

**DARLINGHURST ROAD, NOS. 229 - 231, DARLINGHURST -
ALTERATIONS AND ADDITIONS TO EXISTING HOTEL - AMENDED
BUILDING APPLICATION (Q98-00162)**

- (A) That the Council as the responsible authority grants its consent to the amended application submitted by Burley Katon Halliday for approval to relocate the front entry doors at ground floor, install air conditioning units, new roller shutter to the garbage room at the rear and to carry out minor internal alterations to ground floor at the above premises all in accordance with the submitted plan and specification numbered BA/DA - 01C received 2 July, 1998; subject to the following conditions, namely:-
- (1) That an acoustical engineer's report be submitted prior to the installation of the air conditioning units, confirming that the units when installed will not give rise to an offensive noise as defined under the Provisions of the Noise Control Act 1975;
 - (2) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (3) That compliance shall be given to the conditions of the Director of Health and Community Services contained in the accompanying report dated 4 August, 1998;
 - (4) That additional details shall be submitted for approval in accordance with condition 9 of the report dated 4 August, 1998 of the Director of Health and Community Services prior to the commencement of that work;
 - (5) That the approval shall only relate to the work shown coloured on the approved plans;
 - (6) That this approval is for an amendment to the original application and except as modified by the conditions contained herein, in no way relieves the applicant from responsibility for compliance with all previous Council approvals and conditions attached thereto;
 - (7) That the hours and days during which building work may be carried out shall be restricted to between 7.00 am and 5.00 pm Mondays to Fridays and 7.00 am and 3.00 pm Saturdays with no work being carried out on Sundays or public holidays;
 - (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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

Carried.

8.

BOURKE STREET, NO. 780, REDFERN - ERECTION OF RESIDENTIAL DEVELOPMENT (STAGE 2) - AMENDMENT - BUILDING APPLICATION (Q97-00377)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Dealruby Pty Ltd, for permission to amend the working hours at the abovementioned premises, subject to the following conditions, namely:-
- (1) That only finishing works in connection with concrete pours shall be undertaken up to 8.00 p.m. Mondays to Fridays and up to 6.00 p.m. on a Saturday on two occasions per week only. Any construction work which is not in connection with finishing works relating to concrete pours shall not be undertaken outside the earlier approved hours of 7.00 a.m. to 5.00 p.m. Mondays to Fridays and 7.00 a.m. to 3.00 p.m. Saturdays;
 - (2) That concrete pours themselves shall conclude by 5.00 p.m. Mondays to Fridays and 3.00 p.m. Saturdays;
 - (3) That this approval is for an amendment to the original application and except as modified by the conditions contained herein, in no way relieves the applicant from responsibility for compliance with all previous Council approvals and conditions attached thereto.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

KNIGHT STREET, NOS. 15 - 23A, ERSKINEVILLE - ERECT 15 TERRACES AND REFURBISH TWO EXISTING TERRACES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00569)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Adrom Pty Ltd, with the authority of Mr F Murray, for permission to construct 15 new terraces and refurbishment

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of the two existing buildings on the abovementioned site, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA1A - DA8A Job No.9829, date stamped 25 June 1998;
- (2) That the windows in the ground floor front elevation shall be redesigned to two vertically proportioned windows to the satisfaction of the Director of Planning and Building;
- (3) That the proposed balustrade shall be of modern design, not replicating the Italianate style of the existing terrace to the satisfaction of the Director of Planning and Building;
- (4) That the French doors on the first floor elevation shall be redesigned to two vertically proportioned French doors;
- (5) That the parapet between units 3 and 4 shall be redesigned not to reflect the arch of the existing Italianate building to the satisfaction of the Director of Planning and Building;
- (6) That unit 6 shall be moved forward to align with unit 5 to the satisfaction of the Director of Planning and Building;
- (7) That a plaque shall be erected on the main entrance to the site to demonstrate the past history of the site;
- (8) That the boundary fences between Amy street, Devine street and No. 9 Knight street, shall be retained and at the corner of the site where Amy street and Devine street meet a lattice screen shall be placed on those fences to a maximum height of 1900mm and to the satisfaction of the Director of Planning and Building. details to be submitted with the Building Application;
- (9) That the windows of units 8 and 9 on the first floor eastern elevation shall be half obscurely glazed with a fixed bottom panel to the satisfaction of the Director of Planning and Building;
- (10) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the considered guidelines on pages E30 and E54 of South Sydney Development Control Plan 1997;
- (11) (A) Section 94 Contributions

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$38,355	2E97001.BGYO
Open Space/Townscape/ Public domain	\$11,519	2E97002.BGYO
Accessibility And Transport	\$ 140	2E97006.BGYO
Management	\$ 580	2E97007.BGYO
Multi-Function Administration Centre	\$10,312	2E970008.BGYO
Total	\$60,906	

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

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

where:

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

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

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

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

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(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.

- (12) That a maximum of 18 off-street car parking spaces shall be provided (15 resident spaces and 3 visitor spaces) 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;
- (13) That no dwelling shall be allocated more than one parking space;
- (14) That a sign shall be erected to indicate that visitor parking is available on site to the satisfaction of the Director of Planning and Building;

- (15) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes shall be 75 litres for trees and 5 litres for shrubs;
- (16) That the survey of the existing site indicates all existing trees, their species, height, caliper and their status i.e. 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;
- (17) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped, relocated, or removed;
- (18) That the developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Master Plan (1996). Trees shall be sized and planted according to Appendix C of the Street Tree Maser Plan. The nominated species in this case is Blueberry Ash (*Elaeocarpus reticulatus*);
- (19) The Parks Development Branch will require detailed design drawings, construction drawings, specifications and three tendered prices for the work. The extent of works and design drawings shall be submitted for approval with the Building Application;
- (20) 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;
- (21) 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;
- (22) That the garbage/recycling area shall be large enough to accommodate 6 x 240 litre mobile garbage bins;

- (23) That the garbage/recycling area shall be accessible for kerbside collection services;
- (24) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environment Protection Authority. This assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land Management Act 1997, and a site audit statement shall be submitted to Council in accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;
- (25) That the parking areas shall be ventilated in accordance with the requirements of Australian Standard 1668.2-1991 Section 4 and Australian Standard 1668.1-1991 Section 7;
- (26) That the location of the garbage room shall be referred to the Cleansing Services Branch, Public Works and Services Department for comment;
- (27) 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;
- (28) That excavated material construction supplies and on-site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road;
- (29) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (30) 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;

- (31) 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;
- (32) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (33) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (34) 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;
- (35) 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:-

- (36) LDA21 - No resident parking for residential flat developments;
- (37) HSC500 - Premises to be ventilated;
- (38) HSC018 - Sanitary facilities;
- (39) HSC700 - Compliance with code for Garbage Handling System;
- (40) HSC801 - Noise from premises;
- (41) LDA252 - Discharge to atmosphere to comply;
- (42) LDA376 - Hours of building work;
- (43) LDA384 - New alignment levels;
- (44) LDA387 - Footway crossings;
- (45) LDA389 - Stormwater disposal requirements;
- (46) LDA391 - Builder's Hoarding Permits;
- (47) LDA392 - No obstruction to public way;

- (48) LDA394 - Cost of alteration to signposting;
- (49) LDA396 - Works within boundaries;
- (50) LDA399 - Cost of consequential roadworks;
- (51) LDA414 - Costs for alterations to public services;
- (52) LDA351 - Building Application required;
- (53) LDA374 - Disabled entry;
- (54) LDA107 - Make application to remove trees;
- (55) That the windows on the first floor at the rear of units 10 to 15 shall have the bottom panels fixed and obscurely glazed to the satisfaction of the Director of Planning and Building;
- (56) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for approval of the Director of Planning and Building, in respect of the following:-
 - (a) External Walls;
 - (b) Roofing;
 - (c) Balustrade treatment;
 - (d) Fences;
 - (e) Windows and doors;

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

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

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

Carried.

10.

ROSEBERY AVENUE, NOS. 12 - 20, ROSEBERY - ERECT WAREHOUSE WITH OFFICES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00670)

- (A) That the Council as the responsible authority grant its consent to the application submitted by FDC Building Services Pty Ltd with the

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authority of Filetron Pty Ltd for permission to erect a single storey warehouse with two level ancillary office section on Lot 1 DP 311533 for use for the operation of a freight forwarding business subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$8700 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;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1800 or first installment (as applicable), can be paid to the Council;
- (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$4329	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$1483	2E97002.BGY0
Accessibility And Transport	\$ 27	2E97006.BGY0
Management	\$ 137	2E97007.BGY0
Total	\$5976	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

where:

C is the original contribution amount as shown above;

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the March Quarter 97/98 (Amend as applicable)

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the construction permit.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. 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. To support a 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. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

- (4) That the development shall be generally in accordance with drawings numbered S1060-DA01B and DA-02B;
- (5) That the hours of operation shall be restricted to between 7.00 a.m. to 6.00 p.m. Mondays to Fridays, 9.00 a.m. to 4.00 p.m. Saturdays and Sundays;
- (6) That the large eucalyptus bicostota tree located near the centre of the front area of the site shall be retained and shall be protected during construction by the erection of a safety fence or barricade around the drip line of the tree. No materials or equipment shall be stored within the fenced area;
- (7) That a garbage storage area shall be provided within the building and constructed in accordance with Council's Code for the construction of Garbage Handling Systems;

- (8) That any waste presented for collection must be removed from within the boundaries of the property;
- (9) That the stormwater detention tank shall be located clear of the drip line of the eucalyptus bicostata tree;
- (10) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (11) That the use of the office area shall be ancillary to the use of the premises;
- (12) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (13) That the street number shall be clearly displayed, with such number being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (14) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (15) That a maximum of 19 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, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (16) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (17) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (18) That all vehicles shall always be driven onto and off the site in a forward direction;
- (19) That a detailed 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 prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, 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 – minimum plant sizes are to be 75 litters for trees and 5 litters for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;

- (20) That any security fencing shall be located behind any perimeter landscape areas;
- (21) 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;
- (22) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;
- (23) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (24) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (25) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standards 2201, Parts 1 and 2 – 1978;
- (26) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (27) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy or;
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or;
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;

- (28) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development;
- (29) 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);

- (30) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

-any such sign is to be removed when the work has been completed.

This clause does not apply to:

- (c) building work carried out inside an existing building, or
 - (d) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (31) That toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

Sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993;

- (32) That all relevant sections of the BCA shall be complied with;
- (33) 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);
- (34) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (35) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (36) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (37) That the developer shall provide a system of "on-site" detention of stormwater and limit the rate of discharge of stormwater from the site, to a rate set by the Director of Public Works and Services;
- (38) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (39) That the developer shall make an 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, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (40) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (41) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (42) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (43) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the

Council, unless other arrangements are approved in writing by the Director of Public Works and Services.

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.

11.

**PLANNING - ENVIRONMENTAL PLANNING AND ASSESSMENT
(AMENDMENT ACT 1997) - DELEGATION OF AUTHORITY UNDER
SECTION 377 OF THE LOCAL GOVERNMENT ACT, 1993 (2002668)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Deftereos:-

That Council delegate to the General Manager, under Section 377 of the Local Government Act the authority to determine the following matters under the Environmental Planning and Assessment Act:-

- (a) Complying Development Certificates (under Part 4 Division 3 of the Act.
- (b) Compliance Certificates
Construction Certificates
Occupation Certificates
Subdivision Certificates
(under Part 4A of the Act)
- (c) Building Certificates
(Under Part 8 of the Act)
- (d) To issue Orders
(Under Part 6 Division 2A of the Act)

(AGM Report 11.9.98)

Carried.

12.

SMITH STREET, NO. 51, SURRY HILLS - ALTERATIONS AND ADDITIONS TO REAR OF TERRACE - BUILDING APPLICATION (Q98-00535)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Christopher G Tinney for permission to carry out alterations and additions at the abovementioned premises, all in accordance with the submitted plan dated 18 June 1998, subject to the following conditions, namely:-
- (1) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;(PWS7)
 - (2) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever; (PWS17)
 - (3) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;(PWS18)
 - (4) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;(PWS20)
 - (5) For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

and the following adopted standard conditions:

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

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- (12) BC64 - Applicant to make good damage to party walls;
- (13) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (14) BC111 - Hours of work;
- (15) BC113 - Work to comply with noise standards;
- (16) BC116 - New work not to encroach boundaries;
- (17) BC119 - Requirements when excavating below footings;
- (18) BC121 - Excavations and backfilling to be in accord with relevant standards;
- (19) BC122 - Excavations to be guarded (safety);
- (20) BC167 - Structural details and certification to be submitted;
- (21) BC170 - Structural certificate upon completion;
- (22) BC175 - Comply with Timber Framing Code;
- (23) BC184 - Foundation material under slabs;
- (24) BC185 - Footings to comply with standard;
- (25) BC186 - No structural work until approval granted;
- (26) BC529 - Smoke alarm systems;
- (27) BC601 - Water closets and shower compartments;
- (28) BC602 - Clothes washing and drying facilities;
- (29) BC603 - Damp and weatherproofing;
- (30) BC609 - Natural light and ventilation;
- (31) BC611 - Ventilation of bathrooms/laundries;
- (32) BC615 - Common walls sound transmission;
- (33) BC616 - Bathroom and laundry floor requirements;
- (34) BC617 - Rain or dampness penetration;
- (35) HSC500 - Premises to be ventilated;

- (36) HSC555 - Bathroom ventilation;
 - (37) HSC501 - Plans and specification of ventilation;
 - (38) HSC800 - Use of appliances emitting intrusive noise.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried

13.

ROCKWALL CRESCENT, NO. 4, POTTS POINT - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - DEVELOPMENT APPLICATION (U98-00182)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr F P Gill (owner) for permission to carry out alterations to the abovementioned dwelling, subject to the following conditions, namely:-
- (1) That development shall be generally in accordance with plan 97/002/D dated 2 February 1998;
 - (2) That the proposed front dormer window shall be deleted;
 - (3) That the "home occupation" shall comply with the following definitions:-
 - (a) the registration of the building under the Factories, Shops and Industries Act, 1962;
 - (b) the employment of persons other than those residents;
 - (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise;
 - (d) the display of goods, whether in a window or otherwise; or
 - (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on such dwelling-house or such dwelling, which does not exceed 0.5 metres in length or 0.5 metres in height and which indicates only the name and occupation of the resident);
 - (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail;

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- (4) That if the garage is constructed, not more than one car space shall be located within the rear yard and the remainder shall be landscaped;

and the following adopted standard conditions:

- (5) LDA351 - Building Application required;
- (6) HSC018 - Sanitary facilities;
- (7) HSC500 - Premises to be ventilated;
- (8) HSC800 - Use of appliances emitting intrusive noise;
- (9) LDA376 - Hours of building work;
- (10) LDA377 - Construction noise regulation;
- (11) LDA387 - Footway crossings;
- (12) LDA389 - Stormwater disposal requirements;
- (13) LDA392 - No obstruction to public way;
- (14) LDA393 - Delivery of refuse skips;
- (15) LDA394 - Cost of alteration to signposting.
- (16) That the excavation works shall be carried out in accordance with Clause 34 of Division 4, Part 2 of the Building Service Administrative Provisions, with respect to support for the property at No. 2 Rockwall Crescent, Potts Point.

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 Building Code of Australia (BCA) the following is required:
 - (1) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

- (2) That doorways to office 1, office 2, dining and reception rooms shall be protected by self closing solid core doors not less than 35mm thick;

and the following adopted standard conditions:

- (3) BC310 - Protection of external openings;
- (4) BC319 - Solid core entrance doors to units;
- (5) BC420 - Construction of stairways and ramps;
- (6) BC426 - Exit doors, shutters and grilles;
- (7) BC501 - Fire extinguisher;
- (8) BC524 - Emergency lighting;
- (9) BC525 - Exit signs;
- (10) BC602 - Clothes washing and drying facilities;
- (11) BC609 - Natural light and ventilation;
- (12) BC611 - Ventilation of bathrooms/laundries;
- (13) BC528 - Fire detectors and alarm system;
- (14) BC986 - Residential sprinkler system;
- (15) BC951 - Good housekeeping;
- (16) BC952 - Egress paths kept free of obstructions;
- (17) BC953 - Electrical installations to be inspected;
- (18) BC978 - Floor requirements.
- (C) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

MACLEAY STREET, NOS. 57 AND 59, POTTS POINT - ALTERATIONS AND ADDITIONS TO BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00612)

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 to the development application submitted by Architectural Property Services, with the authority of Macleay Street Developments Pty Limited, for permission to alter and add to the building and use as Boutique Hotel, 5 low cost rental studios and 1 artists studio , subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$9,600 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;
 - (2) That prior to the collection of the approved plans and specifications, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,400, or first installment (as applicable), can be paid to the Council;
 - (3) That the consent shall not operate until the applicant has provided details of the following matters which shall be submitted within three months of the date of this deferred commencement consent and shall be to the satisfaction of, and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate:
 - (a) Submission of Plan of Management for the site in accordance with Condition (8);
 - (b) Further details of materials and colours in accordance with Condition (5);
 - (c) Details of the draft public positive covenants in accordance with conditions, (9) and (19), incorporating the arts and affordable housing components of the proposal;
 - (d) Details of commemorative signage in accordance with Condition (7);

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- (e) Relevant requirements set down by the Department of Housing, outlined in Conditions (11) to (19);
 - (f) Details of access arrangements in accordance with Condition(20);
 - (g) Details of the proposed doorway between the adjoining restaurant and subject premises in accordance with Condition (21);
 - (h) Details of the proposed privacy screen configuration at the rear southernmost wing in accordance with condition (23).
 - (i) Details of the amended reception/gallery plans in accordance with Condition (40) (PART B).
- (4) That the development shall be generally in accordance with plans 1, 2 and 3 dated April 1998;
- (5) That further details shall be submitted, including materials proposed and colours of the same to the NSW Heritage Office, and to Council in respect of the following aspects of the proposal:
- (a) External finishes to walls;
 - (b) Roofing finishes;
 - (c) Balcony balustrade treatment;
 - (d) Materials and treatment of external windows, doors and joinery;
 - (e) Decorative or commemorative signage which is part of this consent.
- these details shall be to the satisfaction of the NSW Heritage Office and the Director of Planning and Building prior to lodgment of the Construction Certificate.;
- (6) That an Artists studio workshop with kitchen, bathroom and loft bedroom shall be strata titled and gifted to the State Government for the usage of artists. The duration and terms of tenancy is at the State Government's discretion. That the Artists studio shall be transferred to the ownership of the State Government prior to the release of the strata plan;

- (7) That commemorative signage indicating the history of the site shall be provided in the two entrance hallways, details of which are to be submitted to Council and the Ministry of Arts;
- (8) That the applicant shall submit a Plan of Management for the site. The Plan of Management shall be written in consultation with Council's Arts Coordinator and the Ministry of Arts and shall be to the satisfaction of the Director of Planning and Building. The Plan of Management shall include details of:
 - (a) The proposed 'Yellow House Art Prize', including details of its timing, financing and objectives;
 - (b) Further details of the exhibition space to be incorporated into the building;
 - (c) Further details of the objectives for the exhibition space and how the exhibition space will reflect the cultural significance of the site;
 - (d) Further details of an agreement with State government to utilise the exhibition space;
 - (e) Details of how it is proposed to comply with conditions (11) to (19) and the objectives for the provision of affordable housing on the site;
- (9) That the above requirements (conditions 6-8) shall be incorporated in a public positive covenant under Section 88E of the Conveyancing Act, to be imposed on the future of the boutique hotel prior to the release of any plan of subdivision of the building. The terms of the covenant shall be executed within 28 days of the consent or such further time as Council allows. A draft of the deed shall be referred to the Premiers Department and the Ministry for the Arts for comment prior to execution and shall be to the satisfaction of the Director of Planning and Building;
- (10) That a separate application shall be submitted to Council for approval of part of the premises as a cafe;
- (11) That no action shall be taken to remove existing residents until construction necessitates their vacation of the site;
- (12) That a minimum of five units shall be kept available for rental occupation by existing residents from the date of the consent and throughout the period of construction works at a rental not exceeding their existing rent, or \$90 per week, whichever is the lower. Should those units be provided off site, existing residents and their furnishings shall be relocated into those units at no cost

to the resident, and the applicant shall meet the cost of any bond or key money, as well as that part of the rent exceeding \$75. Any furniture within residents existing units which belongs to the owner shall be given to the resident and is to be moved to the alternative accommodation at no cost to the resident. Details of the arrangements made for relocation of the residents shall be submitted to Council and separate approval obtained prior to commencement of construction;

- (13) That five units shall be let for a minimum of eight years. eight year leases for these units under the standard terms of the Residential Tenancies Act 1987 shall be offered to existing residents of the building at rentals not exceeding \$90 per week for the first year + CPI or 10% (whichever is the lower) for each year thereafter. The applicant shall meet the cost of the bond relating to occupation of these units by existing residents. The rental for tenants who are not existing or former residents of the building (as identified by the Resident Survey held by Council and the Department of Housing) shall be \$100 per week, indexed at CPI from the initial occupation of the units;
- (14) That existing residents who do not wish to remain in the building, or residents of the building at the time of expiry at the 8 year period referred to in condition (13), shall be assisted in finding suitable alternative accommodation. Such assistance will include a minimum of one months notice, payment of relocation costs of \$500 for the first year + CPI for each year thereafter, a one off relocation payment to each tenant equivalent to one months rent of alternative premises in the locality and making of inquiries with local real estate agents regarding alternative low cost accommodation. This condition does not derogate from any individual's right to claim compensation from the property owner;
- (15) That a social housing provider operating in the locality shall be appointed as managing agent for the units referred to in condition (13). A contact for the relevant social housing provider shall be submitted for approval to Council and the Office of Community Housing prior to occupation of the buildings on the site. The Office of Community Housing shall consult with the Department of Housing prior to approving the appointment of any particular social housing provider;
- (16) That should a resident occupying any of the units referred to in Condition (13) vacate the premises, the social housing provider will tenant the unit with the first person on their waiting list who satisfies the criteria as determined by Council's Director of Health and Community Services (the criteria being maximum income level, housing stress and existing residency in the local government area). In the event that any of those units become available within the first 4 years of the period referred to in

Condition 13, prior residents of the building (as identified in the Resident Survey held by Council and the Department of Housing) shall firstly be invited to take up residence in the vacant unit in order of the duration of their previous tenure of the building. Prior residents shall be advised by the managing social housing provider of the need to keep the managing social housing provider advised of their contact details;

- (17) That the five units referred to in condition (13) shall be suitably upgraded to the satisfaction of Council's Director of Planning and Building after the initial four year period of occupation of those units;
- (18) That nothing in any consent shall prevent sale of the 5 units referred to in Condition (13) to a social housing provider endorsed by Council and the Office of Community Housing at any time during or after the period referred to in that condition;
- (19) That the above requirements (Conditions 13-18) shall be incorporated in a public positive covenant under Section 88E of the Conveyancing Act to be imposed upon the title of the 5 units prior to the release of any plan of subdivision of the building. The terms of that covenant are to be incorporated in a deed, which shall be executed within 28 days of the consent or such further time as Council and the Department of Housing allows. A draft of the deed shall be referred for approval of the Department of Housing prior to execution;
- (20) That secure access arrangements for prospective residents of the studios are required off Macdonald Lane;
- (21) That details of the proposed doorway between the adjoining restaurant and the subject premises shall be provided;
- (22) That meals provided by the adjoining restaurant for the purposes of the hotel operations shall be served and eaten in the residential rooms only. Any communal eating areas, reliant on the adjoining restaurant for food preparation shall be subject to an additional application;
- (23) That the juliet balconies located at the end of the southernmost wing at the rear of the site shall be deleted and that louvered privacy screens shall be attached to the window openings (southernmost wing only) so as to direct views to the north west of the site;
- (24) (A) Section 94 Contributions

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to

Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$6,232	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,907	2E97002.BGYO
Accessibility And Transport	\$ 13	2E97006.BGYO
Management	\$ 103	2E97007.BGYO
Total	\$8,255	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (25) That all proposed works shall be wholly contained within the boundaries of the site;
- (26) That only one common television aerial (for each building where relevant) shall be provided;
- (27) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (28) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or

adjacent to the hoarding without the approval of the Director of Public Works and Services;

- (29) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (30) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (31) That the developer shall supply a plan for construction traffic for access to and from the site, which shall be approved by the Director of Public Works and Services prior to the release of the Construction Certificate;
- (32) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (33) 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";
- (34) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (35) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dust or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (36) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (37) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;

-shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;

- (37) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (38) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an approved air handling system shall be installed;
 - (39) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
 - (40) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an approved air handling system shall be installed.
- (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 a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
 - (2) That all relevant sections of the BCA shall be complied with;
 - (3) That the requirements of the Work Cover Authority shall be complied with;
 - (4) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (5) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (6) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;

and the certifying authority shall be immediately informed in writing if:-

- (a) a contract is entered into for the work to be done by a different licensee; or
 - (b) arrangements for the doing of the work are otherwise changed;
- (7) 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);
- (8) That all proposed work shall be wholly within the boundaries of the site;
- (9) 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:

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (10) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (11) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (12) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
- (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057;
- (13) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA. Details demonstrating compliance with the abovementioned requirements shall be submitted to Council for approval;
- (14) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
- (15) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (16) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;

- (17) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-() of the BCA;
- (18) That the discharge from exits shall comply with D1.10 of the BCA;
- (19) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (20) 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;
- (21) 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;
- (22) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (23) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (24) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (25) That a warning sign advising against the use of lifts in case of fire, complying with the requirements of E3.3 of the BCA, shall be displayed in a conspicuous position near every lift call button;
- (26) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (27) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (28) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (29) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.

The system shall comply with a standard of Installation and Maintenance in accordance with the requirements of Australian Standard 2118 and be connected to the NSW Fire Brigade.

Certification shall be provided by the installer of the sprinkler system that the entire system is installed in accordance with the provisions of Australian Standard 2118;

- (30) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (31) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (32) 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;
- (33) That good housekeeping shall be maintained at all times;
- (34) That egress paths are to be kept free of obstructions/storage at all times;
- (35) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly:
 - (a) The certificate shall be in the form of a typed report providing the following minimum requirements:-
 - (b) the electrical contractors licence number;
 - (c) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (d) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;

- (e) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000;

-alternatively, a report from Energy Australia would satisfy the above requirements.

- (36) That the underside of all floors throughout the building be lined with one of the following materials:
 - (a) Plasterboard;
 - (b) Perforated gypsum lath with a normal paper finish;
 - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;
 - (37) That the gas installation to the premises shall be inspected by a suitably qualified gas fitter and certified as complying with the relevant safety requirements of AGL Gasfitting Rules Vol 1;
 - (38) That entrance doorways to room Nos 1 and 2 and the reception/gallery at ground floor level shall be redesigned so as not to open into the discharge passage of the stairways;
 - (39) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the BCA;
 - (40) That evidence of use of the Right of Way adjacent to the western boundary shall be submitted with the application for a Construction Certificate.
- (C) That Council resolve to designate the subject premises as a Heritage Item under the draft Local Environmental Plan 1996 (Heritage).
 - (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

DARLINGHURST ROAD, NOS. 46 - 46B, POTTS POINT - ALTERATIONS AND ADDITIONS TO KITCHEN OF RESTAURANT - DEVELOPMENT APPLICATION (U98-00640)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Swan Takeaway Restaurant for the relocation of the existing restaurant to the lower level in conjunction with the extension

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of the service area, at the abovementioned premises subject to the following conditions namely:-

- (1) That the development shall be generally in accordance with the plans submitted with the Development Application;
- (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 basement kitchen shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (4) That a smoke hazard management system shall be provided to the basement area in accordance with the Building Code of Australia;
- (5) That waste oil containers shall be stored in a covered and bundled area pending regular removal to waste oil recyclers;
- (6) That the walls of the proposed food preparation area shall be built up in approved solid material;
- (7) That grease traps shall be located in a room/location approved by council;
- (8) That this approval does not prejudice the requirements of the Section 124.4 Fire Safety Order Reference No. 2013064 dated 3 April, 1997;
- (9) That plans and specifications showing details of:
 - (a) all proposed and required mechanical ventilation systems (which includes the kitchen exhaust systems);
 - (b) the smoke hazard management system;
 - (c) the garbage room;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

and the following standard conditions: -

- (10) 6011 - Garbage room/receptacle
 - (11) 6003 - Commercial garbage contract
 - (12) 7028 - Vibration and Noise
 - (13) 7016 - sanitary facilities
 - (14) 2001 - Separate application for signs
 - (15) 8501 - Compliance with the Building Code of Australia
 - (16) 7023 - Ventilation
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

16.

BROWN STREET, NOS. 3 - 27 AND CARILLON AVENUE, NOS. 138 - 140, NEWTOWN - CONSTRUCT 220 UNITS, RETAIL SPACE WITH PARKING AND OPEN SPACE DEDICATION - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00122)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council resolves that, in relation to both Phase 1 and the Master Plan for Phases 2 and 3, that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 9m maximum height and 1.5:1 maximum floor space ratio contained in Local Environmental Plan No.66 is well founded and that compliance is unnecessary for the following reasons, namely:-
- (1) The proposed height, as modified by the following parts of this recommendation, will not have an unreasonable detrimental impact on the streetscape or adjacent properties;
 - (2) The proposed floor space shall not have an unreasonable detrimental impact on the streetscape or adjacent properties;

- (3) The proposed departures are consistent with the provisions of Council's Development Control Plan 1997 in relation to scale and streetscape.
- (B) That the Council, in respect of the application for staged development of the subject site comprising 171 residential units, 49 non-private residential units, 210m² of retail space, parking, provision of public open space and public domain improvements, pursuant to s.91AB of the Environmental Planning and Assessment Act 1979, grants its consent subject to the following conditions, namely:-
- (1) That the future development of the site in relation to building envelopes, floor space, open space, car parking, vehicle access and usage shall proceed in a manner consistent with the information submitted in support of the application for staged development comprised of:
 - (a) Drawings DA101/B to DA105/B inclusive,
 - (b) Masterplan and Development Application Statement of Environmental Effects Volumes 1 and 2 dated March 1998 as amended by the Amended Masterplan and Development Application Statement of Environmental Effects dated July 1998;
 - (c) The letter from Bonus Architects dated 18 June 1998 in respect of the revised application and the relevant attachments to that letter;
 - (d) The Landscape Masterplan dated June 1998 prepared by Arterra Design;
 - (2) That the development shall take place in stages, each stage requiring prior submission and approval of a detailed Development Application;
 - (3) That the envelope of the proposed building on Fitzgerald Street shall, to the satisfaction of the Director of Planning and Building:
 - (a) be setback at least 4m from the street; and
 - (b) comply with the 9m plus 36 degree roof plane limit contained in DCP 1997 where the 9m height line is drawn 4m in from the street alignment; and
 - (c) have maximum floor to floor heights of 2.8m;
 - (4) That the building known as stage 2B comprising Phase 3 shall be modified to the satisfaction of the Director of Planning and Building such that:

- (a) the 6th storey is deleted; and
 - (b) the 5th storey section along Carillon Avenue is reduced in depth to a maximum 10m from the Carillon Avenue alignment so as to provide a step in southern elevation;
- (5) That the traffic signals at the intersection of Carillon Avenue, the hospital road and Phase 2 driveway shall be designed and constructed to the satisfaction of the Director of Public Works and Services and the Roads and Traffic Authority, and shall take into account the following matters:
- (a) a right turn lane of 3.0m minimum width and of length to accommodate the anticipated queue plus standard taper must be provided. If the existing road reserve is inadequate, the turning lane is to be provided by setting the subject building back, rebuilding the existing footpath and landscaping, and widening the roadway. The existing footpath dimensions shall be maintained and any footpath land not already under council control shall be dedicated to Council;
 - (b) the first 15m of the driveway inside the development's property boundary shall be of near level gradient (maximum 1:20) and be dedicated as public roadway;
 - (c) all costs associated with amending the currently designed and approved signalised intersection proposal shall be borne by the applicant; and
 - (d) the development shall not be occupied until the traffic signals are operational;
- (6) That the costs of any alterations to the Carillon Avenue road reserve due to the development, including the removal, replacement or relocation of any street signs, light poles, kerbs and gutters, services, footpaths, fences or mature street trees, etc, shall be borne by the applicant;
- (7) That the intersection and ramps of Carillon Avenue with the Phase 3 driveway shall be designed and constructed in accordance with AS2890.1 to the satisfaction of the Director of Planning and Building at the applicant's expense, and shall take into account the following matters:
- (a) traffic calming, paving and pedestrian priority measures at the eastern end of former Brown Street with the objectives of providing an environment that is safe for pedestrians as well as turning traffic;

- (b) at least the first 6m of the driveway inside the development's property boundary shall be of near level gradient (maximum 1:20);
 - (c) all costs associated with providing acceptable sight distances shall be borne by the applicant and shall be to the satisfaction of the Director of Public Works and Services; and
 - (d) movements to be limited to left in, left out only, reinforced by a concrete median in Carillon Avenue to be subject of approval of the Director of Public Works and Services and the South Sydney Traffic Committee in accordance with S116 of the Roads Act 1993, and with all design, approval and construction expenses to be borne by the applicant.
- (8) That resident and retail parking provision to be provided for each stage of the development shall be limited to that allowed by the maximum parking rates documented in the version of DCP No. 11: Transport Guidelines For Development applying at the time of determination of the Development Application;
- (9) That the off-street car parking spaces shall be allocated on the basis of a maximum of 1 space per unit for 2 bedroom units or smaller and a maximum of 2 spaces per unit for 3 bedroom units. Visitor spaces are to be kept available for the exclusive use of visitors, tradesmen and the like;
- (10) That before entering a purchase/lease/occupancy agreement, all occupiers and tenants of the development are to be advised by the applicant/owner of the building and owners of the individual units once on-sold, that residents are not eligible to participate in the on-street Resident Parking Scheme applying to this area. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a directory board, where it can easily be observed and read by persons entering the building;
- (11) That the car park including parking bays, driveways, ramps, aisles, headroom, etc shall be dimensioned in accordance with Australian Standard 2890.1, to the satisfaction of the Director of Planning and Building;
- (12) That bicycle parking shall provided in accordance with DCP 11, to the satisfaction of the Director of Planning and Building;
- (13) That detailed shadow diagrams shall be submitted with future Development Applications and the shadow cast by the proposed buildings over existing adjacent residential properties shall

comply with the requirements of DCP 1997, to the satisfaction of the Director of planning and Building;

- (14) A landscape plan for the site, including public and private open spaces, prepared by a suitably qualified person shall be submitted showing hard and soft works, decorative paving, garden edging, furniture, pergolas, fencing, existing and proposed critical levels, planting types and species, plant number and sizes (container size and height), irrigation and subsoil drainage where landscaping is to be provided on a slab shall be submitted for approval by the Director of Public Works and Services;
- (15) That a site survey shall be submitted with future development applications indicating existing trees, their species, height calliper and status (ie to be retained or removed);
- (16) That an application shall be made under Council's tree preservation order for approval before any existing trees are lopped or removed;
- (17) That all trees to be retained shall be protected during construction and methods of protection shall be submitted for approval with Building Applications;
- (18) That the developer shall engage a suitably qualified person to provide details shall regarding the proposed transplantation of mature trees, including;
 - (a) feasibility of transplantation;
 - (b) tree surgery, pruning, root pruning, guying;
 - (c) timing (season) of transplantation;
 - (d) maintenance regimes, soil preparation and fertilising; and
 - (e) appropriate replacement (size and species) trees should ant trees fail;
- (19) That the developer shall provide new and infill street trees in accordance with Council's Street Tree Masterplan along all site frontages, and trees shall be 100 litres container size, minimum 2.5m high and 75mm calliper, to the satisfaction of the Director of Public Works and Services;
- (20) That where large species of street tree are planted, the developer shall fund aerial bundling of overhead wires;

- (21) That detailed plans and specifications of the works to be carried out in the proposed public open space and footways shall be submitted for approval with future Building Applications construction certificates and shall generally comply with Council's Generic Open Space Plan of management, to the satisfaction of the Director of Public Works and Services;
- (22) That streetscape treatments shall comply with Council's requirements for decorative paving, alignment levels and standards of workmanship, to the satisfaction of the Directors of Planning and Building and Public Works and Services;
- (23) That the developer shall provide a maintenance schedule for all landscaping (public and private) for at least the first 12 months after practical completion of each phase;
- (24) That the developer shall arrange for a final inspection of all landscape works with Council's Parks Development Branch and all works shall be in accordance with approved plans;
- (25) That 6% of the total site area shall be dedicated to Council for public open space (or made accessible to the public by other legal means at Council's discretion) in lieu of Section.94 contributions for open space acquisition and townscape improvements, to the satisfaction of the Director of planning and Building;
- (26) That, in accordance with the Landscape Masterplan dated June 1998 submitted with the application, 10% of the total site area shall be dedicated to Council for public open space (or made accessible to the public by other legal means at Council's discretion) in addition to land and monetary contribution required to satisfy Section.94 contributions payable under Council's Section 94 Contributions Plan, to the satisfaction of the Director of Planning and Building;
- (27) That the works show on the Landscape Masterplan submitted with the application (or works of that magnitude) in relation to proposed public open space and the footways shall be designed, carried out and supervised to Council's specifications and the full cost shall be borne by the developer in addition to Section.94 contributions, to the satisfaction of the Director of Planning and Building;
- (28) That the floor space of the entire development shall not exceed 1.75:1, and if the subsequent development applications are unable to attain this density without unacceptable environmental impact in accordance with DCP 1997, the floor space ratio shall be reduced accordingly and public domain improvements offered

reviewed in consultation with Council, to the satisfaction of the Director of Planning and Building;

- (29) That the design of the building comprising Phase 3 shall take into account the impact on the privacy and amenity of the warehouse building occupied as a residence at Nos. 82-84 O'Connell St;
 - (30) That the unit mix in the entire development shall be amended such that the proportion of studio type units and 1 bedroom units combined does not exceed 50%;
 - (31) That the details of how it is proposed to manage construction traffic, noise and dust impacts shall be submitted with each building application/construction certificate and these shall be to the satisfaction of the Directors of Planning and Building and Health and Community Services;
 - (32) That the land shall be consolidated onto one lot;
 - (33) That if the development of the remainder of the site does not proceed as proposed, the buildings comprising Phase 1 shall be subdivided onto land sufficient to allow them a maximum floor space ratio of 1.5:1, to the satisfaction of the Director of Planning and Building;
 - (34) That the developer shall provide a system of on site stormwater detention, to the requirements of the Director of Public Works and Services,
 - (35) That the developer shall submit, prior to the release of the plan of strata subdivision for Phase 1, a social impact statement focussing on the issue of low cost rental accommodation and shall examine options for the provision of low cost rental accommodation within the development, which shall be provided to the satisfaction of the Director of Planning and Building;
- (C) That the Council, as the responsible authority grants its consent to the application submitted by Bonus Architects for permission to make alterations and additions to the existing 3 story flat building and 5 level nurses' accommodation building including addition of a level on each building and strata subdivision, being Phase 1 of staged development for the site, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawings numbered DA103/B to 105B, DA111/A to 116/A, DA121/A to DA127/A and the Landscape Masterplan all dated June 1998;
 - (2) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$24,346	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 7,340	2E97002.BGYO
Accessibility And Transport	\$ 129	2E97006.BGYO
Management	\$ 363	2E97007.BGYO
Total	\$32,236	

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

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

BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Note: The contributions for Open Space Acquisition and Townscape improvement may be paid by bank guarantee and offset against the proposed future provision of land for public open space.

- (3) That details shall be submitted showing how the landscaped strip between the driveway and Brown Street will be planted to screen the view of the proposed garage doors, to the satisfaction of the Director of Planning and Building;
- (4) That bicycle parking for residents and visitors shall be provided in accordance with the requirements of DCP 11 to the satisfaction of the Director of Planning and Building;
- (5) That the height and roof pitch of the additional level on the existing 5 storey building shall be reduced so that the ceiling height in the kitchens on the new level is a maximum of 2.4m and the ceiling height in the living room is a maximum of 2.7m, to the satisfaction of the Director of Planning and Building;
- (6) That the outdoor rooftop garden terrace on the southern end of the existing 5 level building shall incorporate permanent planter beds 1000mm wide and 600mm deep along the southern edge, returning along the eastern and western edges for approximately 3m, to the satisfaction of the Director of Planning and Building;
- (7) That the proposed new balconies on the existing 5 level building to units 1.1, 2.1, 3.1 and 4.1 shall have privacy screens or solid end walls provided to a height of at least 1500mm above the floor, to the satisfaction of the Director of Planning and Building;
- (8) That all south facing windows in the existing 5 level building shall be fitted with obscure glass or screening devices adequate to protect the privacy of the adjacent properties, to the satisfaction of the Director of Planning and Building;
- (9) That the proposed new wing on the eastern end of the existing 3 level building shall follow the alignment of the existing eastern facade (not step out 1.5m as proposed) and the existing 1st and 2nd floor balconies on the eastern end shall be removed, to the satisfaction of the Director of Director of Planning and Building;
- (10) That the east facing windows in the existing 3 level building shall be deleted or fitted with obscure glass or screening devices to provide a reasonable level of privacy to the occupants of both buildings, to the satisfaction of the Director of Planning and Building;

- (11) That on site parking shall be provided for construction workers;
- (12) That measures shall be put in place to prevent the tracking of dirt on to the roadway and to control the escape of dust;
- (13) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems; and
 - (c) the garbage room and recyclables storage area

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

- (14) That the arrangements for the storage and collection of garbage shall be determined in consultation with Council's Waste Services Branch and set out in the building application, to the satisfaction of the Director of Public Works and Services;
- (15) That a landscape plan for the site prepared by a suitably qualified person shall be submitted showing hard and soft works, decorative paving, garden edging, furniture, pergolas, fencing, existing and proposed critical levels, planting types and species, plant number and sizes (container size and height), irrigation and subsoil drainage where landscaping is to be provided on a slab shall be submitted for approval by the Director of Public Works and Services;
- (16) That minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (17) Where landscaping is to be provided on a slab, minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass, including a suitable layer of waterproofing and drainage and a 75mm layer of mulch for gardens;
- (18) The developer shall arrange with the Parks Development Branch for a final inspection of the landscape works to ensure that work has been carried out in accordance with the approved landscape plan;
- (19) The developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such maintenance after practical completion;

and the following adopted standard conditions:

- (20) LDA384 - New alignment levels;
- (21) LDA387 - Footway crossings;
- (22) LDA21 - No resident parking for residential flat developments;
- (23) LDA251 - Clean & undiluted water - Stormwater Drainage System;
- (24) LDA389 - Stormwater disposal requirements;
- (25) LDA391 - Builder's Hoarding Permits;
- (26) LDA392 - No obstruction to public way;
- (27) LDA394 - Cost of alteration to signposting;
- (28) LDA396 - Works within boundaries;
- (29) LDA399 - Cost of consequential roadworks;
- (30) LDA414 - Costs for alterations to public services;
- (31) LDA376 - Hours of building work;
- (32) LDA377 - Construction noise regulation;
- (33) LDA152 - Schedule of finishes;
- (34) LDA153 - Reflectivity of external glazing;
- (35) LDA106 - Preserve existing trees;
- (36) LDA44 - Driving in forward direction only;
- (37) LDA12 - Applicant to liaise with Sydney Water;
- (38) hsc103 - Environmental site assessment being carried out;
- (39) hsc500 - Premises to be ventilated;
- (40) hsc018 - Sanitary facilities;
- (41) hsc700 - Compliance with code for Garbage Handling System;
- (42) hsc800 - Use of appliances emitting intrusive noise;
- (43) hsc706 - Storage of recyclables;
- (44) hsc711 - Commercial contract (trade waste).

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.

Note 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.

17.

PLANNING - EXHIBITION OF GREEN SQUARE DRAFT LEP AND DCP (2019106)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(A) That Council:-

- (1) approve the public exhibition of Draft Green Square LEP - Stage 1 (Amendment to South Sydney LEP 1998) and Draft Green Square DCP (Amendment to DCP 1997: Urban Design), in conjunction with Draft Section 94 Contribution Plan 1998, in accordance with the Environmental Planning and Assessment Act.
- (2) endorse the use of delegation by the Director of Planning and Building to issue a Section 65 Certificate to enable the Draft Green Square LEP – Stage 1 (Amendment to South Sydney LEP 1998) to be legally placed on public exhibition.
- (3) that the Draft Green Square LEP – Stage 1 (Amendment to South Sydney LEP 1998) be exhibited in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning titled "*LEPs and Council Land -Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*".

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(4) exhibit the documents for a minimum of six weeks.

(B) That Council endorse the amendments to the Master Plan and affordable housing provision contained in the Draft Green Square LEP - Amendment to LEP 1998, as shown in Clauses 27B to 27E and 2711 as included in Attachment 1 of the report by the Acting General Manager and Part 5 - Affordable Housing contained in Draft Green Square DCP - Amendment to DCP 1998, as included in Attachment 2 of the report by the Acting General Manager.

(ADPB Report 11.9.98 and AGM Report 23.9.98)

(C) That the DCP when placed on exhibition show an option of a Floor Space Ratio of 1:1 being applied to those areas currently showing 0.75:1

Carried.

18.

PLANNING - CLAUSE 37 OF LOCAL ENVIRONMENTAL PLAN 1998 - MIXED USE DEVELOPMENT (2015554)

(A) That Council resolve to amend Local Environmental Plan 1998 as set out in the annexure to this report.

(B) That Council resolve to amend Part F "Mixed Use Development" of Development Control Plan 1997 relating to 'Traditional' and 'Urban Village' precincts as follows:

The non-residential floor space is not to exceed:

- 25% of the gross floor space of the building, or;
- the ground floor area of the building, whichever is the greater.

The onus is on the applicant to demonstrate how this can be accommodated without impacting on the amenity of adjoining land uses.

(C) That Council notifies the Director of the Department of Urban Affairs and Planning of its resolution to prepare and publicly exhibit the draft Local Environmental Plan attached as annexure 1 and provide the relevant details required under the Regulations to the Act.

Annexures

Draft Local Environmental Plan 1998 amendment N° 1.

(DPB Report 11.9.98)

Carried.

19.

VICTORIA STREET, NOS. 231 - 235 DARLINGHURST - USE OF TENANCY 1 AS A FOOD STORE - USE OF TENANCY 2 AS A LIQUOR STORE - DEVELOPMENT APPLICATION (U98-00676)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Feenstra & Associates Pty Ltd, with the authority of Rotomat Pty Ltd and Barbru Pty Ltd, for use of Tenancy 1 as a food shop and use of Tenancy 2 as a liquor store, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 980506, dated May 1998;
 - (2) That prior to issuing the development consent, it will be necessary to lodge with Council a fee of \$450 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 prior to issuing development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$60, or first installment (as applicable), can be paid to the Council;
 - (4) That the hours of operation of the food shop shall be restricted to between 7.00a.m to midnight, 7 days;
 - (5) That the hours of operation of the liquor store shall be restricted to between 10.00a.m to midnight, 7 days;
 - (6) That the maximum number of deliveries to each tenancy shall be restricted to 2 per day and between 9.00am and 12.00 noon.
 - (7) That the applicant reinstate the kerbing and guttering to Victoria Street outside tenancies 1 and 2 to the satisfaction of the Director of Public Works and Services. The cost to be borne by the applicant.

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- (8) That any external glazing shall have a reflectivity not exceeding 20%;
- (9) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (10) That the use of the premises, in particular the noise levels of any cool room generator, air conditioning unit and other machinery or equipment shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (11) 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);

A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note: The obligation under this sub-clause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

Category 1 fire safety provision has the same meaning as it has in Part 7B;

- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (13) That the construction of the premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;

- (14) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (15) 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";
- (16) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (17) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services;
- (18) That the applicant shall enter into a commercial contract for the daily removal of trade waste;
- (19) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (20) That plans and specifications showing details of:
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

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

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

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

Carried.

20.

BAYSWATER ROAD, NOS. 37 - 41, POTTS POINT - ERECT RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00376)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr B Greig, with the authority of Hensley Hall Pty Ltd, for permission to erect a residential flat building containing 27 units and a cafe, subject to the following conditions, namely:-

- (1) That development shall be generally in accordance with plans 981/11 to 18 dated February 1998;
- (2) That the southernmost unit on the sixth floor shall be deleted;
- (3) That the facade shall be strengthened in its design to the satisfaction of the Director of Planning and Building;
- (4) That the swimming pool shall only be used between 7.00am and 8.00pm;
- (5) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$53,442	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$16,158	2E97002.BGYO
Accessibility And Transport	\$198	2E97006.BGYO
Management	\$810	2E97007.BGYO
Total	\$70,608	

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

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

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

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

(B) Works in Kind

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

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

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

Approved Works will only be off-set against the same category of works.

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

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

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

- (6) That the required off-street car parking spaces shall be allocated on the basis of 20 spaces for the use of residents, one space for use in conjunction with the café, and five spaces for the use of visitors;
- (7) That of the total of five visitor car parking spaces required in condition 7, at least one space shall be 3m x 5.5m minimum and clearly marked for disabled driver's parking;
- (8) That a maximum of 26 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 coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) balustrade treatment;
 - (c) windows and doors;
- (10) That a specific application shall be lodged for the use of the café, including details of signage proposed and hours of operation;

- (11) That the owner shall dedicate for road purposes, free of cost to Council, that part of the land affected by the realignment of Goderich Lane on the understanding that all reasonable legal expenses involved in the transfer of the land will be borne by the Council;
- (12) That a solar hot water, heat pump or energy efficient natural gas system shall be installed in accordance with Council's guidelines in South Sydney DCP 1997;
- (13) 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;
- (14) The car parking areas shall be ventilated in accordance with Australian Standard 1668 - 1991.1 Specification 7 and Australian Standard 1668.2 Section 4;
- (15) That a management plan for the abatement of noise and the suppression of dust during demolition, 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;
- (16) That the construction of the premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (17) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

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

and the following adopted standard conditions:

- (19) LDA12 - Applicant to liaise with Sydney Water;
- (20) LDA21 - No resident parking for residential flat developments;
- (21) LDA29 - Provide sign indicating parking;
- (22) LDA43 - Parking space and aisle sizes;
- (23) LDA101 - Provide landscaping plan;
- (24) LDA106 - Preserve existing trees;
- (25) LDA104 - Landscaped strip;
- (26) LDA153 - Reflectivity of external glazing;
- (27) LDA161 - Provide common television aerial;
- (28) LDA351 - Building Application required;
- (29) LDA404 - Cost of roadworks;
- (30) LDA376 - Hours of building work;
- (31) LDA377 - Construction noise regulation;
- (32) LDA384 - New alignment levels;
- (33) LDA387 - Footway crossings;
- (34) LDA389 - Stormwater disposal requirements;
- (35) LDA391 - Builder's Hoarding Permits;
- (36) LDA392 - No obstruction to public way;
- (37) LDA393 - Delivery of refuse skips;
- (38) LDA398 - Road dedication;
- (39) LDA399 - Cost of consequential roadworks;
- (40) HSC100 - Removal of spoil from site;
- (41) HSC101 - Not give rise to emissions into the environment;

- (42) HSC301 - Cooking of food only if air handling system is provided;
 - (43) HSC516 - Discharge vents;
 - (44) HSC111 - Liquid wastes to sewer;
 - (45) HSC700 - Compliance with code for Garbage Handling System;
 - (46) HSC705 - Construction of garbage room;
 - (47) HSC800 - Use of appliances emitting intrusive noise;
 - (48) 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 the discharge point from the fire isolated exit shall be redesigned to comply fully with the requirements of Clause D1.7(c) of the BCA;
 - (2) That an additional exit shall be provided to the basement car park level which shall comply fully with the requirements of Part D of the BCA.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

21.

BUCKINGHAM STREET, NO. 36, SURRY HILLS - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U96-00969)

- (A) That the Council, as the responsible authority, refuses to grant its consent to the development application submitted by Ms L Sukh, with the authority of Mr H McDowall, for permission to renew consent for use of premises as a brothel, for the following reasons, namely:-
- (1) That the proposal is inconsistent with the 1996 Brothels Policy and Draft Brothels Policy;
 - (2) That the proposal will have an adverse impact on the amenity of the locality;

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- (3) That the application has and will increase the cumulative impacts of brothels in the area through its operation from No. 38 Buckingham Street and its rear lane access;
 - (4) That the applicant has failed to comply with the previous consent with regard to Health and Local Government Act requirements;
 - (5) That the proposal would not be in the public's interest;
 - (6) That the applicant has failed to supply sufficient information regarding the true nature of the brothel's operation.
- (B) That Council investigate the use of No. 24 Buckingham Street to establish whether it is being used as a brothel;
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

HIGH HOLBORN STREET, NO. 27, SURRY HILLS - INTERNAL AND EXTERNAL ALTERATIONS TO EXISTING BUILDING TO PROVIDE MEALS CENTRE, HOSTEL ACCOMMODATION AND RETENTION OF CONVENT QUARTERS - DEVELOPMENT APPLICATION (U98-00417)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Harris and Bryant Pty Ltd, with the authority of Convent of Our Lady of Mercy, for permission to carry out alterations and additions to the existing convent to use part of the building for the purpose of a meals centre and hostel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 9820, DA1 and DA2 dated 6 May 1998;
 - (2) That the hours of operation of the meals centre shall be restricted to between 10.00am and 1.00pm Mondays to Fridays inclusively;
 - (3) That an archival photographic survey is to be submitted to Council prior to work commencing on the site;
 - (4) That the archway between stair 1 and Hall 1 is to be infilled in the recess within the opening so that the arch is able to be read and the infill is to be made reversible. Details in this regard shall be submitted with the Building Application;

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- (5) That the existing fire place in the store is not to be removed or altered and is to be protected. Details in this regard shall be submitted with the Building Application;
- (6) That the ceiling in the dining/lounge room is to remain intact without alterations;
- (7) That the original fabric in the kitchen including the ceiling roses, joinery and fireplace are to remain and be protected. Details in this regard shall be submitted with the Building Application;
- (8) That where reconstruction is to be carried out to the ground and first floor verandahs, the details are to be matched to the existing based on documentary or physical evidence on site. Details in this regard shall be submitted with the Building Application;
- (9) That those openings proposed to be infilled are to remain where practicable. Details in this regard are to be submitted with the Building Application;
- (10) That existing original detailing shall remain and is not to be removed or damaged during the course of the alterations;
- (11) That a colour schedule and samples for those exterior features proposed to be painted are to be submitted for approval with the Building Application;
- (12) That only clean and unpolluted water shall be permitted to discharge from the subject development to Council's stormwater drainage system;
- (13) That any asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the occupational Health and Safety (Asbestos Dust) Regulation 1994;
- (14) That all enclosed areas not provided with adequate natural ventilation shall be mechanically ventilated in accordance with the Building Code of Australia and Council's Ventilation Code;
- (15) The construction, fitout and finishing of all food preparation and storage areas shall comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (16) That adequate means of disposal shall be provided in each of the water closets used by females for the storage and disposal of sanitary towels;

- (17) 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";
- (18) That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (19) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (20) That the building be provided with a smoke control system in accordance with the Building Code of Australia;
- (21) 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;
- (22) That plans and specifications showing details of:-
 - (a) all proposed and altered mechanical ventilation systems
 - (b) the location of exhaust/and intake vents;
 - (c) the garbage room;

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

and the following adopted standard conditions:

- (23) LDA351 - Building Application required;
- (24) LDA374 - Disabled entry;
- (25) LDA376 - Hours of building work;
- (26) LDA377 - Construction noise regulation;
- (27) LDA392 - No obstruction to public way;
- (28) LDA393 - Delivery of refuse skips;
- (29) LDA396 - Works within boundaries;

- (30) HSC500 - Premises to be ventilated;
- (31) HSC301 - Cooking of food only if air handling system is provided;
- (32) HSC518 - Exhaust vent;
- (33) HSC111 - Liquid wastes to sewer;
- (34) HSC706 - Storage of recyclables;
- (35) HSC711 - Commercial contract (trade waste);
- (36) HSC715 - Trade waste;
- (37) 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 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:

- (2) BC420 - Construction of stairways and ramps;
- (3) BC426 - Exit doors, shutters and grilles;
- (4) BC501 - Fire extinguisher;
- (5) BC507 - Hose reels;
- (6) BC508 - Hydrants;
- (7) BC503 - Fire blanket;
- (8) BC524 - Emergency lighting;
- (9) BC525 - Exit signs;
- (10) BC319 - Solid core entrance doors to units;
- (11) BC986 - Residential sprinkler system.

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

Carried.

23.

MALCOLM STREET, NO. 36, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00554)

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by Mr A Cassar, for permission to carry out alterations and additions, including an attic conversion and rear dormer window, to the existing terrace at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated 19 June, except where amended by plans dated 30 July 1998 or otherwise by conditions of this consent;
 - (2) That the proposed dormer window shall be constructed in timber joinery and painted in appropriate colours to match the existing building and the roof materials shall match the existing roof material. Details of such to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building;
 - (3) That the proposed opaque glass to be used in the side panels of the dormer and in the rear windows shall be of an appropriate colour to ensure that it does not detract from the visual appearance of the dormer. Details of such shall be submitted with the Building Application for approval by the Director of Planning and Building;
 - (4) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (5) That 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;
 - (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

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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 during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (8) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (9) That all proposed work shall be wholly within the boundaries of the subject site;
- (B) 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 people who made representations in respect of the proposal, be advised of Council's decision.

Carried.

24.

ABERCROMBIE STREET, NOS. 267 - 269, CHIPPENDALE - ALTERATIONS AND ADDITIONS TO CREDIT UNION - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00597)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Dowse Paull Machon Architects, with the authority of Unicom Credit Union Ltd, for permission to carry out alterations and first floor additions to the existing commercial building, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA01B dated June 1998 and BA02B dated August 1998;
- (2) Section 94 Contributions

(A) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and

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Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$3,002	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,035	2E97002.BGYO
Accessibility And Transport	\$ 19	2E97006.BGYO
Management	\$ 95	2E97007.BGYO
Total	\$4,151	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (3) That a suitable privacy screen extending one metre from the first floor rear wall shall be erected adjacent to western edge of the westernmost first floor window (General Manager's Office) and the eastern edge of the easternmost window (General Office). The screens shall extend to a height of 1.7m above the first floor level and shall be to the satisfaction of the Director of Planning and Building;
- (4) That the hours of operation shall be restricted to between 8.30 a.m. and 5.30 p.m. Mondays to Fridays ;

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

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;
- (7) LDA34 - Maintain existing loading dock;
- (8) LDA36 - Loading only within confines of the site;
- (9) LDA45 - Parking and driveways to be kept clear;
- (10) LDA163 - New brickwork to match existing;
- (11) LDA351 - Building Application required;
- (12) LDA376 - Hours of building work;
- (13) LDA391 - Builder's Hoarding Permits;
- (14) LDA392 - No obstruction to public way;
- (15) LDA393 - Delivery of refuse skips;
- (16) LDA396 - Works within boundaries;
- (17) hsc018 - Sanitary facilities;
- (18) hsc500 - Premises to be ventilated;

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

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

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

Carried.

25.

FLINDERS STREET, NOS. 11 - 21, SURRY HILLS - PROVIDE ADDITIONAL BEDROOMS TO UNITS AND INCREASE AREA OF ROOF TERRACE - DEVELOPMENT APPLICATION (U98-00624)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Hihawk Holdings Pty Ltd, for permission to provide third bedrooms to Unit Nos. 26 and 27 on the fourth floor, at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plan Nos. RDA2-01 to 03 inclusively dated 7 July 1998;
 - (2) That the rooftop open space area, including configuration and landscaping, shall remain as detailed in the plans submitted and approved to comply with condition Nos. 10-14 inclusively of development consent U97-00374 dated 8 July 1997.
 - (3) That the external finishes of the additions are to match those approved and submitted to comply with condition No. 20 of development consent U97-00374 dated 8 July 1998;
 - (4) That planter boxes are to be provided at the base of each pole of the trellis, or alternatively a continuous planter box is to be provided, for the extent of the trellis to support screening plants. The details of the planter boxes, including materials and depth shall be as shown on the landscape plan submitted and approved to comply with condition No. 14 of development consent U97-00374 dated 8 July 1998.
 - (5) That the development shall not exceed a floor space ratio of 3.06:1;
 - (6) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,806	E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 541	2E97002.BGY0
Accessibility And Transport	\$ 8	2E97006.BGY0
Management	\$ 28	2E97007.BGY0
Total	\$2,383	

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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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June quarter 97/98.

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the construction permit.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. 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. To support a 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. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

- (7) 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 – Multi-Function Administration Centre, the following

monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$488	2E97008.BGY0

The above payment will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

where:

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the construction permit.

- (8) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 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;
- (9) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$60, or (as applicable), can be paid to the Council;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation;
- (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with

conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (12) 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);

- (13) That a building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note: The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

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).

Category 1 fire safety provision has the same meaning as it has in Part 7B;

- (14) 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:

- (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;

Note: The obligation under this sub-clause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

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).

Category 1 fire safety provision has the same meaning as it has in Part 7B;

- (15) If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (16) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a

building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place;

(17) If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place;

-a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

(18) a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited, and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (19) That toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

Sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

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

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

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

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

Carried.

26.

ADMINISTRATION - MANAGEMENT REVIEW COMMITTEE - RESIDENT PARKING PERMITS

That the report by the Acting General Manager dated 14 September 1998, regarding the above matter be received and noted.

At the request of Councillor Bush and by consent the motion was amended by the addition of Clause (B) to the recommendation, namely:-

That the Acting Director of Public Works and Services prepare a report for the Councillor Information Service on the provision of temporary resident parking stickers that can be used by commercial occupier/residents to allow such persons to legitimise the use of hire car.

Motion, as amended by consent, carried.

The Planning and Development Committee Meeting terminated at 8.39 p.m.

The Council Meeting terminated at 7.45 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER