

216th Meeting**Erskineville Town Hall
Erskineville****Wednesday, 14 October 1998**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.38 pm on Wednesday, 14 October 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.

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	1204
Leave of Absence	1204
Minutes by the Mayor	1205
Minutes by the General Manager	1208
Petition	1213
Questions Without Notice	1213
Report of Finance Committee	1219
Report of Finance Committee (Confidential Matters)	1227
Report of Community Services Committee	1228
Report of Planning and Development Committee	1230

GENERAL MANAGER

Welcome to Mr. J. Cameron and Mr. K. Westwood

At this stage the Mayor welcomed Mr. Cameron and Mr. Westwood from Elizabeth Lodge to the Meeting.

National Multi-Disability Games - Financial Assistance - Presentation of Cheque to South Sydney Athletics Club on behalf of Miss Kate Farne

At this stage the Mayor presented a cheque for \$785 to Mr. T. Vecellio on behalf of South Sydney Athletics Club for Miss Farne's participation in the National Multi-Disability Games in Ballarat, Victoria which were held in September 1998, and said that a letter of support from Council will be sent to Kate to support her scholarship application to compete in the World Transplant Games.

Mr. Vecillio responded by thanking the Mayor and Councillors for their financial assistance to the South Sydney Athletics Club on behalf of Kate which enabled her to participate in the Multi-Disability Games, and also informing the meeting of her success at the Games.

Confirmation of Minutes

Moved by Councillor Fowler, seconded by Councillor Bush:-

That the minutes of the Ordinary Meeting of Council of 23 September 1998, be taken as read and confirmed.

At the request of Councillor Fowler, and by consent, the minutes of 23 September 1998, were amended on Page 1109 by the deletion of the word "the" between the words "to" and "steps" where appearing in the first line of clause (5) Item No. 8 to the recommendation and the insertion in lieu thereof of the word "take".

Minutes, as amended by consent, were then confirmed.

Leave of Absence - Councillor Waters

A request was received from Councillor Waters for leave of absence from the Committee meeting of 4 November 1998 and the Council Meeting of 11 November 1998.

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

That leave of absence be granted to Councillor Waters from the Committee meeting of 4 November 1998 and the Council Meeting of 11 November 1998.

Carried.

Leave of Absence - Councillor Lay

A request was received from Councillor Lay for leave of absence from the Committee Meeting of 4 November 1998.

It was moved by Councillor Macken, seconded by Councillor Harcourt:-

That leave of absence be granted to Councillor Lay from the Committee Meeting of 4 November 1998.

Carried.

MINUTE BY THE MAYOR

14 October 1998

GRANTS - COMMUNITY GARDENS NETWORK (2014520)

Under the EPA's Waste Reduction Program Council received funding to establish a Green Gardens Network.

The project is designed to encourage community involvement in green waste minimisation through education programs centred on community gardens and composting facilities. The scheme has been welcomed by residents as a significant portion of people in South Sydney do not have access to gardens.

The funding has enabled Council to employ two temporary Community Gardens Officers to implement the program and develop a network of gardens.

Two new gardens are being established in the Waterloo Department of Housing Estate.

The Community Gardens Officers have identified poor soil and drainage problems in the sites. They are seeking financial assistance to improve them and ensure continued success of the program.

A waiting list of people exists to be involved in the garden project at the corner of Pitt and Raglan Streets and there has been strong interest from the community for these new gardens.

GENERAL MANAGER

Recommendation:

That to ensure Council continues to meet its waste minimisation objectives it is recommended that \$10,000 be allocated for the improvement of community gardens, funds for which are available in the 1998/99 Waste Service budget estimates.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

8 October 1998

DONATIONS - REDFERN AND WATERLOO COMMUNITY FESTIVAL - ASSISTANCE (D53-00098)

On 29 June 1998, South Sydney Community Aid was advised they had received a donation of \$5,000 under Council's Community Grants Program towards the costs of staging the 1998 Redfern & Waterloo Community Festival. The festival is to be held in Redfern Park on Saturday, 24 October 1998. The level of funding provided was comparable to that provided to all other local community festivals.

On 1 October 1998, further to their letter of 21 July 1998, South Sydney Community Aid Co-Op Ltd again wrote to Council requesting the provision of in-kind assistance for the Redfern & Waterloo Community Festival.

This in-kind assistance had been requested in their original application for assistance to Council's Community Grants Program, but had not been recommended. This in-kind additional assistance included the provision of port-a-loos, partitions for the Arts & Craft Display, seating, garbage bins, waiver of licence fee for stall holders and a changing tent for the entertainers.

South Sydney Community Aid is unable at this late stage to raise additional funds to pay for these items (cash fundraising to date has totaled \$1,600). In order not to jeopardise the success of the 1998 Redfern & Waterloo Community Festival, it is recommended that Council provide the following assistance on a one-off basis: port-a-loos, partitions for the Arts & Craft Display, garbage bins and waiver of the licence fee for stall holders at a cost of \$1,615. The provision of seating and changing tent should however be contained within the current budget.

GENERAL MANAGER

Recommendation:

That Council provide, on a one-off basis, to the South Sydney Community Aid Co-Op Ltd the following additional assistance for the 1998 Redfern & Waterloo Community Festival for: port-a-loos, partitions for the Arts & Craft Display, garbage bins and waiver of the licence fee for stall holders at a cost of \$1,615 and that this amount be voted for and added to the 1998/9 Budget.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

14 October 1998

**PUBLIC RELATIONS - SAME SEX RELATIONSHIPS -
LETTER TO THE PREMIER (2019387)**

Members of the Gay and Lesbian Rights Lobby have approached me to express their concern that the "*De facto relationships amendment Bill, 1998*" is yet to be debated in State Parliament. There is also concern at the apparent general lack of support for recognition of same sex relationships by the State Government.

When in opposition, the Premier and the Minister for Health made a commitment to reform legislation around same sex relationships so that same sex partners have the same rights and responsibilities as heterosexual de factos when their partner is hospitalised or incapacitated.

Furthermore, there was to be wide ranging reform to ensure that same sex partners are not discriminated against in the operation of wills, probate and family provisions.

The legislation is not proposing anything radical, just to treat gay and lesbian couples in a similar manner to de facto couples. This is a recognition of basic human rights. I believe this Council should take a strong position on this issue, in support of the large number of our constituents who are currently disadvantaged by these inequitable laws.

GENERAL MANAGER

I propose to write to the Premier urging him to honour his commitment made in 1995, to support law reform around same sex relationships and bring the "*De Facto relationships amendment bill 1998*" on for debate in State Parliament.

Recommendation:

That a letter under the signature of the Mayor be sent to the NSW Premier, the Hon. Bob Carr urging him to support law reform around same sex relationships and to bring the "*De Facto Relationships Amendment Bill 1998*" on for debate in State Parliament.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

13 October 1998

**STREETS - STREET FURNITURE CONTRACT WITH
J C DECEAUX AUSTRALIA (2014501)**

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

The Street Furniture Staff Committee was recently invited by J C Deceaux to peruse prototypes of street furniture items completed for Sydney City Council, to assist South Sydney Council to choose their preferred colour scheme.

From the wide range of colours that are available, Council officers initially chose a soft gray colour. After examination of the colour selection by Sydney City Council of the Bronze colour (J.D.C.8025), it is considered that consistency with the Bronze colour will provide extended flexibility to the Contractor in satisfying South Sydney's needs and will provide more workable and practical measures in the short and long term of street furniture manufacturing, installation and maintenance.

It is further considered that the Bronze colour is more compatible with heritage colour schemes and more likely to be accepted by the community at large.

GENERAL MANAGER

Recommendation:

That approval be given to the selection of the Bronze colour (Code JCD.8025) for fabricated metal of all street furniture items provided under the contract with J C Deceaux Australia.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Macken:-

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

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos, that the motion be amended by the addition of a new clause, namely:-

That the relevant Council Officer prepare a report after investigating the options of having rolled, curved roofs on the subject street furniture.

Amendment carried.

It was further moved by Councillor Fenton, seconded by Councillor Macken, that the report be circulated in the Councillors Information Service.

Amendment carried.

Motion, as amended by Councillors Bush and Fenton, carried.

MINUTE BY THE GENERAL MANAGER

14 October 1998

**DEVELOPMENT APPLICATION - ERSKINEVILLE ROAD, NOS. 3 - 9,
NEWTOWN - LEGAL ADVICE (U97-00976)****COUNCILLORS**

In October 1997, a development application was submitted to Council to erect a part 4 and part 5 storey residential flat building containing 87 units and 51 car parking spaces and associated bicycle parking, and open space. The application was recommended for approval by Council staff, but was refused by Council on 13 May 1998, for the following reasons:-

GENERAL MANAGER

- (1) That a significant number of units within the development are not provided with solar access in accordance with the provisions of DCP 1997 - Urban Design, part E Energy Efficient Site Layout and Building Design.
- (2) That satisfactory provision has not been made for service vehicles to access the site specifically the intersection of Brennan Lane and Erskineville Road does not accommodate a left turn in, left turn out.

An Appeal was lodged with the Land and Environment Court. Pike, Pike and Fenwick were requested to engage a consultant to support the refusal. Pike, Pike and Fenwick have approached four consultants; Jeff Martin, Perumal Murphy and Wu, the Turnbull Group and ERM Mitchell McCotter. The first three could not support the refusal in the Land and Environment Court. However, ERM Mitchell and McCotter have advised that they would be prepared to argue for appropriate traffic and parking requirements. At the Legal Services Committee on the 12 October, Representatives of Council's Solicitors have suggested that the best approach would be to seek mediation on these issues as well as solar access and noise attenuation measures for units close to the railway and hotel. (The applicants had previously indicated a willingness to address these matters). Objectors could also be invited to be part of the mediation.

Recommendation:

That Pike, Pike and Fenwick be instructed to mediate, by way of consent orders the appeal on the issues outlined in this minute as well as such other issues as may arise and that Pike, Pike and Fenwick contact objectors and invite them to be involved in the mediation.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

9 October 1998

**ADMINISTRATION - DISCLOSURE OF INTERESTS -
TABLING OF FORMS OF RETURN (P35-00005)**

Part (1) of Section 450A of the Local Government Act, 1993, states:-

GENERAL MANAGER

- (1) (General Manager to keep register) The General Manager must keep a register of returns required to be lodged with the General Manager under Section 449.

Part (2) of Section 450A states:-

- (2) (When returns to be tabled) The returns required to be lodged with the General Manager under Section 449 must be tabled at a meeting of the Council.

The returns must be lodged at the first Council meeting after the return date of 30 September 1998.

I now table the returns received from Councillors and designated persons for the period 1 July 1997 to 30 June 1998.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

9 October 1998

FINANCE - ADOPTION OF COUNCIL'S FINANCIAL REPORTS FOR THE YEAR ENDING 30 JUNE 1998 (2000631)

Council has completed its Financial Reports for the year ending 30 June 1998, and it is hereby certified that under Section 413(2) (c) they are in order for adoption by Council. Upon adoption the Reports should be signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

Council's auditors, Spencer Steer and Associates, Chartered Accountants, have advised that the audit of Council's books is nearing completion, and that the audit is expected to be finalised in the next week. Council's auditors have advised that they have satisfied themselves of all material matters in the Financial Reports and are satisfied with the accuracy, completeness and presentation of the Financial Reports.

GENERAL MANAGER

The timetable to complete Council's statutory reporting obligations is as follows:

- Adoption of Financial Reports - 14 October 1998
- Obtain Final Audit Approval - 23 October 1998
- Submit adopted Final 1997/98 Financial Reports and signed Audit Report to Finance Committee - 4 November 1998
- Auditors to present signed Audit Report at Council Meeting - 11 November 1998
- Council to adopt signed Audit Report at Council Meeting - 11 November 1998
- Council is to give 7 days public notice (s418) Meeting - 11 November 1998
- Lodge Reports with Department of Local Government and ABS - immediately after Council Meeting of 11 November 1998
- Last day for Public to lodge written enquiries re 1997/98 Reports - 18 November 1998
- Present Adopted 1997/98 Reports to the Public - Public/Council Meeting - 25 November 1998

(Note: Auditors should be present to assist in answering questions raised by the public.)

Recommendation:

- (1) The Financial Reports for the year ending 30 June 1998, be received and adopted;
- (2) The above schedule be received and noted.

J. W. Bourke (SGD)

General Manager

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

GENERAL MANAGER

PETITION

1.

The Mayor tabled a petition received by the General Manager with approximately 62 signatures appended from residents objecting to the proposed refurbishment of Alexandria Town Hall in Garden Street, Alexandria, as a commercial venue and suggesting that when completed, it be leased out as office space.

Received.

QUESTIONS WITHOUT NOTICE

1.

STREETS - MOORE PARK ROAD, CENTENNIAL PARK - REQUEST FOR THE REMOVAL OF A BUS SHELTER - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2002400)**Question:**

I have had representations from residents requesting the removal of the bus shelter on the north side of Moore Park Road near the intersection of Lang Road. This is a School Bus Stop and I believe only two buses a day service this stop.

The bus shelter takes up a large portion of the footpath and at night it could be a safety issue for pedestrians who are forced to walk behind it.

The resident group has requested bus shelters for Cook Road. The bus route is No. 355. The State Transit Authority has increased the frequency of this service to three times an hour, seven days a week.

Answer by the Mayor:

I will ask the Director of Public Works and Services to consult with the State Transit Authority in relation to moving that bus shelter.

2.

ELIZABETH STREET, NOS. 810 - 822, WATERLOO - WATERLOO POST OFFICE - TEMPORARY CLOSURE OF COMMONWEALTH BANK AGENCY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2011013)**Question:**

I understand that the Waterloo Post Office is temporarily closed due to a hold up on the premises last week.

GENERAL MANAGER

This Post Office also has a banking service and many of the elderly from the area use it to access their pension money. When the hundred or so seniors turned up today to collect their pension money they were notified by a sign on the door saying they had to go to the Commonwealth Bank in Redfern instead. (We sent a social worker down to the Post Office to assist seniors with any problems as a result of the closure.)

Can Council Officers please investigate how long the Post Office is likely to remain closed, as there are rumours circulating that Australia Post intends to keep the branch permanently closed?

Answer by the Mayor:

I will certainly make enquiries on behalf of the Council and community. I think that the Post Office did open, but only for Australia Post matters. The Commonwealth Bank agency has been closed and that is what we need to have reopened and I will certainly write to them.

3.

PROPERTIES - ALEXANDRIA TOWN HALL - REFURBISHMENT FOR COMMUNITY USE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2017784)

Question:

Could I seek clarification as to the petition tabled at tonight's meeting relating to Alexandria Town Hall? I understood that the refurbishment was for community use.

Answer by the Mayor:

Yes.

4.

BOUNDARIES - CHANGES TO BOUNDARIES TO INCLUDE MORE VOTERS IN THE CITY OF SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (B52-00002)

Question:

A report in today's Sydney Morning Herald stated that more voters would be in the City of Sydney if the boundaries were changed to include Kings Cross and Camperdown. Could we have a report in the Councillors Information Service about this proposal?

Answer by the Mayor:

It is not going to happen.

5.

PARKING - MCLACHLAN AVENUE, RUSHCUTTERS BAY - POLICING OF RESTRICTED AREAS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2019379)**Question:**

Residents and food businesses on McLachlan Avenue, particularly in the 300 metres north of Boundary Street, are suffering through the chronic shortage of kerb side parking. This is worsened through vehicles awaiting service at the three smash repairers in the area, parking all day contrary to the parking signs.

Could the relevant Officer assess the situation and perhaps refer their findings to the Traffic Committee if changes are considered necessary? If notices are considered adequate, could the situation be policed?

Answer by the Mayor:

We will refer that matter to the Patrol Commander at Kings Cross because obviously it is a Police matter in terms of policing that area.

6.

PLANNING - WILLIAM STREET, WOOLLOOMOOLOO - PROPOSALS FOR TUNNELLING ALONG WILLIAM STREET AND PLANTING OF GARDEN BEDS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P54-00069)**Question:**

I have received two proposals from resident groups on the southern side of William Street, Darlinghurst.

The residents of Harbour View Apartments have proposed tunnelling William Street from New South Head Road to Druitt Street and leasing four traffic lanes long term to local business for outdoor cafes. The second is less ambitious with centre garden beds planting and an irrigation system.

Both schemes have merit and perhaps the less ambitious scheme could be implemented in the short term while the other is being considered.

Could the relevant Officers please report?

Answer by the Mayor:

There is a report coming to Committee in relation to that proposal.

7.

CELEBRATION - TASTE OF A NATION IN KINGS CROSS - SUPPLYING OF POT PLANTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2018939)**Question:**

Many people are enthusiastic about the Taste of a Nation in Kings Cross this Saturday, however rain is predicted and alternative arrangements have been made to hold the event in the Kings Cross Car Park.

This area is hard concrete and some pot plants would soften the harsh appearance. If it is necessary, could Council's Nursery Staff deliver some greenery on Friday and retrieve it on Monday? The area has 24 hour surveillance and the safety of the plants would be guaranteed.

Answer by the Mayor:

I will ask the Director of Public Works and Services to ensure that the plants are available irrespective of the weather and they can be returned on Monday.

8.

PARKS - FITZROY GARDENS - PAINTING OF SEATS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P52-00142)**Question:**

The seats in the Fitzroy Gardens desperately need a coat of paint. Could this be arranged in the next couple of days?

Answer by the Director of Corporate Services:

I am not sure of the schedule that the painters have, but I will certainly look into it and notify you tomorrow.

9.

STREETS - REMOVAL OF ASTHMA WEED FROM STREETS IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (S56-00080)

Question:

News reports earlier this week stated that several children had died from severe asthma. I have noticed prolific growth of asthma weed right across South Sydney. The weeds are currently in flower and will soon seed.

Is it possible as a matter of urgency for Council Officers to remove these in Council streets and public areas?

Answer by the Director of Public Works and Services:

We can certainly do an investigation, it would mean I can allocate some people. If anyone knows of any particular streets, I can certainly get them done. Surveillance of all streets is, of course, a fairly big task in a few days. I think some of our supervisors would know those streets where it is prevalent, so I will get them to do some investigations and get them removed where we can.

10.

GRANTS - COUNCIL'S STATEMENT ON THE FEDERAL FINANCIAL ASSISTANT GRANT CUTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2015524)

Question:

Australian Local Government Association requested Councils to make a statement on the Federal Financial Assistant Grants cuts. Have we done this?

Answer by the Mayor:

From memory yes, but I will have it confirmed tomorrow.

11.

SPORTS - SOUTH SYDNEY COUNCIL TO HOST THE LOCAL GOVERNMENT TENNIS DAY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2019381)

Question:

Marrickville Council hosted a tennis day last year in which South Sydney Council participated with limited success. Its been brought to my attention that it is now South Sydney Council's turn to host such an event.

Can the Mayor's Office contact other Councils to gauge possible participation in such an event?

Answer by the Mayor:

I will ask Council's Social Secretary to investigate that matter for you and have a report prepared for the Councillors Information Service.

12.

PARKS - CORNER ELIZABETH STREET AND JOYNTON AVENUE, ZETLAND - CONSTRUCTION OF A CHILD SAFETY FENCE AROUND PLAYGROUND - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P52-00106)

Question:

Can the Director of Public Works and Services investigate the construction of a child safety fence to surround the playground equipment in the Reserve at the corner of Elizabeth Street and Joynton Avenue, Zetland?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that as a matter of urgency.

13.

FLINDERS STREET, NOS. 2 - 6, EAST SYDNEY - INCREASE IN PATRONS AND CHANGE OF HOURS OF OPERATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U94-00130)

Question:

The approved licenced restaurant at Nos. 2 - 6 Flinders Street, East Sydney (known as Nos. 191 - 195 Oxford Street), has applied to increase its numbers from 450 to over 1,000, as well as increase hours of operation.

How can such an increase of over 200% be met without any changes to toilets and public areas, and given the increase this will make to the total numbers approved at nearly 20 late night licenced premises in the Taylor Square area, how can the resultant negative cumulative impact be seen to be in the public interest?

Answer by the Mayor:

I will ask the Director of Planning and Building to take those comments on board in the assessment of the report to Council's Committee.

14.

SIGNS - RIGHTS REGARDING BILLBOARD ADVERTISING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2019380)

Question:

I would like to table an article regarding the rights to billboard advertising being granted by the builders of the Airport Motorway, Leighton's Constructions. Will the General Manager write to the Minister responsible requesting:

- (a) how such a contract can be let?
- (b) why this not done under the name of the operator of the motorway?
- (c) is Council to be the consent authority or
- (d) will these advertising be consented to by the Minister for Transport.

Answer by the Mayor:

I will ask the General Manager to investigate all those questions.

REPORT OF THE FINANCE COMMITTEE

7 October 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton and Greg Waters

At the commencement of business at 6.38 pm those present were:-

Councillors - Deftereos, Fenton, Macken and Waters

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

That the Report of the Finance Committee of its meeting of 7 October 1998, be received and the recommendations set out below for Items 1 to 12, inclusive 14 and 15, be adopted. The recommendations set out below for Items 13,16 and 17 having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

PERSONNEL - JOB EVALUATION POLICY REVIEW/SUBMISSION OF FINAL DRAFT DOCUMENT (2015746)

That arising from consideration of a report by the Director of Organisational Development dated 17 September 1998, It be resolved that:-

- (a) Council adopt the Job Evaluation policy attached to the before mentioned report and that it be included in the Policy Register;
- (b) a Job Evaluation Review Committee be formed from the membership of the Joint Consultative Committee to conduct periodical reviews of the Job Evaluation Policy.

Carried.

2.

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

That arising from consideration of a report by the Director of Corporate Services dated 23 September 1998, it be resolved that:-

- (1) the proposed amendments to Council's fees and charges, listed in the Director of Corporate Services minute dated 28 July, 1998, be adopted;
- (2) all staff be informed of the new charges.

Carried.

3.

LEASING - BROUGHAM LANE, WOOLLOOMOOLOO - PROPOSED RENEWAL OF LEASE OF PART (L52-00164)

That arising from consideration of a report by the Director of Public Works and Services dated 21 September 1998, approval be given to:-

- (1) W.T.H. Pty Limited (ACN 000 165 855) being granted a lease under Part 10 Division 2 of the Roads Act 1993 over part of Brougham Lane as shown stippled on Plan No S4-130/488A and subject to the conditions in the schedule accompanying the before mentioned Director's report;
- (2) the date of commencement of the lease being 1 September 1998;
- (3) all relevant documents and plans being signed by Council's Attorney;

GENERAL MANAGER

- (4) all Public Utility Authorities being advised of Council's decision;
- (5) the lease being until 13 April 1999 or the date of vacation of the adjoining site (whichever is the later) at a rental of \$9000 p.a. (\$173.08 per week pro rata) increased annually by the CPI;
- (6) the Lessee increasing the Bond held by Council to a total of \$4,000;
- (7) this approval lapsing three months from the date of Council's approval to the granting of a lease if the applicant has failed to sign the lease agreement.

Carried.

4.

SAFETY - OUTDOOR STAFF - ULTRA VIOLET RADIATION PROTECTION (P53-00054)

That arising from consideration of a report by the Director of Organisational Development dated 21 September 1998, it be resolved that approval be given to rescind the Council's Sun Protection Policy adopted by Council on 9 February 1994, and that the new Sun Protection Policy as approved by the General Manager on 12 May 1997, be adopted.

Carried.

5.

FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD ENDING 28 AUGUST 1998 (2015594)

That the Investment Report of the Director of Finance dated 9 September 1998, be received and noted.

Carried.

6.

STREETS - 1998/99 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME - ROAD WORKS (C2015562)

That arising from consideration of a report by the Director of Corporate Services dated 29 September 1998, approval be given to carry out the proposed works as detailed in each of the following programmes:

- | | | |
|----|------------------------------------|---------------------|
| A. | Local Roads Programme | \$367,120 (CWF9310) |
| B. | Preventative Maintenance Programme | \$225,000 (CWB9010) |

GENERAL MANAGER

-funds are available from the relevant sections of the 1998/99 Engineering Works Programme.

Carried.

7.

LICENSING - VICTORIA STREET, NO.166, POTTS POINT - PROPOSED FOOTWAY LICENCE (2018371)

That for the reasons set out in the report by the Director of Public Works and Services dated 25 September 1998, the application for the proposed footway licence by Mr. Ross Mark Millen over an area of 3 square metres of the footway of Victoria Street adjacent to the Morossi Espresso at No. 166 Victoria Street, Potts Point as shown stippled on plan No. S4-130/712, be refused.

Carried.

8.

LEASING - SUITE 1, LEVEL 2, NO. 66 OXFORD STREET, DARLINGHURST - ENERGISE PTY LIMITED (2008941)

That arising from consideration of a report by the Director of Finance dated 9 September 1998, approval be given to an amount of \$6,692.46 due by Energise Pty Limited for rent of Suite 1, Level 2, No. 66 Oxford Street, Darlinghurst, being written off as an irrecoverable bad debt.

Carried.

9.

STREETS - THOMPSON PLACE, DARLINGHURST - PROPOSED CLOSURE AND SALE OF PART (P56-00366)

- (A) That the application by Tanner and Associates Pty Ltd on behalf of SCEGGS, for the proposed closure and sale of part of Thompson Place, Darlinghurst, be refused.
- (B) That Council's Cleansing Staff be instructed to remove any discarded syringes and rubbish from the subject area.

Carried.

10.

RATES - NON-RATEABILITY OF VARIOUS LANDS WITHIN THE BOUNDARIES OF SOUTH SYDNEY CITY COUNCIL (2014491, 2014490, 2014497, 2019038, 2019040, 2019039, 2014494, 2014493, 2014495, 2014496)

That arising from consideration of a report by the Director of Finance dated 25 September 1998, detailing items (1) to (10) of land which has been determined as non-rateable, approval be given to the appropriate amendments to the Rate Book and consequential refund of rates where applicable.

Carried.

11.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 14 MOTOR VEHICLES FLEET ITEMS - RESCISSION OF RESOLUTION AND TENDER (2015532)

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

- (1) rescind Section A (4) of the Resolution of Council dated 23 September 1998 which stated "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 due to inability of that dealer to supply as a result of the gas crisis in Victoria;
- (2) the acceptance of the tender submitted by Lander Toyota for the supply and delivery of one Toyota Camry CSi Station Wagon for \$23,972 less the trade-in allowance of \$17,900 for VEH 6044. The change over cost for this vehicle is \$6,072, in accordance with Councils Specification PWS 22/98 and the firm's tender dated 21 August 1998.

Carried.

12.

LEASING - ERSKINEVILLE ROAD, NOS. 106 - 108, ERSKINEVILLE - KANOBY PTY LTD (2005879)

That arising from consideration of a report by the Director of Corporate Services dated 30 September 1998, approval be given to lease Council premises Nos. 106 - 108 Erskineville Road, Erskineville, for a period of 12-18 months from a date to be determined, to Kanoby Pty. Ltd. (ACN 080 313 480) at a rental of \$27,380 per annum gross and subject to Council's standard leasehold provisions and the following conditions, namely:-

- (1) That the Lease is to commence from the date of Development and Building Application approvals;
- (2) That the 10 week rent free period is to commence from the commencement date of the Lease;
- (3) That in the event of the Development Approval and repairs and refurbishment work not being able to commence or continue due to the Xmas/New Year break, then the period 24.12.98 to 11.1.99 is not to be included in the 10 week rent free period;
- (4) That the Lessee is to provide a Bank Guarantee, Security Deposit or Bond, equal to two month's rental;
- (5) That the Lessee is to provide a Personal Guarantee for the term of the Lease;
- (6) That the premises are proposed to be used for the operation of a Post Office;
- (7) That the Lease is subject to Development and Building approval being obtained from Council's Planning and Building Department;
- (8) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than **\$10,000,000** indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease;
- (9) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessee;
- (10) That all relevant documents are to be executed by Council's Attorney;
- (11) That this approval lapses three months from the date of Council's approval to the granting of the Lease, if the Lessee has failed to provide the security deposit and/or public risk insurance as required, or failed to execute the Lease document.

Carried.

13.

**GRANTS - 1998 GRANTS FEDERATION OF CENTENARY FUND -
PROJECT RECOMMENDATIONS (2018554)**

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

That arising from consideration of a joint report by the Director of Planning and Building, the Acting Director of Public Works and Services and the Director of Health and Community Services dated 6 October 1998, it be resolved that:-

- (A) Council endorses both the Woolloomooloo Amphitheatre and the Sustainability Education centre for submission to the "Federation Community Projects Program" Grant Scheme.
- (B) The Mayor, Councillor Vic Smith, be asked to write to the Member for Sydney, Tanya Plibersek, seeking her support for the above application.

At the request of the Mayor, and by consent, the motion was amended by the deletion of Clause (B) of the recommendation.

Motion, as amended by consent, carried.

14.

LEASING - OXFORD STREET, NOS. 82 - 82A, BASEMENT, GROUND AND FIRST FLOOR, DARLINGHURST, TO GOWINGS BROS (L52-00112)

That Council's approval be given to Gowings Bros. being given a fresh 10 year lease with an option for a further five years, of Council premises, Basement, Ground and First Floor, Nos. 82-82A Oxford Street, Darlinghurst, from a date to be determined, subject to the terms and conditions of the existing lease and the following conditions, namely:-

Proposed new Fixed Term	:	10 years
Rent years 1-5	:	\$171,557.24 p.a. gross
Year 6	:	Review to Market
Year 7-10	:	3% increase
Option 5 Years Rent	:	Reviewed to Market at the commencement of the option period, then 3% annual reviews for the term of the option period.

(DCS Report 6.10.98)

Carried.

15.

SOUTHERN SYDNEY WASTE BOARD - RAISING LEVY PER RATEABLE PROPERTY (2011723)

(At the Council Meeting, The Mayor, Councillor Vic Smith, declared an interest and did not take part in discussions or voting on the Item.)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 6 October 1998, it be resolved that:-

- (1) the allocation of additional funds to the 1998/99 Budget for payment of the Southern Sydney Waste Board Levy (\$380,760 to account DAA77Q0);
- (2) steps are taken to raise \$328,270 via the Domestic Waste Management Charge in 1999/2000 financial year and \$52,490 is recovered by appropriate means from the other rateable assessment.

Carried.

16.

CONFERENCES - MEETING OF AUSTRALIAN NUCLEAR FREE ZONES SECRETARIAT TO BE HELD IN SHELLHARBOUR, NSW, ON 6 AND 7 NOVEMBER 1998 - ATTENDANCE OF COUNCIL'S REPRESENTATIVES (5251868)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That Councillors Christine Harcourt and Sean Macken be Council's representatives at the Australian Nuclear Free Zones Secretariat meeting of the Secretariat in Shellharbour, N.S.W. on 6 and 7 November 1998 and that out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 1998/99 Revenue Estimates (EBE-77LO, 77MO).

Carried.

17.

PROPERTIES - PROPERTY SALE - NOS. 54 - 56 ERSKINEVILLE ROAD, ERSKINEVILLE (P56-00419)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That arising from consideration of a report by the Director of Corporate Services dated 6 October 1998, approval be given to the acceptance of the offer of \$450,000 from Margaret Jenkins to the purchase of Council's premises Nos. 54-56 Erskineville Road, Erskineville.

GENERAL MANAGER

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

- (1) That the report by the Director of Corporate Services dated 6 October 1998, be received and noted.
- (2) No further action be taken to dispose of the subject property at this stage.

Carried.

The Finance Committee Meeting terminated at 7.05 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 7 OCTOBER 1998 AT 7.06 PM

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

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

Item 1 - Contractual Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 7 October 1998, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

LIBRARIES - REPLACEMENT OF THE MOTOROLA LIBRARY COMPUTER SERVER TO BE THE YEAR 2000 COMPLIANT - CALLING OF QUOTATIONS (2004459)

That arising from consideration of a report by the Director of Health and Community Services dated 28 September 1998, approval be granted to call for 2 quotes - one for a Sun Server, and one for the data conversion to the Sun Server to be the year 2000 compliant, to replace the Motorola Library Computer Server, and that funds of \$70,000 be added to the deficit.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 7.07 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

7 October 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken and Greg Waters

At the commencement of business at 7.08 pm those present were -

Councillors:- Deftereos, Fenton, Macken, Waters

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

That the Report of the Community Services Committee of its meeting of 7 October 1998, be received and the recommendations set out below for Items 1 to 4, be adopted.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

COMMUNITY SERVICES - HOME AND COMMUNITY CARE (HACC) PROGRAM - AGED AND DISABILITY SERVICES - FUTURE DIRECTIONS - WHAT PRICE COMPETITION (2018681)

That arising from consideration of a report by the Director of Health and Community Services dated 21 September 1998, Council grants its approval to a letter being sent, under the Mayor's signature, to the relevant Ministers expressing support for the Eastern Sydney HACC Forum position on increased HACC funding for NSW and seeking a review of the decision to introduce competitive processes into the HACC program in NSW.

Carried.

2.

COMMUNITY SERVICES - WOOLLOOMOOLOO KIDS PROJECT - REPORT (2004240)

That arising from consideration of a report by the Director of Health and Community Services dated 29 September 1998, approval be given to the transfer of \$3,000 from KRF0004 11KO Labour – Casuals, Contractors, Temps to KRF0001 66DO: Contracts Miscellaneous already allocated in the 1998/99 Budget to enable the revised program to be implemented for the Woolloomooloo Kids Project.

Carried.

3.

PARKS - OPEN SPACE LOCATED ON THE CORNER OF BOURKE STREET AND O'BRIENS LANE, EAST SYDNEY - FUTURE OPTIONS TO GAIN CARE CONTROL AND MANAGEMENT AS OPEN SPACE (S57-00056)

That approval be given to:-

- (1) representations being made to the Minister for Roads and the RTA to gain care, control and management for open space, of the RTA owned site located on the corner of O'Briens Lane and Bourke Street, East Sydney;

- (2) a media release being distributed stating Council's intention to lobby the Minister and the RTA to gain care, control and management of the site as open space.

(A/DPWS & A/DPB Joint Report 23.9.98)

Carried.

4.

**COMMITTEES - CULTURAL COMMITTEE MEETING, 21 SEPTEMBER 1998
- REPORT (C57-00028)**

That the report by the Director of Health and Community Services dated 7 October 1998, regarding the minutes of Council's Cultural Committee meeting held on 21 September 1998 accompanying the Director's report, be received and noted.

Carried.

The Community Services Committee Meeting terminated at 7.11 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

7 October 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillors -Bush, Fowler, Harcourt and Lay.

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

The Mayor and Councillors - Bush, Fowler, Harcourt and Lay.

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

That the Report of the Planning and Development Committee of its meeting of 7 October 1998, be received and the recommendations set out below for Items 3 to 5, inclusive, 8, 10, 13 to 17, inclusive, 20, 22, 25, 27 and 28, be adopted.

GENERAL MANAGER

The recommendations for Items 1, 2, 6, 7, 9, 11, 12, 18, 19, 21, 23, 24, 26 and 29, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**MACLEAY STREET, NO.95, POTTS POINT - ERECT 4 STOREY
RESIDENTIAL BUILDING - DEVELOPMENT APPLICATION (U98-00391)**

(A) That the Council, as the responsible authority, refuses its consent to the application submitted by Guy Fuller Cook, Architects, with the authority of Giovanna Toppi, for permission to erect a part commercial, part residential building, for the following reasons, namely:-

- (1) That the proposed building exceeds the maximum floor space ratio;
- (2) That the proposal exceeds the maximum height limit;
- (3) That the proposed building would encroach on a public road;
- (4) That the open space provision is unacceptable in terms of DCP 1997 in that:
 - (a) some balconies are of less than 8 sqm;
 - (b) the area of communal open space is insufficient;
- (5) That in the circumstances the building is considered to be an overdevelopment.

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

It was moved by Councillor Lay, seconded by Councillor Harcourt, that the motion be amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following resolution namely:-

That the application be deferred to allow further discussion to take place with the applicant on possible amendments and that any amendment be notified to adjoining owners and residents.

Amendment negatived.

It was further moved by the Mayor, seconded by Councillor Harcourt, that the recommendation for refusal as recommended by the Acting Director of Planning and Building in the report dated 30 September 1998, be adopted.

Motion carried.

2.

LEAMINGTON AVENUE, NO.11, NEWTOWN - ALTERATIONS AND ADDITIONS TO RESIDENCE - DEVELOPMENT APPLICATION (U98-00519)

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 Development Application submitted by Rick Keayes, with the authority of Mrs L Webber, for permission to carry out alterations and additions to the existing dwelling, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans date stamped 24 August 1998;
 - (2) That the front dormer shall be redesigned in a ratio of 1.5:1 as per DCP 1997, to the satisfaction of the Director of Planning and Building;
 - (3) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) proposed fences;
 - (e) size and proportion of windows and doors;
 - (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 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;

- (6) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (7) 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;
- (8) 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;
- (9) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (11) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (12) That prior to the commencement of any demolition/building work, an application for a Builder's Hoarding Permit shall be made to the Director of Public Works and Services and a hoarding shall be erected to the satisfaction of the Director of Public Works and Services;
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (14) 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;
- (15) That all relevant sections of the BCA shall be complied with;

- (16) That all proposed work shall be wholly within the boundaries of the subject site
- (17) That the eaves height of the ground floor addition along the boundary of No.9 Leamington Avenue, shall be reduced by 500mm to the satisfaction of the Director of Planning and Building.

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.

3.

MISSENDEN ROAD, NOS. 155-179, NEWTOWN - OPERATE PREMISES AS A KITCHEN SHOWROOM - DEVELOPMENT APPLICATION (U98-00794)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Andrew Adams, with the authority of Whitehall Development Co Pty Ltd, for permission to fitout and occupy tenancy 8 on the ground floor of the mixed development as a kitchen showroom in accordance with the submitted plans, 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 \$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;
 - (2) That the hours of operation shall be restricted to between 8:00 a.m. and 6:00 p.m. 7 days a week ;
 - (3) That a separate application shall be submitted at the appropriate time for any proposed signs;
 - (4) That plans and specifications showing details of:-

GENERAL MANAGER

- (a) all proposed mechanical ventilation systems;
- (b) all required mechanical ventilation systems;

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

and the following adopted standard conditions:

- (5) Comply With BCA⁹¹⁰⁴
- (6) Construction Certificate Required⁹¹⁵⁵
- (7) Clean Water Discharge⁴⁰⁰²
- (8) Garbage on Public Way⁶⁰⁰¹
- (9) Emissions⁷⁰⁰⁴
- (10) Air Handling - Food⁷⁰²²
- (11) Ventilation⁷⁰²³
- (12) Noise and Vibration⁷⁰²⁶
- (13) Sanitary Facilities⁷⁰¹⁶
- (14) Sewer Discharge⁸⁰⁰⁴
- (15) Storage/Garbage⁶⁰⁰⁹

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.

4.

CORFU STREET, NO.9, WOOLLOOMOOLOO - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q98-00235)

(A) That the Council, as the responsible authority, grants its consent to the application submitted by Surbjit K Bhatti for permission to remove part of the existing building at the rear and erect a new two storey addition, including a juliet balcony to the rear of the first floor, a new traditional dormer at the front and internal alterations, all in accordance with the submitted plans numbered 1-7 dated 21 May 1998 subject to the following conditions, namely:-

- (1) That the proposed balcony at the rear of the first floor shall be deleted and replaced with a non trafficable balconette extending no further than 300mm from the rear wall of the dwelling, with the proposed doors opening inwards;
- (2) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (3) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (4) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

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.

- (5) That clothes washing facilities shall be provided comprising at least one washtub and space for a washing machine in accordance with Part 3.8.3 of the BCA;

and the following adopted standard conditions:

- (6) BC2 - Compliance with Local Government Act 1993;

GENERAL MANAGER

- (7) BC8 - Details of contractor;
- (8) BC11 - Inform Council for inspections;
- (9) BC15 - Approval relates to coloured work;
- (10) BC63 - Survey Certificate for finished building;
- (11) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (12) BC111 - Hours of work;
- (13) BC113 - Work to comply with noise standards;
- (14) BC114 - Existing building to be kept in stable condition;
- (15) BC116 - New work not to encroach boundaries;
- (16) BC119 - Requirements when excavating below footings;
- (17) BC122 - Excavations to be guarded (safety);
- (18) BC167 - Structural details and certification to be submitted;
- (19) BC175 - Comply with Timber Framing Code;
- (20) BC189 - Termite protection;
- (21) BC337 - Construction of boundary walls;
- (22) BC341 - Roof lights in dwellings;
- (23) BC352 - Glazing materials;
- (24) BC529 - Smoke alarm systems;
- (25) BC601 - Water closets and shower compartments;
- (26) BC603 - Damp and weatherproofing;
- (27) BC618 - Flashing to be provided;
- (28) BC421 - Private stairs construction;
- (29) BC608 - Ceiling heights;
- (30) LDA156 - Dormer to be constructed of timber;

- (31) hsc800 - Use of appliances emitting intrusive noise;
 - (32) hsc500 - Premises to be ventilated.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

LIVERPOOL STREET, NO.176, EAST SYDNEY - PROPOSED USE OF FRONT SECTION OF GROUND LEVEL AS A REFRESHMENT ROOM - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00658)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Mr B D Pressley, on behalf of Mr A Cordiero (Owner), to use the front part of the ground floor level of the existing building as a refreshment room, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered A01-A04 dated 15.7.98, and submitted to Council on July 20 1998;
 - (2) That prior to issuing a Construction Certificate, 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 a Development Approval, 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) 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.

GENERAL MANAGER

Contribution Category	Amount	Account
Open Space Land Acquisition	\$316	2E97001.BGY0
Open Space/Townscape/and Public Domain	\$109	2E97002.BGY0
Accessibility and Transport	\$ 2	2E97006.BGY0
Management	\$ 10	2E97007.BGY0
Total	\$437	

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.

Contributions at Time of Payment = $C \times \frac{CPI2}{CPI1}$
 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 / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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

GENERAL MANAGER

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.

- (5) 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);

- (6) 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;

- (7) That 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;
- (8) 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;
- (9) That the hours of operation shall be restricted to between 7.00 a.m. and 7.00 p.m. daily;
- (10) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:-
- (a) external finishes to walls;
 - (b) windows and doors;
- and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (11) That the new windows and doors in the front elevation shall be constructed in timber joinery;
- (12) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (13) That no live entertainment shall be provided on the premises;

- (14) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (15) 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;
- (16) That all relevant sections of the BCA shall be complied with;
- (17) 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);
- (18) That all proposed work shall be wholly within the boundaries of the site;
- (19) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (20) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (21) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (22) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (23) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (24) 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;

- (25) That this approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building.
- (26) That the ceiling beneath the first floor of the premises shall be constructed of materials having resistance to the incipient spread of fire of one hour;
- (27) That the stairway serving the upper levels shall be separated from the café area by construction having a minimum fire resistance level of 60/60/60;
- (28) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (29) That the developer shall make application to the 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;
- (30) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (31) 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;
- (32) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (33) That the construction of the premises shall comply with the requirements of National Code for the construction and fitout of food premises;
- (34) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;

- (35) 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;
- (36) 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";
- (37) That the walls of the sanitary compartments and air lock shall be constructed of approved solid material;
- (38) That the ceiling of the food preparation area shall be constructed of a rigid, smooth-faced, non-absorbent material and painted with a washable gloss paint of a light colour;
- (39) That all joints formed by the butting together of fittings shall be sealed in a manner that eliminates any cavity or crevice;
- (40) That all stoves, refrigerators, cupboards and similar fittings shall be placed on solid plinths, 75mm in height, finished to a smooth, even surface, recessed under fittings to provide a toe space of not more than 50mm and coved to an approved radius at the intersections with walls and floor or be on approved metal legs 150mm in height;
- (41) That provision be made for the conveying of all refrigeration condensates to approved drainage fittings with all refrigeration, water and other surface conduits being concealed in floors, walls or plinths;
- (42) That all cupboards shall be constructed of solid core or similar timber sheeting free from cracks and crevices, glued or jointed to the approval of Council's Director of Health and Community Services;
- (43) That all shelving shall be finished with approved impervious material on all surfaces being fixed 25mm clear of the wall;
- (44) That the coffee machine in the food preparation area shall be supported 100mm clear of the bench top on approved metal legs;
- (45) That the wash hand basin shall be provided with an adequate supply of potable water at a temperature of at least 40 degrees Centigrade, delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;

- (46) That the dish washing machine and sinks shall be supplied with hot water at a temperature of not less than 75 degrees Centigrade (sink) and 82 degrees Centigrade (dish washing machine) unless the machine cleans by chemical sanitising;
- (47) That approved appliances shall be provided to ensure that all prepared food, capable of supporting rapid bacterial growth, is kept hot at a temperature of not less than 60 degrees Centigrade, or is kept cold at a temperature of not more than 5 degrees Centigrade, such appliances being provided with a numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree and able to be easily read from outside the appliance;
- (48) That the doors to the sanitary compartments and airlock are made close-fitting and self-closing;
- (49) That plans and specifications showing details of:-
- (a) all required 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;
- (50) 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;
- (51) That the use of the premises shall not give rise to:-
- (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975.

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the applicant be requested to enter into discussions with the appropriate Council Officers regarding a footway licence with a suggested proposal for four tables and with four chairs per table.

Carried.

6.

ASHMORE STREET, NO.52, ERSKINEVILLE - SECTION 96 APPLICATION, - ALTERATION OF CONDITIONS OF CONSENT (U98-00385)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That arising from consideration of a report by the Director of Planning and Building dated 14 September, 1998 and pursuant to Section 96 of the Environment Planning and Assessment Act as amended, the Council's resolution of 24 June, 1998 be amended by the deletion of condition (2) and replacing it with a new condition (2) to read:

- (2) That the minimum unbuilt area of the site shall not be less than 40 sq m;

-and that condition (3) of the consent dated 24 June 1998, be deleted.

Carried.

7.

DARLINGHURST ROAD, NO. 104, DARLINGHURST - CHANGE OF USE FROM RESTAURANT TO KARAOKE RESTAURANT - DEVELOPMENT APPLICATION (U97-00585)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Young Jong Kwon, with the authority of Vimotz Holdings Pty Ltd, for permission to use the premises as a Karaoke restaurant, subject to the following reasons, namely:-

GENERAL MANAGER

- (1) That the introduction of entertainment would have an adverse impact on the amenity of the joining premises, particularly residential accommodation;
 - (2) That the proposal would represent the intrusion of premises with entertainment outside the Kings Cross entertainment area, thereby extending the area which is not consistent with its character and this part of Darlinghurst Road;
 - (3) 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.

8.

SELWYN STREET, NO.18, PADDINGTON - ERECTION OF REAR GARAGE WITH STUDIO ABOVE - DEVELOPMENT APPLICATION (U98-00682)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr J. Burns for the erection of a garage with studio space above, at the abovementioned premises subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans dated June 1998;
 - (2) That the studio unit hereby approved shall only be used for purposes ancillary to the main dwelling house and shall not be used as a separate dwelling at any time;
 - (3) That the overall height of the garage and studio shall be limited to 5.4m from natural ground level;
 - (4) 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.
 - (5) That an application shall be lodged with Council for the removal of any trees;

GENERAL MANAGER

- (6) That the length of the rear garage shall be reduced by 3 metres and the redesign shall ensure that the stairway access to the studio is internal;

and the following standard conditions:

- (7) 7007 - Hours of building work
- (8) 1016 - Alignment levels
- (9) 3028 - Footway crossing
- (10) 3029 - Obstruction of public way;
- (11) 3026 - Cost of signposting;
- (12) 6002 - Refuse skips;
- (13) 8501- Compliance with the Building Code of Australia.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

REGENT STREET, NOS. 71-73, REDFERN - REFUND OF PORTION OF THE CONTRIBUTION MADE UNDER SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AS AMENDED (U96-00679)

- (A) That approval be granted for the securing from the bank guarantee the amount of \$76,906 being the difference between the contribution payable under Section 94 of the Environmental Planning and Assessment Act, 1979, as amended, and the cost of the footpath paving and landscape works carried out by the applicant in Regent Street and Renwick Street, Redfern all in accordance with the development consent granted on 26 November, 1996 to amended Building 'A' in the redevelopment of 71-73 Regent Street, Redfern approved under development application U95-00318.
- (B) That approval be granted for the release from the bank guarantee the amount of \$33,540 being the agreed value of the footpath paving and landscape works carried out by the developer in Regent Street and Renwick Street, Redfern.

It was moved by Councillor Bush, seconded by Councillor Fowler that the motion be amended by the deletion of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

GENERAL MANAGER

That the matter be deferred to allow for an independent valuation to be carried out for the refund of portion of the contribution made under Section 94 of the Environmental Plan and Assessment Act 1979, as amended, in relation to Nos. 71-73 Regent Street, Redfern.

Motion, as amended by Councillor Bush, carried.

10.

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

- (A) That arising from 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 Council as the responsible authority resolves as follows:-
- (1) That the demolition order issued on 22 July 1998 to remove the roller shutter to the front façade of the building be reaffirmed and enforced.
 - (2) That Council will consider a development application for a more suitable security grille.
- (B) That the person who made representations in respect of the unauthorised work be advised of Council's decision.

Carried.

11.

LITTLE NAPIER STREET, NO.16, PADDINGTON - ERECT A THREE STOREY TERRACE - BUILDING APPLICATION (Q98-00236)

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 Morris Bray Architects with the authority of Mr E Palmer for permission to erect a new three storey terrace house on the vacant land at the abovementioned premises, all in accordance with the submitted plans numbered BA01B, BA02A, BA03B, BA04B and specification dated 21 August 1998, subject to the following conditions, namely:-
- (1) That compliance shall be given to the conditions of the approval granted by Council under Development Application No. U96-00007 (enclosed herein);

GENERAL MANAGER

- (2) 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;
- (3) 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;
- (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (5) That the developer shall be responsible for the cost of removing, relocating, or replacing in the footway any tree whose removal has been the consequential result of the construction of the vehicle driveways, in accordance with the requirements of the Director of Public Works and Services;
- (6) That the developer shall be responsible for the cost of relocating the electric light pole in the public way adjacent to the development, to a site satisfactory to the Director of Public Works and Services' requirements;
- (7) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (8) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (9) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

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.

and the following adopted standard conditions:

- (10) BC2 - Compliance with Local Government Act 1993;
- (11) BC8 - Details of contractor;
- (12) BC11 - Inform Council for inspections;
- (13) BC13 - Envelope and layout to comply with DA;
- (14) BC63 - Survey Certificate for finished building;
- (15) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (16) BC111 - Hours of work;
- (17) BC113 - Work to comply with noise standards;
- (18) BC116 - New work not to encroach boundaries;
- (19) BC119 - Requirements when excavating below footings;
- (20) BC122 - Excavations to be guarded (safety);
- (21) BC167 - Structural details and certification to be submitted;
- (22) BC175 - Comply with Timber Framing Code;
- (23) BC189 - Termite protection;
- (24) BC337 - Construction of boundary walls;
- (25) BC341 - Roof lights in dwellings;
- (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) BC618 - Flashing to be provided;
- (31) HSC800 - Use of appliances emitting intrusive noise;

- (32) HSC500 - Premises to be ventilated.
 - (33) That a dilapidation report for No.14 and No.18, Little Napier Street, (subject to access being provided by owners), be submitted to Council prior to the commencement of any works and that copies be given to the relevant owners.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

FLINDERS STREET, NOS. 122 - 124, DARLINGHURST - ALTERATIONS AND ADDITIONS TO PALACE HOTEL (U98-00500)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Cracknell Lonergan Architects with the authority of Wilseed Pty Ltd and Susan Ritchie for permission to undertake alterations and additions to the abovementioned Hotel subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA01;
 - (2) That the hours of operation shall be as follows:

Monday - Wednesday 10.00 a.m. - 12 midnight
Thursday - Saturday 10.00 a.m. - 1.00 a.m.
Sunday 10.00 a.m. - 11.00 p.m.
With the provision for a maximum of six openings from 5.00 a.m. per year. Council is to be given at least 14 days notice on writing of proposed early openings.
 - (3) That the proposed second floor addition be amended so that the glass walls are set back a minimum of 1m from the parapet and the sides redesigned with less articulation to present a more simple appearance to the street. Details, to the satisfaction of the Director of Planning and Building shall be included with the Building Application;
 - (4) That the existing air conditioning units shall be removed from the top of the awnings and relocated within the proposed additions. Details, to the satisfaction of the Director of planning and Building shall be included with the Building Application;
 - (5) That the second floor shall be used as a restaurant only with a maximum seating capacity of 86;

GENERAL MANAGER

- (6) That the maximum capacity of the hotel shall be 240 persons at any time and this matter to be enforced by security personnel employment at busy times;
- (7) That all glass in the proposed extension shall be acoustically attenuated to the satisfaction of the Director of Planning and Building. Details shall be included with the acoustic report;
- (8) That the first floor windows shall be permanently sealed and glazing replaced with suitable acoustically attenuated glazing to the satisfaction of the Director of Planning and Building. Details shall be included in an acoustic report;
- (9) That, for a trial period of 12 months, the roof terrace may be used as part of the restaurant for a maximum of up to 12 diners at the following times only:-

Monday to Thursday and Sunday	11.00am - 10.30pm
Friday and Saturday	11.00am - 11.30pm

and shall not be used at any other times except for up to six occasions in the 12 month period when it may be used for other functions (within the hours specified in Condition 2) provided notice is given to Council in writing a minimum of 14 days prior to such occasions. After the expiration of 12 months from the date of this consent all use of the terrace shall cease. An application to continue the use may, however, be made prior to the expiration of 12 months;

- (10) That the use of the premises shall not give rise to:-
- (a) transmission of vibration to any place of different occupancy;
- (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
- (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
- (d) an "offensive noise" as defined in the Noise Control Act, 1975;

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

- (11) That the applicant shall submit a report prepared by an acoustic expert with the Building Application to show how it is proposed to comply with the above noise control conditions;
- (12) That full details of the proposed Hotel Management Plan based on the submitted draft shall be submitted to Council with the Building Application and implemented with commencement of the approved use. This Plan shall ensure:
 - security patrols are undertaken within a 500m radius for 45 minutes after closing time;
 - doors to South Dowling Street are locked and not used after 9.30 p.m.;
 - coordination of deliveries outside clearway hours;
 - storage of garbage within the building until collection;
 - hours of operation are complied with;
 - maximum numbers and enforced by staff;
- (13) That the external stowing, storage or collection for recycling of bottles or any glass items shall be limited to 9am to 8pm;
- (14) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (15) That there shall be no emission of light, illumination or intermittent illumination which, at any time in the opinion of Council, causes injury to the amenity of the neighbourhood;
- (16) That the applicant shall erect appropriate signs inside the premises advising patrons that the area nearby is residential and requesting that noise be kept to a minimum, to the satisfaction of the Director of Planning and Building;
- (17) That any lead based paint is removed or encapsulated in accordance with EPA Guidelines;
- (18) That the construction of all commercial food and bar areas shall comply with the requirements of National Code for the Construction and Fitout of Food Premises, 1997;
- (19) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;

- (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

- (20) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (21) That the proposed stairways shall be fire isolated and redesign to comply fully with the requirements of Clause D.17 of the BCA;
- (22) That no live entertainment shall be provided on the premises without the prior written consent of Council;

and the following adopted standard condition:-

- (23) LDA351 - Building Application required;
- (24) LDA376 - Hours of building work;
- (25) LDA377 - Construction noise regulation;
- (26) LDA389 - Stormwater disposal requirements;
- (27) LDA391 - Builder's Hoarding Permits;
- (28) LDA392 - No obstruction to public way;
- (29) LDA393 - Delivery of refuse skips;
- (30) LDA396 - Works within boundaries;
- (31) hsc500 - Premises to be ventilated;
- (32) hsc555 - Bathroom ventilation;
- (33) hsc100 - Removal of spoil from site;
- (34) hsc301 - Cooking of food only if air handling system is provided;
- (35) hsc700 - Compliance with code for Garbage Handling System;
- (36) hsc704 - Garbage storage area;
- (37) hsc706 - Storage of recyclables;

- (38) hsc711 - Commercial contract (trade waste);
 - (39) Issue of Occupation Certificate⁹¹⁰¹
 - (40) Comply With BCA⁹¹⁰⁴
 - (41) Works Within Boundary⁹¹⁵²
 - (42) Portable Fire Extinguishers be Installed⁹⁵⁰¹
 - (43) Hose Reels be Installed⁹⁵⁰⁶
 - (44) Hydrants be Installed⁹⁵⁰⁷
 - (45) Emergency lighting⁹⁵¹⁸
 - (46) Exit signs⁹⁵¹⁹
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

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

13.

BELMONT STREET, NOS. 46-56, ALEXANDRIA - ERECT RESIDENTIAL FLAT BUILDING AND DEMOLISH EXISTING BUILDINGS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00378)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Lateral Developments Pty Ltd, with the authority of Sheraton Chemicals Pty Ltd, for permission to demolish the existing buildings and to erect 2 residential flat buildings containing 47 units and 45 car parking spaces at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans A02C-A05C, A07C-A11C, A12B-Job No. 9805 dated August 1998;
 - (2) That the fin walls on the northern elevation shall be extended to emphasise the visual separation between dwellings and provide a more traditional terrace appearance. Details to be submitted with the Building Application;

GENERAL MANAGER

- (3) That the pergola above the driveway and access to the garage shall be powder coated steel. Details to be submitted with the Building Application;
- (4) That the boundary fence between the site and the school shall be retained;
- (5) That the car park shall be redesigned in accordance with Australian Standard 2890.1 car parking facilities - off street parking, to the satisfaction of the Director of Planning and Building;
- (6) That the columns shall setback at least 750mm from the face of the parking bays where spaces are less the 2.9m in width to the satisfaction of the Director of Planning and Building;
- (7) That 18 bicycle lockers (Class 1 of AS2890.3) and 6 stand spaces (Class III of AS2890.3) shall be provided to the satisfaction of the Director of Planning and Building;
- (8) That a maximum of 40 off-street car parking spaces (36 for residents and 4 for visitors) 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 the basement car park be ventilated in accordance with the requirements of AS1668.2-1991, Section 4.4;
- (10) That the applicant must ensure the finished the level of habitable floors are 300mm above the level of any localised flooding. Sydney Water has a report detailing localised flooding within the Shea's Creek (the Alexandria Canal) catchment. Details to be submitted with the construction certificate;
- (11) That the first floor balconies located above the internal private courtyards shall be screened in a matter to ensure the privacy of there courtyards to the satisfaction of the Director of Planning and Building;
- (12) That a system of on site stormwater detention is to be provided to the satisfaction of the Director of Public Works and Services. Details to be submitted with the construction certificate;
- (13) 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;

- (14) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (15) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped or removed. A letter of application shall accompany the Building Application marked to the attention of the Tree Preservation Officer;
- (16) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1966). Trees shall be 75litre container size, 2.5 metres high, 75mm caliper and planted at 10 metre centres. For Belmont Street the tree is a Robinax "Frisia" (Golden Robina);
- (17) That the developer shall arrange for a final inspection of the landscape works, with the Parks Development Branch to ensure that the works are constructed in accordance with the plans approved with the Building Application;
- (18) 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	\$87,862	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$26,387	2E97002.BGY0
Accessibility and Transport Management	\$ 331	2E97006.BGY0
Multi-Function Administration Centre	\$ 1,322	2E97007.BGY0
	\$ 23,617	2E97008.BGY0
Total	\$139,519	

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

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

where:

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

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

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

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

Works in Kind

GENERAL MANAGER

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.

- (19) That only clean and unpolluted water shall be permitted to discharge from the subject development to Council's stormwater drainage system;
- (20) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) garbage and recycling room;

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

- (21) That a solar hot water heater, heat pump or energy efficient natural gas shall be installed in accordance with the considered guidelines on pages E30 and E54 of South Sydney Development Control Plan 1997;

and the following adopted standard conditions:-

- (22) LDA21 - No resident parking for residential flat developments;
- (23) LDA260 - On-site stormwater detention;
- (24) LDA376 - Hours of building work;
- (25) LDA377 - Construction noise regulation;
- (26) LDA384 - New alignment levels;
- (27) LDA387 - Footway crossings;
- (28) LDA389 - Stormwater disposal requirements;
- (29) LDA391 - Builder's Hoarding Permits;
- (30) LDA392 - No obstruction to public way;
- (31) LDA394 - Cost of alteration to signposting;
- (32) LDA396 - Works within boundaries;
- (33) LDA397 - Energy Australia dedication;
- (34) LDA399 - Cost of consequential roadworks;
- (35) LDA401 - No work in realignment;
- (36) LDA414 - Costs for alterations to public services;
- (37) LDA151 - Schedule of finishes;
- (38) LDA153 - Reflectivity of external glazing;
- (39) LDA161 - Provide common television aerial;
- (40) LDA367 - Timing device on alarms;
- (41) LDA373 - Disabled access provision;
- (42) LDA351 - Building Application required;
- (43) LDA12 - Applicant to liaise with Sydney Water;

- (44) HSC103 - Environmental site assessment being carried out;
- (45) HSC500 - Premises to be ventilated;
- (46) HSC555 - Bathroom ventilation;
- (47) HSC700 - Compliance with code for Garbage Handling System;
- (48) HSC706 - Storage of recycables;
- (49) HSC801 - Noise from premises;
- (50) BC26 - Comply with BCA.

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.

14.

PROSPECT STREET, NO.35, ERSKINEVILLE - ERECTION OF TWO NEW TWO STOREY DWELLINGS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00192)

That consideration of the application submitted by Tom Maldessi with the authority of Mrs B Harrington (owner) for permission to substantially demolish the existing terrace house and erect 2 x 2 bedroom terrace houses in 2 storey construction and subdivide the site into 2 lots be deferred for amended plans to be submitted to Council and that the objector who attended the Planning and Development Committee be notified to allow him to view the amended plans.

Carried.

15.

VICTORIA STREET, NOS. 394-404, DARLINGHURST - ERECTION OF AN UNDERGROUND FIVE LEVEL CAR PARK - ST. VINCENTS HOSPITAL - DEVELOPMENT APPLICATION (U98-00486)

That consideration of the application submitted by St Vincent's Hospital for the construction of a five level car park be deferred to the next meeting of the Planning and Building Committee to be held on 4 November 1998, to allow for further information to be received by the RTA.

Carried.

16.

BAPTIST STREET, NO.160, REDFERN - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - BUILDING APPLICATION (Q98-00531)

(A) That the Council, as the responsible authority, grants its consent to the application submitted by Ms C Dunn of 160 Baptist Street, Redfern, with the authority of Mrs G & Mr J Pinho, Miss D Bulfon & Ms C Dunn, for permission to construct a ground floor extension to the kitchen and dining room, erect a roller shutter to the rear lane and replace existing timber walls to the laundry with masonry walls at the abovementioned premises, all in accordance with the submitted plan numbered BAPT160 received on 17 June 1998, subject to the following conditions, namely:-

- (1) 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;
- (2) 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;
- (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (5) 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;

GENERAL MANAGER

- (6) 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;
- (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (8) That plans and specifications showing details of all proposed air handling systems shall be submitted to the Planning and Building Department and approval obtained before the installation is commenced;
- (9) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (10) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;

NOTE

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;

- (11) BC2 - Compliance with Local Government Act 1993;
- (12) BC3 - Compliance with conditions on plan;
- (13) BC8 - Details of contractor;
- (14) BC11 - Inform Council for inspections;
- (15) BC15 - Approval relates to coloured work;
- (16) BC20 - Premises to remain as single dwelling;
- (17) BC62 - Survey Certificate for setup of building;
- (18) BC63 - Survey Certificate for finished building;

- (19) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (20) BC111 - Hours of work;
- (21) BC113 - Work to comply with noise standards;
- (22) BC114 - Existing building to be kept in stable condition;
- (23) BC116 - New work not to encroach boundaries;
- (24) BC119 - Requirements when excavating below footings;
- (25) BC123 - Demolition to comply with standard;
- (26) BC167 - Structural details and certification to be submitted;
- (27) BC170 - Structural certificate upon completion;
- (28) BC175 - Comply with Timber Framing Code;
- (29) BC176 - Approval for permanent work only;
- (30) BC185 - Footings to comply with standard;
- (31) BC186 - No structural work until approval granted;
- (32) BC189 - Termite protection;
- (33) BC337 - Construction of boundary walls;
- (34) BC340 - Non-flammable sarking materials;
- (35) BC341 - Roof lights in dwellings;
- (36) BC352 - Glazing materials;
- (37) BC529 - Smoke alarm systems;
- (38) BC603 - Damp and weatherproofing;
- (39) BC608 - Ceiling heights;
- (40) BC609 - Natural light and ventilation;
- (41) BC617 - Rain or dampness penetration.

- (B) That the persons who made representations to Council shall be notified of Council's decision.

Carried.

17.

CROWN STREET, NOS. 509-511, SURRY HILLS - CHANGE OF USE TO PREMISES - DEVELOPMENT APPLICATION (U98-00499)

- (A) That the Council as the responsible authority grants its deferred consent to the application submitted by Mr T D Hinchliffe, with the authority of same for permission to use the premises as a brothel, subject to the following conditions, namely: -

- (1) That the use shall cease immediately and this consent shall not operate until the following has been undertaken to the satisfaction of the Director of Planning and Building:

- (a) A Plan of Management be prepared to include the following:
- proposed hours of operation and justification for those hours of operation
 - measure to ensure the safety of both staff and clients both within the premises and external of the premises
 - measure to deal with inappropriate behaviour by the establishment
 - measures for dealing with conflict and complaint from neighbours
 - design measures to maximise security within and beyond the premises
 - staffing details including relevant qualification of staff such as security staff

This shall be prepared in conjunction with the Surry Hills Police, the NSW Health Department and relevant organisations including SWOP and the Kirkton Road Centre.

Guide lines are available from Council.

- ◆ that access be given to Outreach Health Workers to enter the premises given reasonable notice.

- (b) the ground floor bedroom be removed;

- (c) That a minimum of two separate toilets, and hand wash basins shall be provided on the ground floor for the use of

GENERAL MANAGER

clients. Space vacated by the existing ground floor bedroom could be used for this purpose;

- (d) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (e) That doorways to all bedroom/waiting rooms shall be protected by self closing solid core doors not less than 35mm thick;
 - (f) That a suitable fire/smoke alarm system shall be installed throughout the premises;
 - (g) The proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70 Celsius;
- (2) That the development shall be generally in accordance with the details provided within the Statement of Environmental dated August 1997 and plans received on 3 June 1998 on Council file U97-00778;
 - (3) That the door to High Holborn Street shall not be used by Street shall not be used by staff or customers at any time except for emergency access;
 - (4) That the premises shall only operate between 12 noon and 4.00 am seven days a week;
 - (5) That at no time shall retail sale of sex paraphernalia be made from the premises;
 - (6) That no advertising including red lights shall be displayed on the premises without the prior consent of Council;
 - (7) The maintenance of swimming and spa pool if used shall be in accordance with the NSW Health Department "Public Swimming Pool and Spa Pool Guidelines";

-and the following adopted standard conditions, namely:

- (8) BC501 - Fire extinguisher;

- (9) BC524 - Emergency lighting;
- (10) BC525 - Exit signs;
- (11) BC951 - Good housekeeping;
- (12) BC952 - Egress paths kept free of obstructions;
- (13) BC953 - Electrical installations to be inspected;
- (14) BC978 - Floor requirements;
- (15) hsc500 - Premises to be ventilated;
- (16) hsc555 - Bathroom ventilation;
- (17) hsc518 - Exhaust vent;
- (18) hsc111 - Liquid wastes to sewer;
- (19) hsc401 - Cleanliness of premises;
- (20) hsc402 - Clean linen;
- (21) hsc403 - Linen receptacles;
- (22) The proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
- (23) hsc413 - STD information;
- (24) hsc414 - Examination of clients;
- (25) hsc415 - Lighting;
- (26) hsc416 - Health check-ups;
- (27) hsc700 - Compliance with code for Garbage Handling System;
- (28) hsc709 - Garbage room;
- (29) hsc715 - Trade waste;
- (30) hsc801 - Noise from premises.

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

GENERAL MANAGER

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

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

Carried.

18.

REGENT STREET, NOS. 21-69, REDFERN - CONTINUATION OF EXISTING SIGN STRUCTURE - DEVELOPMENT APPLICATION (U98-00786)

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 development application submitted by Mike George Planning Pty Ltd, with the authority of Dasebo Pty Ltd, for permission to extend the consent of U91-00535 for the existing advertising structure for a period of three years, subject to the following conditions, namely:-
- (1) That the advertising structure (including signs) shall be removed on or before 1 January 2001 and it be noted that at the end of this period no continuation of the consent will be granted;
 - (2) That the footpath fronting Regent Street shall be paved in accordance with the requirements of the Director of Public Works and Services;
 - (3) That the developer shall provide street trees in accordance with the Tree Masterplan and to the satisfaction of the Director of Public Works and Services. Trees shall be 75 litre containers size, timber tree guarded and planted at 6m intervals. Street trees selection along Regent Street is Plantanus Esp (Plane Tree, at a height of 1500mm);
 - (4) That in the event that building work, for the erection of a new permanent building, does not commence within three months of the advertising structures being demolished the site shall be landscaped.

-In this regard a plan shall be submitted to Council prior to the expiry of the consent and the works executed to Council, satisfaction within 4 months of the expiry of the consent.

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

GENERAL MANAGER

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 a Development Application shall be submitted within 6 months from the date of this consent for the redevelopment of the site.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

LIVERPOOL STREET, NO.180, DARLINGHURST - USE PREMISES AS BROTHEL - DEVELOPMENT APPLICATION (U98-00846)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority defers its grant of consent under Section 88(B) the Environmental Planning & Assessment (Amendment) Act 1997 to the development application submitted by V F Stanaway, with the authority of AC B Roche and A J Bewg for permission to use the terrace house as a commercial brothel, subject to the following conditions, namely:-
 - (1) That the use shall cease immediately and this consent shall not commence until the following conditions have been implemented:
 - (a) That a plan of Management shall be provided in accordance with the guidelines set out in the letter sent to Ms Stanaway on 16 August 1998 to the full satisfaction of Council. Implementation of this plan will be required to the satisfaction of Council at all times;
 - (b) That all works approved under Building Application reference Q97-00718 be completed and finalised to the satisfaction of Council, prior to implementation of this consent;
 - (c) That the premises including the shower/WC compartment basement level shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;

GENERAL MANAGER

- (2) That the development shall be generally in accordance with plans 1(B) and 2(B) dated 4 August 1997 and statement 28 August 1998;
- (3) That no more than two sex workers shall be employed on the site at any one time;
- (4) That no advertising shall take place advertising the brothel or its sex workers by real or fictitious name, or of telephone numbers associated with the brothel in any newspaper, the Yellow pages, or any tourist guide or similar publication, other than a local newspaper circulating in the Kings Cross locality (excluding the Sydney daily/Sunday papers) directory or tourist guide;
- (5) That the hours of operation shall not exceed 9.00am to 12.00 midnight Mondays to Saturdays and 12.00 noon to 12.00 midnight Saturdays;
- (6) That no advertising shall be displayed on the building;
- (7) That clients shall not be permitted to wait outside the premises but shall be requested to either wait inside the building or asked to move on;
- (8) That no display or soliciting shall take place outside the premises;

and the following adopted standard conditions:

- (9) HSC700 - Compliance with code for Garbage Handling System;
- (10) HSC705 - Construction of garbage room;
- (11) HSC711 - Commercial contract (trade waste);
- (12) HSC400 - Compliance with Brothels Policy
- (13) HSC401 - Cleanliness of premises
- (14) HSC402 - Clean linen
- (15) HSC403 - Linen receptacles
- (16) HSC404 - Changing of linen
- (17) HSC405 - Laundering
- (18) HSC410 - Supply of condoms
- (19) HSC413 - STD information

- (20) HSC414 - Examination of clients
- (21) HSC416 - Health check-ups
- (22) HSC419 - Public Health Act offences
- (23) HSC111 - Liquid wastes to sewer;
- (24) HSC801 - Noise from premises;
- (25) That the Plan of Management referred to in Condition 1 (a) shall include provision for a receptionist to be employed on Thursday, Friday and Saturday evenings from 8.00pm onwards to closing time for an initial period of 3 months from the date on which the consent becomes operative and there after if considered necessary by the review group set up under Condition (26).
- (26) That the Proprietor, a representative of the East Sydney Neighbourhood Association and Council Officers meet on a quarterly basis for the first 12 months following the date upon which the consent becomes operative to ensure effective management procedures/practices are in place. Such meetings to be chaired by the Chairman of the Planning and Development Committee or their nominee and that a representative of the NSW Police Service and Department of Health also be invited to attend.

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 if the use does not cease immediately pending complete compliance with condition (1) of the above consent to the satisfaction of the Director of Planning and Building legal action will be taken by Council to ensure cessation.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the applicant be advised that in the event that the premises is managed in a manner where there is evidence that the amenity of the neighbourhood is being adversely affected, Council may commence proceedings under the Disorderly Houses Amendment Bill 1995.

It was moved by Councillor Fowler, seconded by Councillor Deftereos, that the motion be amended by the deletion of the whole of the resolution and the insertion in lieu thereof, of the following new resolution, namely:-

- (1) That Council recommend refusal on the following grounds that:-
 - (a) it is against the objection of the 2b residential zone;
 - (b) the use will exacerbate the traffic congestion in the East Sydney area from circulation of clients in the local streets;
 - (c) the business is not a local business and is not a type by way of clientelle or of employees that will enhance the business amenity of the area;
 - (d) it is not compatible with other local businesses and professional services in the area;
 - (e) it is not in the public interest.

Amendment negatived.

Motion, as moved by Councillor Lay, carried on show of hands 6 to 3.

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

20.

PLANNING - HERITAGE POSITION STATEMENT (2015740)

- (1) That approval be given to re-engage, the firm Architectural Projects, to carry on the role as Council's Heritage Adviser, averaging 15 hours a week and not exceeding 60 hours per four week period, for another year, subject to review thereafter. (Funds available in current estimates).
- (2) That approval be given to extend the work of Council's Heritage Adviser (Architectural Projects) to assist Council's Heritage Planner in providing a basic policy framework for each Conservation Area, to an amount not exceeding \$ 40 000.
- (3) That funds for this work are available from the following accounts:
 - GW98003 (King Street Heritage DCP) - \$20,000
 - GW98001 (Chippendale Heritage DCP) - \$5,000
 - GQD 7GRN (Heritage Conservation Local Property) - \$10,000
 - GQB 66AO (Consultant Fees) - \$5,000

- (4) That the abovementioned funds from Account Code Numbers GW98003, GW98001 and GQD 7GRN be transferred to Account Code Number GQB66AO.

(ADPB Report 1.10.98)

Carried.

21.

SOUTH DOWLING STREET, NO.324, PADDINGTON - ERECT STUDIO AND GARAGE AT REAR - DEVELOPMENT APPLICATION (U98-00058)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council as the responsible authority refuses its consent to the application submitted by EHPS Architects with the authority of Mr J Serge, for permission to erect a dwelling/garage at the rear of the property, for the following reasons:-
- (1) The proposal is inconsistent with the objectives and performance criteria contained in Development Control Plan 1997, having regard to height, bulk, form, open space and setback provisions;
 - (2) The proposal will detract from the significance Heritage Conservation Area and the Little Dowling Street streetscape by virtue of its design, form and materials;
 - (3) The proposal would set an undesirable precedent within the area for the development of the rear of properties fronting South Dowling Street and is incompatible with the western side of Little Dowling Street;
 - (4) 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.

22.

CHURCH STREET, NOS. 119-135, CAMPERDOWN - ERECT RESIDENTIAL BUILDING CONTAINING 30 UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00665)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by State One Constructions Pty Ltd, with the authority of Mrs M & Mr G Anarich and Mr P Mitvovich, for permission to erect a residential flat building containing 30 units and 24 parking spaces., subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 1-8 dated 8 August 1997;
 - (2) That the front fences along Church Street shall have a maximum height of 1200mm to the satisfaction of the Director of Planning and Building;
 - (3) That the balconies to units 11 and 20 and above units 11 and 20 shall have screening placed on northern elevation;
 - (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$40 500 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;
 - (5) 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 \$6200, (as applicable), can be paid to the Council;
 - (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.

GENERAL MANAGER

Contribution Category	Amount	Account
Open Space Land Acquisition	\$57,410	2E97001.BGY0
Open Space/Townscape/Public Domain	\$17,342	2E97002.BGY0
Accessibility And Transport	\$ 216	2E97006.BGY0
Management	\$ 864	2E97007.BGY0
Total	\$75,832	

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.

- (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 Account	Amount
Multi-Function Administration Centre E97008.BGY	\$15,522

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

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

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 a qualified Landscape Architect or designer should prepare a detailed landscape plan and specification for the site. The plan shall nominate hard works and soft works including decorative paving types, garden bed edging treatments, and fencing, existing and proposed critical levels, drainage and irrigation and or hose cock locations and details of the proposed water feature;

- (9) That the developer is to provide street tree planting in the landscaped setback area that is consistent with Council's Street Tree Masterplan. The developer will be required to replace the proposed *Pittosporum eugeniodes* trees species with *Pistacia chinensis*. The developer is to provide details of garden edge treatment. Ideally the edge treatment should be masonry and consistent with the architecture of the development;
- (10) That the Developer shall provide street trees new in accordance with Council's Street Tree Masterplan (1996). Trees shall be 100 litre-container size, 2.5 metres high, and 75mm calliper and planted at 10 metre centres. The species to plant is a *pistacia chinensis* (pistachio);
- (11) That the first floor balconies located on Church Street and Mallet Lane above the private courtyards shall be screened in manner to ensure the privacy of these courtyard to the satisfaction of the Director of planning and Building;
- (12) 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;
- (13) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (14) The Developer is to arrange for a final inspection of the landscape works, with the Parks Development Branch to ensure that the works are constructed in accordance with the plans approved with the construction certificate;
- (15) That the garbage storage area shall make provision for containerisation requirements set by Council's Waste Services Section;
- (16) That the car park shall be ventilated in accordance with the requirements of the Australian Standard 1680.2-1991.2 Section 4;
- (17) That the car park shall be redesigned to comply with Australian Standard 2890.1, car parking facilities - off street parking to the satisfaction of the Director of Planning and Building;
- (18) That the parking spaces shall be allocated on the basis of 20 for residents and 4 for visitors (appropriately line-marked and labeled prior to issuing an Occupation Certificate);

- (19) That the two bedroom unit shall be allocated the stacked parking space;
- (20) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the garbage room;

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

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;

- (21) The proposed location of the residential garbage room should be referred to the Cleansing Services Branch for approval;
- (22) That only one common television aerial (for each building where relevant) shall be provided;
- (23) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
- (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;

and such materials shall respect and be consistent with the attributes and character of the surrounding area;

- (24) That any external glazing shall have a reflectivity not exceeding 20%;
- (25) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);

- (26) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (27) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (28) That the applicant shall make a separate application to the Director of Public Works and Services for any paving on the public way (for approval under the Roads Act 1993). The applicant/owner shall complete the work wholly in accordance with the requirements of the Director of Public Works and Services (including responsibility for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance);
- (29) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);
- (30) 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;
- (31) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (32) 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);
- (33) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it

is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;

- (34) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (35) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
- (36) 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;
- (37) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (38) 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;
- (39) 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;
- (40) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (41) That the developer/owner shall provide a system of on-site detention of stormwater in accordance with Council's standard requirements for stormwater discharge. All details of on-site detention and discharge shall be approved by a Council-registered certifier prior to the approval of the construction certificate;
- (42) That any connection to Council's stormwater system shall be subject to a positive covenant on the land title. A separate application for works on the public way related to the connection must be made to the Director of Public Works and Services and

approval obtained prior to the approval of the construction certificate. The applicant/owner will be responsible for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance;

- (43) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (44) 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);
- (45) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (46) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA or an accredited auditor and shall be submitted to Council for referral to the EPA or an accredited auditor. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that the 'Construction Certificate' will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA or an accredited auditor. No works on the site shall be undertaken prior to the EPA or an accredited auditor giving clearance other than works associated with the remediation of the land;
- (47) 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;
- (48) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (49) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (50) That 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;

- (51) That the developer shall satisfy the requirements of the Director of Public Works and Services in respect of the use of stormwater pipeline and/or stormwater channel easements;
- (52) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (53) 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);
- (54) That the middle internal stairs shall be deleted to the satisfaction of the Director of Planning and Building;

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 applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) 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;
 - (2) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
 - (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (4) That 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;

- (5) 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;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) 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;
- (9) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (10) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (11) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
- (12) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (13) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (14) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (15) That all relevant sections of the BCA shall be complied with;
- (16) That the proposed atrium shall comply fully with the requirements of Part G.3 of the BCA;
- (17) That exits and exit stairways shall be redesigned to comply fully with the requirements of Part D of the BCA with specific attention directed to Clauses D1.6, D1.9(d), D.14 of the BCA;

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

Carried.

23.

MOORE PARK ROAD, NO. 308, CENTENNIAL PARK - ADDITIONAL ROOMS IN ROOF SPACE OF EXISTING HOTEL (OLYMPIC HOTEL) - DEVELOPMENT APPLICATION (U98-00234)

That consideration of the application submitted by Amberlane Holding Pty Ltd, (Owners), to carry out alterations and third floor additions to provide addition hotel accommodation in the Olympic Hotel be deferred to the next meeting of the Planning and Development Committee to be held on 4 November 1998, as requested by the applicant in Fax dated 7 October 1998.

Carried.

24.

WYNDHAM STREET, NOS. 172 - 174, ALEXANDRIA - TO ERECT A RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00555)

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

- (A) That the Council as the responsible authority grants its deferred commencement pursuant to section 91AA of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jenkins Enterprises Pty Ltd, with the authority of , for permission to erect a residential flat building to contain five units and four car parking spaces, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has satisfied Council that registered on its title a right of carriageway which by its terms expressly grants, in terms satisfactory to Council, the right to both ingress and egress to the proposed development over the land in SP55553;
- (2) That the development shall be generally in accordance with plans date stamped August 1998;
- (3) (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

GENERAL MANAGER

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 12,183	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 3,680	2E97002.BGYO
Accessibility And Transport	\$ 44	2E97006.BGYO
Management	\$ 184	2E97007.BGYO
Multi-Function Administration Centre	\$ 3,294	2E97008.BGYO
Total	\$ 19,385	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (4) 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 be submitted to Council in accordance with Schedule 1, Form 1, Contaminated Land Management (Site Auditors) Regulation, 1998;
- (5) That the car park shall be ventilated in accordance with the requirements of AS1668.2-1991 Section 4.4;
- (6) That a maximum of 4 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;

- (7) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (8) That a qualified landscape architect or designer shall prepare a landscape plan and specification for the site. 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. The plans are also to contain construction details that comply with the following conditions;
- (9) That minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (10) That under Council's tree preservation order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped or removed. (A tree is classified as any plant taller than 3.4m). A letter of application is to accompany the Development Application marked to the attention of the tree preservation officer;
- (11) That a minimum soil depth for on slab planting 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;
- (12) That the developer is required to arrange with the Parks Development Branch for a final inspection of the landscape works;

Note:

That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employee, 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;

- (13) That details relating to the residential garbage and recycling facilities should be referred to Council's Waste Services Section,

GENERAL MANAGER

Public Works and Services Department, for approval of the location and type of storage containers;

- (14) That a solar hot water, heat pump or energy efficient natural gas system shall be installed in accordance with the E30 and E54 of South Sydney Development Control Plan 1997;

and the following adopted standard conditions:

- (15) LDA21 - No resident parking for residential flat developments;
- (16) LDA151 - Schedule of finishes;
- (17) LDA153 - Reflectivity of external glazing;
- (18) LDA252 - Discharge to atmosphere to comply;
- (19) LDA376 - Hours of building work;
- (20) LDA351 - Building Application required;
- (21) LDA384 - New alignment levels;
- (22) LDA387 - Footway crossings;
- (23) LDA389 - Stormwater disposal requirements;
- (24) LDA106 - Preserve existing trees;
- (25) LDA107 - Make application to remove trees;
- (26) LDA392 - No obstruction to public way;
- (27) LDA393 - Delivery of refuse skips;
- (28) LDA396 - Works within boundaries;
- (29) LDA399 - Cost of consequential roadworks;
- (30) LDA414 - Costs for alterations to public services;
- (31) LDA161 - Provide common television aerial;
- (32) LDA367 - Timing device on alarms;
- (33) LDA377 - Construction noise regulation;
- (34) HSC500 - Premises to be ventilated;
- (35) HSC555 - Bathroom ventilation;

- (36) HSC700 - Compliance with code for Garbage Handling System;
- (37) HSC800 - Use of appliances emitting intrusive noise;
- (38) BC310 - Protection of external openings;
- (39) BC26 - Comply with BCA.

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 neighborhood, 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.

25.

BRIDGE STREET, NO. 1, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE INCLUDING A FIRST FLOOR ADDITION - DEVELOPMENT APPLICATION (U98-00593)

- (A) That the Council as the responsible authority grant its consent to the development application submitted by Mr H Lightfoot, for permission to carry out alterations and additions, including ground and first floor additions, to the existing terrace at 1 the abovementioned premises, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered A01 - A09 dated June 1998, and details submitted with DA 593/98 except as amended by conditions of consent;
 - (2) That the height of the rear party wall on the new extension shall be reduced in height by 700mm in accordance with the plan submitted on 21 August 1998;
 - (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 (including any demolition) work shall be commenced until that application and plans have been approved. It should

GENERAL MANAGER

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 all relevant sections of the BCA shall be complied with;
- (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (6) 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;
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (11) That all proposed work shall be wholly within the boundaries of the subject site.

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.

GENERAL MANAGER

Note:

That the applicant may be liable to prosecution under the Local Government Act 1993, for a breach of an approved condition, or under the Clean Waters Act 1979, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

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

Carried.

26.

BOURKE STREET, NOS. 383 - 387, DARLINGHURST - ALTERATIONS AND ADDITIONS TO BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00559)

- (A) That the Council as the responsible authority grants its consent to the application submitted by McHugh Holdings Pty Ltd, for permission to undertake alterations and additions to the existing building and to use the building, including basement level as a public bar area, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated 22 June, 1998 and numbered 1201, 1301, 1302, 1501, 1502 and 1503, and amended plans dated 9 October 1998, and numbered 1503 Issue A (Option "B");
 - (2) That the proposed balcony, 'new feature window' and the glass panels (in proximity to the proposed lift) at the Bourke Street elevation shall be deleted, and that the existing face treatment, including the existing window openings and parapet detail above awning level shall remain intact.
 - (3) That the existing awning shall be retained;
 - (4) That the proposed glass panels in proximity to the lift at the Campbell Street elevation, shall be deleted.
 - (5) That the internal walkway located within the Chapel shall be deleted, as previously stated by the applicant.
 - (6) That the proposed roof lights shall be setback from the Bourke Street parapet by a minimum of 2 metres.

GENERAL MANAGER

- (7) That a Plan of Management shall be submitted with the Building Application and shall be approved by the Director of Planning and Building prior to occupation of the premises. The Plan and Management shall address;
- (a) Noise Mitigation measures that will be taken to reduce the impacts of noise on the surrounding area;
 - (b) a report from an acoustic engineer shall also be included to show (and make appropriate recommendations) how it is proposed to comply with the Noise Control Act (1975) and the recommended measures shall be fully implemented prior to the Final Inspection;
 - (c) Waste Management Plan- showing that adequate facilities have been provided for the storage of waste, collection times, separation and recycling of trade waste etc;
 - (d) Details of the ongoing reinstatement, restoration, conservation and maintenance of the chapel and the awnings (proposed to be retained as a condition of consent), and the name and qualifications of a heritage consultant who will oversee the initial work, as part of this consent;
 - (e) Details of an interpretive display within the building, indicating the heritage significance of the site.
- (8) That the hours of operation shall be confined to 3.00 am, Tuesday mornings to Sunday mornings, and to 12 midnight on Monday mornings (starting from 10.00am each day);
- (9) That all trade waste shall be stored in the garbage storage area only, no trade waste shall be left on the public way;
- (10) That details shall be submitted, including materials proposed and colours of the same to Council in respect of the following aspects of the proposal:-
- (a) External finishes to walls;
 - (b) Colours of external walls;
 - (c) Details of treatment, colours and materials of window openings, doorways etc;
- (11) That a separate application shall be submitted to Council for use of the premises for public entertainment;
- (12) That all amplified music emanating from the premises shall be inaudible in octave band (31.5Hz to 8Hz inclusive) within any habitable room in any surrounding residential premises;

- (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 requirements of the Liquor Administration Board shall be complied with;
- (15) (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	\$ 3,498	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 1,124	2E97002.BGYO
Accessibility And Transport	\$ 16	2E97006.BGYO
Management	\$ 79	2E97007.BGYO
Total	\$ 4,717	

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.

GENERAL MANAGER

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.

- (17) 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;
- (18) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) 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 before installation is commenced;
- and the following adopted standard conditions:
- (19) LDA47 - Loading, parking and access to be kept clear;
 - (20) LDA201 - Make separate application for sign;
 - (21) LDA202 - No flashing lights to be installed on site;
 - (22) LDA376 - Hours of building work;
 - (23) LDA377 - Construction noise regulation;
 - (24) LDA391 - Builder's Hoarding Permits;
 - (25) LDA392 - No obstruction to public way;
 - (26) LDA393 - Delivery of refuse skips;
 - (27) LDA396 - Works within boundaries;
 - (28) LDA351 - Building Application required;
 - (29) HSC500 - Premises to be ventilated;
 - (30) HSC018 - Sanitary facilities;
 - (31) HSC705 - Construction of garbage room;
 - (32) HSC801 - Noise from premises.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

27.

MACDONALD STREET, NO. 46, NEWTOWN - SUBDIVISION OF EXISTING PROPERTY, RENOVATION OF EXISTING BUILDING AND ERECTION OF NEW TWO STOREY DWELLING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00764)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Rick Keayes for permission to subdivide the property into two approximately equal lots, renovate the existing residence and to erect a new two storey dwelling on the rear allotment, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the submitted plans;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3000 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 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 \$400, first installment (as applicable), can be paid to the Council.
 - (4) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 2,256	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 677	2E97002.BGYO
Accessibility And Transport	\$ 8	2E97006.BGYO
Management	\$ 34	2E97007.BGYO
Multi Function Admin Centre	\$ 607	
Total	\$ 3,582	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

- (5) That the proposed window at the first level of the southern elevation of Villa 2 shall be fixed and obscured at the lower level;
- (6) That any paving shall be of a permeable nature;
- (7) That the courtyard area of Villa 2 shall not be used as a second car space and landscaping plans shall be submitted with the construction certificate;
- (8) That the boundary wall with Smiths Lane shall not be more than 1.8m high;

- (9) That planting shall be visible above the boundary wall with Smiths Lane to provide visual relief;
- (10) That a temporary hoarding shall be retained to provide security and privacy for the site and the adjoining property during and outside construction hours;
- (11) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the controls and guidelines on pages E30 and E54 of South Sydney Development Control Plan 1997;
- (12) That all relevant sections of the BCA shall be complied with;
- (13) 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;
- (14) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (15) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (16) 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);
- (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/Minimisation Fact Sheets";
- (18) That the garbage/recycling storage area shall be located at the street level in a position that can access a kerbside collection service, to be detailed in the application for a construction certificate;
- (19) That to eliminate concrete and other wastes entering the drainage system, all concrete trucks and trucks used for the disposal of spoil shall be washed down before leaving the site; Washing

down must always take place in suitable off-street areas, and no wash water is to flow onto the public way;

- (20) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (21) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (22) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (23) That 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;
- (24) That all fully enclosed sanitary facilities areas not provided with natural ventilation shall be mechanically ventilated in accordance with the Building Code of Australia and Council's Ventilation Code;
- (25) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (26) 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);
- (27) 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;
- (28) 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;

- (29) 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;
- (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 prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993).

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.

28.

BAYSWATER ROAD, NOS. 72 - 78, RUSHCUTTERS BAY - ERECT EIGHT STOREY BUILDING - DEVELOPMENT APPLICATION (U98-00613)

- (A) That consideration of the application submitted by Consolidated Contractors Pty Ltd, with the authority of N & N Davidson Investments Pty Ltd, for permission to erect 8 storey building, be deferred to the next meeting of the Planning and Development Committee to be held on 4 November 1998:-
- (B) That the Director of Planning and Building provide a supplementary report to the next Planning and Development Committee to give more reference on SEPP 10.

Carried

29.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Richard Turner Associates, with the authority of Joylin Investments Pty Ltd, for permission to redevelop the site for a six/seven storey mixed use building with student residential accommodation on the upper levels, retail space, foyer and car parking for the building on the ground level and car parking for commercial occupants of the adjoining buildings on Nos. 22-36 Mountain Street on the basement level as stage 1 of a two staged development of both sites, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 97.13 DA1/01 to 1/10 inclusive and 2F.1232 DA.01A;
 - (2) That the floor space ratio shall not exceed 3.094:1 over the combined stage 1 and stage 2 developments and this shall be verified in the Building Application;
 - (3) That the premises shall be operated in accordance with a plan of management which shall be written into the by-laws of any strata plan of subdivision of the building - proposed by-laws shall be submitted to Council for approval prior to the release of a strata plan;
 - (4) That the height of the building shall not exceed 18m and the proposed games room on the south-east corner of the building shall be redesigned to comply, allowing that the extra height is acceptable if it is within a 36 degree attic roof envelope in accordance with PartE.25 of Development Control Plan No. 1997;
 - (5) That each of the proposed residential units shall be provided with a balcony to the satisfaction of the Director of Planning and Building;
 - (6) That the building shall be setback a minimum of 2000mm on all levels, including the basement level, from Blackwattle Lane;
 - (7) That the owner shall dedicate for road purposes free of cost to Council, the following land:-

GENERAL MANAGER

- (a) a 2000mm widening along the site frontage to Blackwattle Lane.
 - (b) a 2500 splay at the intersection of Smail Street and Blackwattle Lane, limited if so desired in height and/or depth to 5 meter above and/or 2 metres below the adjacent footway level.
 - on the understanding that the affected areas will be available for the calculation of the floor area of the proposed building and that all reasonable legal expenses involved in the transfer of the land will be borne by the Council;
- (8) That the proposed raised seating platform within the public roadway shall be deleted;
 - (9) That a maximum of 44 off street parking spaces shall be provided on the ground level car park for the stage 1 residential accommodation and a maximum of 49 off street parking spaces within the basement level car park for the stage 2 commercial occupants of the adjoining buildings at 22-36 Mountain Street;
 - (10) That two off street parking spaces shall be provided with the ground level car park for the retail/commercial space within the stage 1 building;
 - (11) That two loading bays, each measuring a minimum 3m x 6m shall be provided within the ground level car park close to the lifts;
 - (12) That all car parking spaces shall be minimum of 5.4m x 2.6m or 5.5m x 2.5m, unless elsewhere stipulated, and shall be located and marked to the satisfaction of the Director of Planning and Building;
 - (13) That at least one disabled parking space shall be provided within the basement level car park and disabled parking shall be provided within the ground level car park having regard to the proposed number of disabled accessible units - all disabled parking spaces shall have a minimum height clearance of 2.5m;
 - (14) That the premises shall be designed in accordance with access provisions of the latest version of the Building Code of Australia and criteria set out in Advisory Notes On Access To Premises by the Human Rights and Equal Opportunities Commission. Details of compliance with these references are to be submitted with the Construction Certificate Application. The following items are considered to be inadequately designed for people with disabilities and require reconsideration:

- (a) Disabled parking
- (b) The provision of access to all accommodation and the amount of accessible accommodation or adaptable accommodation provided (refer Section 5.20 of the Advisory Notes).

NOTE: Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and attempt compliance with the Disability Discrimination Act. A conservative, best practice approach such as adherence to Guidelines On Access to Premise by the Human Rights and Equal Opportunities Commission, may be the best defence against potential action until an accepted industry standard is available.

- (15) That a minimum of 48 bicycle storage lockers (Class 1 facility in AS.2890.3) shall be provided for the student accommodation on the ground level, a minimum of 14 bicycle storage lockers (Class 1 facility in AS.2890.3) shall be provided for staff within the basement level car park, and a minimum of 6 "U" stands (Class 3 facility in AS.2890.3) shall be provided in a visible location near the foyer to the satisfaction of the Director of Planning and Building;
- (16) That adequate motor bike/scooter parking facilities shall be provided for the residents, designed in accordance with AS 2890.1 Section 2.4.7 and located on the ground level to the satisfaction of the Director of Planning and Building;
- (17) That car parking spaces 03, 04, 05 and 33 on the ground level and spaces 01, 02, 03 on the basement level shall be deleted;
- (18) That the proposed garbage/recycling storage facilities shall accommodate the containerisation requirements of the Council's Waste Services Manager;
- (19) That suitable alternative off street parking shall be provided for the occupants of 22-36 Mountain Street, Ultimo during the construction of the basement level car park, to the satisfaction of the Director of Planning and Building, and thereafter parking shall be maintained in the basement car park during later construction phrases;

(20) 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	\$313,985	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 94,835	2E97002.BGYO
Accessibility And Transport	\$ 1,121	2E97006.BGYO
Management	\$ 4,720	2E97007.BGYO
Total	\$414,661	

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

GENERAL MANAGER

taken as approval to carry out any works beyond the boundary of the site.

Works in Kind

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

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

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

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

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

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

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

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design

GENERAL MANAGER

of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

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

- (21) That the developer shall contribute the amount of \$8000 towards a comprehensive pedestrian, traffic management and public domain study of Ultimo and provide a bank guarantee of \$100000 towards the cost of carrying out improvements at the intersection of Mountain Street and Smail Street and at the intersection of Broadway and Wattle Street, both to be paid prior to the release of the building application. (The study shall determine the appropriate contribution that the developer should make towards the improvements to the Mountain Street/Smail Street intersection and the Broadway/Wattle Street intersection – should the study determine that the required contribution is less than the \$100,000 then alternative arrangements will be made to cover the required cost of works).
- (22) That the design of the proposed car parking shall comply with the requirements in AS 28901.1 with particular attention to ramp grades.
- (23) That the developer shall pay a contribution to the value of \$120000 towards the implementation of a closure of Smail Street at the intersection with Blackwattle Lane, the area of the closure to extend to approximately the proposed location of the driveway to the development. The contribution shall be paid by lodgement of a bank guarantee before release of the building application. The developer may negotiate with the Director of Public Works and Services to carryout the construction and landscaping of the closure. The developer shall be responsible for the preparation of the preliminary plans for the closure, designed to the detailed requirements of the Director of Public Works and Services and of the Director of Planning and Building, and for a Traffic Management Plan for submission to the South Sydney Traffic Committee for its approval. All costs associated with the design and public notification of the closure shall be the responsibility of the developer. (The developer should note that if the closure of Smail Street does not eventuate for any reason then the contribution will be directed towards alternative improvements to the public domain in Ultimo to be identified by Council).

- (24) That the developer shall construct the proposed angled parking in Smail Street, including preparation of the detailed design, to the requirements of the Director of Public Works and Services;
- (25) That the developer shall provide a system of on-site stormwater detention to the satisfaction of the Director of Public Works and Services and Sydney Water and shall submit with the building application, the required fee and detailed drainage plans to be considered by the Director of Public Works and Services and if approved, they form part of the approved building application;
- (26) That the developer shall include with the building application a plan detailing the building alignment levels as approved by the Director of Public Works and Services and the developer shall apply and pay the fees for consideration of these levels;
- (27) That the developer is to reinstate any damaged kerb and gutters in materials similar to those existing;
- (28) That the developer shall, where necessary, construct or reconstruct at his cost, roads and drainage to the satisfaction of the Director of Public Works and Services and the Manager of Traffic and Design will provide Council's specifications for the construction or reconstruction of roads and drainage;
- (29) That the developer shall lodge with Council a bank guarantee for the estimated construction cost of all works on the adjacent roads resulting from the development consent conditions;

The developer, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor, who shall take account of, but not limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must satisfy the Director of Public Works and Services.

The bank guarantee will be for the estimated cost, calculated as a future value compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.

The developer may request a decrease in the amount of the original bank guarantee as sections of work are completed.

- (30) That the developer shall erect signs to the satisfaction of Director of Public Works and Services indicating the vehicular entries/exits;
- (31) That the developer shall not use Blackwattle Lane as vehicular access for demolition;

- (32) 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;
- (33) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (34) That pavement selection and construction details for works on the public footway shall be approved by Manager Parks Development Branch and Manager Traffic and Design prior to construction. It should be noted that the outdoor cafe seating area requires separate footpath leasing and traffic engineering approval;
- (35) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1966). Trees shall be 75litre container size, 2.5 metres high, 75mm caliper and planted at 10 metre centres;

Street	Tree species	Common name
Mountain Street	Platanusx hybrida	Plane Tree
Smail Street	Sapium sebiferum	Chinese Tallow Wood

- (36) That the Developer shall arrange with the Parks Development Branch for a final inspection of the landscape works and the works shall be constructed in accordance with the plans approved with the Building Application;
- (37) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;

and the following adopted standard conditions:

- (38) LDA21 - No resident parking for residential flat developments;
- (39) LDA47 - Loading, parking and access to be kept clear;

- (40) LDA48 - Safe walking surface on crossing;
- (41) LDA49 - Signage for vehicular egress;
- (42) LDA66 - Minimum 2.2m headroom;
- (43) LDA78 - Ramp grades;
- (44) LDA79 - Washing down of trucks to prevent debris;
- (45) LDA151 - Schedule of finishes;
- (46) LDA153 - Reflectivity of external glazing;
- (47) LDA159 - Provide details of exhaust vents;
- (48) LDA160 - Provide service ducts within building;
- (49) LDA161 - Provide common television aerial;
- (50) LDA164 - Details of shopfront roller shutter;
- (51) LDA201 - Make separate application for sign;
- (52) LDA252 - Discharge to atmosphere to comply;
- (53) LDA260 - On-site stormwater detention;
- (54) LDA261 - Washing down of trucks;
- (55) LDA351 - Building Application required;
- (56) LDA365 - Consolidation of lots;
- (57) LDA366 - Liaise with Natural Gas Company;
- (58) LDA367 - Timing device on alarms;
- (59) LDA368 - Display of street numbers;
- (60) LDA376 - Hours of building work;
- (61) LDA377 - Construction noise regulation;
- (62) LDA385 - Colonnade and footpath levels;
- (63) LDA386 - Road Opening Permit;
- (64) LDA387 - Footway crossings;

- (65) LDA391 - Builder's Hoarding Permits;
- (66) LDA392 - No obstruction to public way;
- (67) LDA393 - Delivery of refuse skips;
- (68) LDA394 - Cost of alteration to signposting;
- (69) LDA397 - Energy Australia dedication;
- (70) LDA399 - Cost of consequential roadworks;
- (71) LDA414 - Costs for alterations to public services;
- (72) LDA420 - Demolition material breakdown;
- (73) BC26 - Comply with BCA;
- (74) HSC018 - Sanitary facilities;
- (75) HSC103 - Environmental site assessment being carried out;
- (76) HSC500 - Premises to be ventilated;
- (77) HSC700 - Compliance with code for Garbage Handling System;
- (78) HSC706 - Storage of recyclables;
- (79) HSC711 - Commercial contract (trade waste);
- (80) HSC800 - Use of appliances emitting intrusive noise;
- (81) HSC801 - Noise from premises;

NOTE 1: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

NOTE 2: The excavated material construction supplies and on-site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road.

NOTE 3: The owners attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

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

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

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

Carried.

The Planning and Development Committee Meeting terminated at 9.30 p.m.

The Council Meeting terminated at 8.07 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER