

**218<sup>th</sup> Meeting**

**Erskineville Town Hall  
Erskineville**

**Wednesday, 25 November 1998**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.39 pm on Wednesday, 25 November 1998.

**PRESENT**

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

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

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**GENERAL MANAGER**

## **Confirmation of Minutes**

Moved by Councillor Deftereos, seconded by Councillor Fowler:-

That the minutes of the Ordinary Meeting of Council of 11 November 1998, be taken as read and confirmed.

At the request of Councillor Deftereos, and by consent, the minutes of 11 November 1998, were amended on Page 1422 by the deletion of the word "Item" where appearing in the last line of the Notice of Motion and the insertion in lieu thereof of the words "Approval of the Premises" after the word "the" where appearing in the last line of the Notice of Motion.

Minutes as amended by consent, were then confirmed.

Carried.

## **MINUTE BY THE MAYOR**

25 November 1998

### **CELEBRATIONS - 50TH WEDDING ANNIVERSARIES - MR AND MRS CROOK AND MR AND MRS MCDERMOTT (2018194)**

It is with pleasure that I advise Council of two 50th Wedding Anniversaries celebrated and to be celebrated in the South Sydney Council Area.

The two couples are Mrs Rita and Mr Thomas Crook of Garden Street, Alexandria and Mrs Freda and Mr Ted McDermott of Collins Street, Beaconsfield.

Rita and Thomas Crook celebrated their anniversary on Tuesday, 24 November 1998 and Freda and Ted McDermott will be celebrating their anniversary on Friday, 11 December 1998, and I consider it appropriate for Council to recognise these wonderful occasions.

#### **Recommendation:**

That letters of congratulation be forwarded to Mr and Mrs Crook and Mr and Mrs McDermott from Council and that floral arrangements also be forwarded to them on this very special occasion.

Councillor Vic Smith (SGD)  
**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

**GENERAL MANAGER**

## MINUTE BY THE MAYOR

25 November 1998

### **PUBLIC RELATIONS - RECOGNITION OF COUNCIL'S SUPPORT TO AUSTRALIAN JEWISH WELFARE SERVICES (5249332)**

On Friday, 20 November, Council received a special plaque in recognition of its support to Australian Jewish Welfare Services. The plaque was presented at the Annual Volunteer Recognition Function.

Council was recognised for supporting the work of Jewish Community Services in caring for those in need. The words 'partners in care', written on the plaque, tell the story about the successful partnership that has been formed between the two organisations.

In the past twelve months, Council's Multicultural Worker jointly worked on several projects with the Volunteers Coordinator from Jewish Community Services. These projects mainly involved the Russian community in Waterloo, which is one of our emerging communities. By working together, the two organisations were able to provide services to and encourage the participation of the local Russian residents in various community events.

I would like to thank Australian Jewish Welfare Services for recognising Council's contribution to its community. We look forward to working together with them and other organisations, in our efforts to provide information and services to residents in South Sydney.

#### **Recommendation:**

That the plaque be hung in the foyer of Council's main administration building and that a letter of thanks go to Australian Jewish Welfare Services for recognising our contribution to their community.

Councillor Vic Smith (SGD)  
**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**GENERAL MANAGER**

**MINUTE BY THE GENERAL MANAGER**

25 November 1998

**FINANCE - PRESENTATION OF COUNCIL'S FINANCIAL REPORTS  
FOR YEAR ENDED 30 JUNE 1998 (2000631)**

On 11 November 1998 Council formally adopted the audited Financial Reports and the Auditor's Reports for the year ended 30 June 1998.

Also at that meeting Council resolved to present both sets of reports to the public at its meeting of 25 November 1998 and to give the required 7 days notice of intention to do so.

The required 7 days public notice of this meeting has been given and the Financial Reports and Auditor's Reports have been available at Council's Administrative Offices for inspection since 12 November 1998.

The public notice also advised that any person may make submissions to Council with respect to the audited Financial Reports or with respect to the Auditor's Report and that any such submission must be made in writing and must be lodged with Council by 2 December 1998 (ie. 7 days from this meeting).

**Recommendation:**

That arising from the General Manager's report dated 25 November 1998:-

- (1) Council, in terms of Section 419(1) of the Local Government Act 1993, presents its audited Financial Reports together with the Auditor's Reports for the year ended 30 June 1998 to the public;
- (2) Council advises the public that, in terms of Section 420(1) and (2) of the Local Government Act 1993, any person may make submissions to Council with respect to the audited Financial Reports or with respect to the Auditor's Reports and that any such submission must be made in writing and must be lodged with Council within 7 days of this meeting (i.e. by 2 December 1998).

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**GENERAL MANAGER**

## QUESTIONS WITHOUT NOTICE

1.

### **DONATIONS - MORGAN PUBLIC OPINION POLL - VIEWS ON NUCLEAR WEAPONS - DONATION BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2019735)**

#### **Question:**

I have received notice of a request to Council for a donation of \$150 towards the cost of a Morgan Public Opinion Poll asking Australian their views on nuclear weapons.

The poll is being conducted by the Australian Peace Committee as part of a process to persuade the Australian Government to support a resolution before the United Nations General Assembly to more resolutely towards the eradication of nuclear weapons.

South Sydney Council has been approached because we are signatories of the Abolition 2000 Resolution for Local Authorities. I believe it would be appropriate for Council to support this request as it is consistent with our membership of ANFZS?

Carried.

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

I will ask the General Manager to have a report supporting the proposition for the next Finance Committee.

2.

### **PROPERTIES - PADDINGTON TOWN HALL - SHORTAGE OF CLOAKROOM SPACE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (P56-00126)**

#### **Question:**

I understand that when Paddington Town Hall is leased for large functions there is sometimes a shortage of cloakroom space. This is particularly noticed on very wet or cold evenings.

Would the Venue Manager please look at options for ensuring cloakroom space is appropriate for each function. It may simply be a matter of requesting lessees to provide stands, hangers and a ticketing system to suit their needs?

**GENERAL MANAGER**

**Answer by the Mayor:**

I will ask the Director of Corporate Services to have the matter investigated and a response prepared for the Councillors Information Service.

3.

**STREETSCAPES - WILLIAM STREET, DARLINGHURST - PLANTING OF TREES/SHRUBS ON MEDIAN STRIP - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (S57-00039)**

**Question:**

Residents in the Darlinghurst area have asked if it is possible for some planting in William Street. It has been suggested that the planting take place in the median strip, south of the tunnel exit.

I am aware the William Street Task Force has proposed plans for William Street but this street treatment would compliment any future plans. For any planting to flourish a watering system would need to be in place, I believe there is water available on site.

The residents have had to endure years of disruption due to the large construction of developments nearby and any planting would be most welcomed. It would also serve as a gateway to the city - especially during the lead up for the Olympics.

Can the relevant Officer investigate the possibility of planting trees or shrubs - if feasible? Can the RTA be approached to fund this as a joint venture?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate the matter for you and have a report on the first matter you raised included in the Councillors Information Service and then contact the RTA in respect of the funding.

4.

**HEALTH - REMOVAL OF "BINDI - EYES" IN COUNCIL'S PARKS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (H51-00091)**

**Question:**

Can the relevant Officer provide advice on what action if any, Council can take to address the issue of "Bindi Eyes" in Council's Parks?

**Answer by the Mayor:**

In response to that I signed two letters today to residents and I will have copies of those letters put in the Councillors Information Service to the action taken by Council.

5.

**COUNCILLORS - ACKNOWLEDGEMENT TO INVITATIONS BY COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON. (2001916))**

**Question:**

Several Community Group executives have mentioned to me that their invitations are not acknowledged by Councillors. I know it is difficult at this time of year, but could we endeavour to accept or decline invitations so that apologies may be noted?

**Answer by the Mayor:**

The message is noted by Councillors, thank you.

6.

**PROPERTIES - ALEXANDRIA TOWN HALL - CONSERVATION MANAGEMENT PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2019720)**

**Question:**

The Conservation Management Plan prepared by Ron Howard for the Alexandria Town Hall - a heritage consultant stated:

"Consideration should be given to incorporating the dwelling at 71 Garden Street into any program or re-use for the Town Hall. The dwelling has important historical associations with the Town Hall as the Mayor's Residence and then the caretaker's quarters"

Could the following questions be answered:-

- (1) Why after paying for a consultant is this advice being ignored so that Council is now eroding the heritage value of this site?
- (2) Why was the community not informed or consulted re the sub-division and eventual sale of the Mayor's residence considering the degree or impact?
- (3) Will this sub-division and sale of an Historical property, be a matter of the whole Council to debate?

**Answer by the Mayor:**

I will have those responses from the appropriate Council Officers placed in the Councillors Information Service.

7.

**SPORT FACILITIES - VICTORIA PARK POOL - REPAIRS TO FILTRATION SYSTEM - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S54-00001)**

**Question:**

It has been brought to my attention that the filtration system at our Victoria Park Pool is not adequate enough to clean the pool to the standard that is necessary. Could this situation be investigated and whether a new system is needed?

**Answer by the Mayor:**

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

8.

**CELEBRATIONS - WALK TO WORK DAY - BREAKDOWN OF FUNDS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018707)**

**Question:**

Recently, Council funded \$5000 for a Walk to Work day at South Sydney Council. Can I have a report on the breakdown on the success and how the money was spent?

**Answer by the Mayor:**

I will ask the Director of Organisational Development to have that report prepared for the Councillors Information Service.

9.

**PLANNING - SOUTH SYDNEY DEVELOPMENT CORPORATION NEWSLETTER - ADVERTISING BY DEVELOPERS. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009334)**

**Question:**

A number of developers have been in touch regarding the possibility of advertising in the South Sydney Development Corporation's newsletter. On the front page recently was the ACI Site and it was described as an exciting place to live and do business. I am wondering if we should let them know they have this newsletter available to them as well?

**Answer by the Mayor:**

It is not a matter for this Council, but if you know who those developers are, may I suggest you ask them to contact the Corporation.

10.

**PROPERTIES - MONEY FROM PROPERTY SALE TO BE LINKED WITH PURCHASE OR CONSTRUCTION OF NEW ADMINISTRATION BUILDING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P56-00385.)**

**Question:**

South Sydney Council is involved in quite a few property sales lately. I was wondering, if we could have a report on the revenue on those property sales not being swallowed up in consolidated revenue but being linked to either the purchase or construction of the new administration building for South Sydney Council?

**Answer by the Mayor:**

I will have a report prepared for you.

11.

**BOURKE STREET NOS. 782 - 822, WATERLOO - REMOVAL OF ADVERTISING SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018212)**

**Question:**

There is an advertising sign hanging on the side of the Meriton building on the ACI Site, approximately 60 or 70 square metres in size that hasn't had approval. This is the second time I have asked this question. Could the appropriate Officer please investigate and ask them to remove it?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to investigate that matter and have a response prepared for the Councillor Information Service.

**REPORT OF THE FINANCE COMMITTEE**

18 November 1998

**PRESENT**

**Councillor Sean Macken (Chairperson)**

**Councillors – Margaret Deftereos and Sonia Fenton**

**GENERAL MANAGER**

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

Councillors - Deftereos, Fenton and Macken

**Apology:**

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

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

That the Report of the Finance Committee of its meeting of 18 November 1998, be received and the recommendations set out below for Items 1 to 4 , inclusive, 6, 8 to 13 inclusive and 1 and 19 inclusive be adopted. The recommendations set out below for Items 5,7, 15, 16 and 18 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - SEPTEMBER 1998  
(2019333)**

That arising from consideration of a report by the Director of Finance dated 6 November 1998, approval be given to the confirmation of the payment of the accounts totalling \$16,262,101.10 as detailed in the Summary of Warrants for the Month of September, accompanying the report.

Carried.

2.

**PROPERTIES - NO. 136 JOYNTON AVENUE, ZETLAND - PROPERTIES  
SECTION AND AEROBICS AREA - AIR CONDITIONING FACILITIES  
(2014527)**

That approval be given to:-

- (a) Council voting the funds of \$22,000 (not allowed for in the current 1998/1999 Budget), for the supply and installation of two 15 k.w. air conditioning plants to the Properties Branch Offices;
- (b) Council's Trades Group to re-locate and re-activate the seven air-conditioning units from the Properties Section of No. 136 Joynton

Avenue, Zetland, to the Aerobics Centre, together with the installation of additional power points, as required.

(DCS Report 6.11.98)

Carried.

3.

**PERSONNEL - STAFF EDUCATION ASSISTANCE SCHEME POLICY - REVIEW (P53-00025)**

That the Staff Education Assistance Scheme (SEAS) Policy approved by Council on 24 February 1993, be rescinded and that the Staff Education Assistance Scheme Policy accompanying the Director's report, be adopted as and from 1 January 1999.

(DOD Report 19.10.98)

Carried.

4.

**STREETS - REGENT LANE, REDFERN - PROPOSED RENAMING AS REGENT PLACE (2011371)**

That approval be given to the advertising and action being taken under the Policy adopted by Council on 14 February 1996 to rename Regent Lane as Regent Place as shown on Plan No S5-549/96, accompanying the Director's report.

(DPWS Report 29.10.98)

Carried.

5.

**PROPERTIES - ERSKINEVILLE ROAD, NOS. 54 - 56, ERSKINEVILLE - PROPOSED SALE OF VACANT LAND (P56-00419)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That this matter be deferred for the submission of a further report by the Director of Corporate Services on the timely disposal of the asset and that the report include the resolution of Council of 14 October 1998.

Carried.

**6. LEASING - VACANT COMMERCIAL AND RESIDENTIAL PROPERTIES - MONTHLY REPORT - MANAGEMENT PLAN (P56-00356)**

That the report by the Director of Corporate Services dated 4 November 1998, submitting the July, August and September 1998 Report on all Council's vacant Commercial and Residential properties that are available, be received and noted.

Carried.

**7. PROPERTIES - PITT STREET, NO. 30A AND NO. 30B, REDFERN - SALE (P06-00335)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That this matter be deferred to allow further negotiations between the affected residents and Council's Solicitors.

Carried.

**8. PARRAMATTA ROAD, NO. 108A, CAMPERDOWN - LIFTING RESTRICTION AS TO USER (2019253)**

That approval be given to the lifting by Council of the Restriction as to User placed on lot 1 in DP 534973 at No. 108A Parramatta Road, Camperdown, subject to:-

- (a) Lot 1 in DP 534973 being consolidated with lot 2 in DP 534973;
- (b) AGL certifying in writing that the site is redundant to their needs and not used for a public purpose.

(DPWS Report 30/10/98)

Carried.

**9. MEMBERSHIP - BOTANY BAY ENTERPRISE CENTRE (BEC) - RENEWAL OF MEMBERSHIP (M54-00040)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 10 November 1998, approval be given to Council renewing its

membership at a Corporate Level 1 member of the Botany Bay Business Enterprise Centre and to the payment of the annual membership subscription fee in the sum of \$2,000 for the period 1998/99 for which funds are available in the 1998/99 Revenue Estimates (EBK-77WO).

Carried.

10.

**LICENSING - PITT STREET, WATERLOO, COMMUNITY MARKETS - ANDREW PHILIPOU - TERMINATION OF LICENCE (2001064)**

That approval be given to:-

- (a) Andrew Philipou's Licence operating the Community Markets at Pitt Street, Waterloo, being terminated from 11 July, 1998;
- (b) no further action being taken regarding the future licensing of the Markets.

(D.C.S. Report 9.11.98)

Carried.

11.

**DONATIONS - 1998 STAFF CHRISTMAS PARTY - CLOSURE OF MAIN ADMINISTRATION BUILDING (D53-00054)**

That Council approves the closure of Council Offices at 1.00 p.m. on Friday 18 December 1998, to allow staff to attend the 1998 Staff Christmas Party and that the public be informed accordingly.

(A/DCS Report 13.11.98)

Carried.

12.

**STREETS - EARL STREET, POTTS POINT - PROPOSED CLOSURE AND SALE OF PART (2015605)**

That approval be given for advertising and action to be taken for the proposed closure and sale of part of Earl Street, Potts Point as shown stippled on Plan No. S6-324/134 in accordance with the revised policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 27 August, 1997.

(DPWS Report 10.11.98)

Carried.

13.

**STREETS - GARDEN STREET, ALEXANDRIA, NORTH OF HENDERSON ROAD - CONSTRUCTION OF ROADWORKS - ACCEPTANCE OF TENDER (2003220)**

That approval be given to:-

- (a) the acceptance of the tender from North Shore Paving in the amount of \$274,967.50 for the construction of roadworks in Garden Street, Alexandria north of Henderson Road;
- (b) the provision of a contingency sum of \$41,245 (15% of the contract sum);

-for which funds are available in the 1998/99 Works Programme and contributions from the Department of Urban Affairs and Planning for improvements to Garden Street outside the new Sydney Ambulance Centre and the RTA's new Traffic Control Centre.

(DPWS Report 12.11.98)

Carried.

14.

**LICENSING - REG BARTLEY OVAL, RUSHCUTTERS BAY - USE BY DUNBAR ROVERS FOOTBALL CLUB, WINTER SEASONS 1999 AND 2000 (L56-00487)**

That approval be given to the Dunbar Rovers Football Club being offered a Licence to use the Reg Bartley Oval, Rushcutters Bay, during the 1999 and 2000 Winter Seasons (April till August) at a fee of \$3,675 for the 1999 Winter Season on Sundays, between 9.00 a.m. and 6.00 p.m. for the purpose of conducting Soccer matches subject to the following conditions, namely:-

- (1) That the rent for the Winter Season 2000 be reviewed by the CPI;
- (2) All legal costs associated with the preparation and execution of the necessary Licence documents by the Council's Legal Officer are to be borne by the Licensee;
- (3) All relevant documents are to be executed, if required, by Council's Attorney.

(A/DCS Report 12.11.98)

**GENERAL MANAGER**

At the request of Councillor Bush, and by consent, the motion was amended by the additions of Clause (3) to the recommendation, namely:-

- (3) That the Director of Corporate Services be requested to write to the Secretary of the Dunbar Rovers Football Club advising of the complaints by residents relating to the conduct and language during their football matches.

Motion as amended by consent, carried.

15.

**COUNCIL - RECESS FOR YEAR 1999 - ADOPTION OF SCHEDULE AND DELEGATION OF AUTHORITY TO MAYOR (C63-0019)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a minute by the Civic Affairs Manager /Public Officer dated 12 November 1998, it be resolved that Council recess during the year 1999 on the undermentioned dates, namely:-

From midnight on Wednesday 24 March to Wednesday 21 April 1999  
From midnight on Wednesday 23 June to Wednesday 21 July 1999  
From midnight on Wednesday 25 August to Friday 10 September 1999  
(Local Government Elections on 11 September 1999)

- and that in order to carry out the services and obligations of the Council approval be given to delegate to:-

- (1) The Mayor its powers, authorities, duties and functions other than those reserved for the Council itself by Section 377, and other than any regulatory functions under Chapter 7 of the Local Government Act, 1993;
- (2) The General Manager any regulatory functions under Chapter 7 of the Local Government Act, 1993 not previously delegated.

- during the periods referred to above and that all matters normally requiring decision by Council be circulated to Councillors two full working days prior to resolution by the Mayor and any written objections by four Councillors on any one item, stating the reason for objection, be enough to defer a decision until the next relevant Standing Committee meeting of Council, and that any decision of the Mayor or General Manager pursuant to such delegations be reported to members of the Council.

Carried.

16.

**DONATIONS - COMMUNITY ARTS MARRICKVILLE - "WALKING THE STREET" 1998 PROGRAM - APPLICATION FOR ADDITIONAL FINANCIAL ASSISTANCE (2008104)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That Community Arts Marrickville receive \$500 towards the "Walking the Street" 1998 Program and a donation be sought from Marrickville Council by Community Arts Marrickville.

Carried.

17.

**DONATIONS - CANDLELIGHT VIGIL 1998, AS PART OF AIDS AWARENESS WEEK - APPLICATION FOR FINANCIAL SPONSORSHIP (2012703)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Health and Community Services dated 16 November 1998, regarding the request for Financial Sponsorship for the Candlelight Vigil 1998, be refused.

Carried.

18.

**PROPERTIES - UPGRADING - PLUNKETT STREET, NOS. 1-7, WOOLLOOMOOLOO - ACCEPTANCE OF TENDER (2017117)**

- (1) That approval be given to engage S.A. Simmonds and Associates Pty. Ltd. for the sum of \$659,383 to upgrade Council's Works Depot at Nos. 1-7 Plunkett Street, Woolloomooloo;
- (2) That funds of \$66,000 (10% of the contract value) be allocated as a contingency for variations;
- (3) That a further report be submitted at a later date in relation to other items such as external painting, washbay, yardworks and landscaping;

-for which funds of \$700,000 and \$150,000 are currently available in the 1998/1999 and 1999/2000 Budgets respectively (Account Code CWP 9003 – Depot Relocation Reserve).

**GENERAL MANAGER**

(DCS Report 17.11.98)

Carried.

(Councillor Bush requested that his name be recorded as voting against the Item.)

19.

**PROPERTIES - EPSOM ROAD DEPOT - UPGRADING AND EXPANSION  
(2010310)**

That for the reasons set out in the report by the Director of Public Works and Services dated 17 November 1998, approval be granted for the adoption of the Planning Principals for the Epsom Road Depot as outlined in the beforementioned report.

Carried.

The Finance Committee Meeting terminated at 7.29 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

18 November 1998

**PRESENT**

**Councillor Sonia Fenton (Chairperson)**

**Councillors – Margaret Deftereos, Sean Macken**

At the commencement of business at 7.30 pm those present were -

Councillors - Deftereos, Fenton, and Macken

**Apology:**

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

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

**GENERAL MANAGER**

That the Report of the Community Services Committee of its meeting of 11 November 1998, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**COMMITTEES - HEALTHY OLDER PEOPLE PROGRAM (HOPP) - MINUTES OF MEETING, 27 OCTOBER 1998 (2018510)**

That the report by the Director of Health and Community Services dated 4 November 1998, and the accompanying minutes of the Healthy Older People Program Committee held on 27 October 1998, be received and that the undermentioned recommendations of the Committee, be adopted, namely:-

- (1) to have the International Year of Older Persons symbol printed on the back of all standard envelopes for use during 1999, which is the International Year of Older Persons, of which an example is attached to the beforementioned H.O.P.P. Minutes;
- (2) to the conduct of a Valentines Day Dance on 12 February 1999, at the Reginald Murphy Hall, Greenknowe Avenue, Kings Cross, including the free use of the hall from 1pm to 4pm, and the allocation of \$845 for complimentary afternoon tea and entertainment, for which funds are not available (KEV.55FO).

Carried.

2.

**LIBRARIES - LIBRARY SURVEY - RESULTS (2003201)**

That arising from consideration of a report by the Director of Health and Community Services dated 12 November 1998, approval be given to the following 6 recommendations for the strategic development of the South Sydney Libraries and with that, further reports including details of the developments, costs of their implementation and measures of accountability be prepared and submitted:-

- (1) Extend library opening hours;
- (2) Improve library resources, services and facilities;
- (3) Widen the role of the library to include a one-stop-shop unit;
- (4) Modify internal building furniture and layout;
- (5) Improve customer service;
- (6) Develop and implement a library marketing plan to promote the library.

**GENERAL MANAGER**

Carried.

The Community Services Committee Meeting terminated at 7.32 p.m.

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

18 November 1998

### **PRESENT**

**Councillor Jill Lay (Acting Chairperson)**

**Councillors - John Bush, John Fowler and Christine Harcourt**

At the commencement of business at 6.48 pm, those present were -

Councillors - Bush, Fowler, Harcourt and Lay

### **Apology:**

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

Moved by the Acting Chairperson (Councillor Lay), seconded by Councillor Harcourt.

That the Report of the Planning and Development Committee of its meeting of 18 November 1998, be received and the recommendations set out below for Items 1,3 to 5 inclusive, 8,10 to 12 inclusive, 16,18 to 24 inclusive and 26 inclusive, be adopted. The recommendations for Items 2,6,7,9,13 to 15, 17 and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

### **ANTI-SOCIAL ACTIVITIES - INVESTIGATION INTO BEHAVIOUR OF SPRUIKERS WORKING FOR CLUBS IN KINGS CROSS - QUESTION WITHOUT NOTICE (2012770)**

That Council pursue enforcement action to ensure compliance of condition (6) of DA 84-0578 dated 10 December, 1984 in respect of Nos. 44-44B Darlinghurst Road, Potts Point and condition (6) of DA 80-1318 dated 22 June, 1981 in respect of Nos. 60-60B Darlinghurst Road, Potts Point.

**GENERAL MANAGER**

(DPB Report 4.11.98)

Carried.

2.

**PARKING - FITZROY STREET AND FOVEAUX STREET, SURRY HILLS,  
BETWEEN SOUTH DOWLING STREET AND CROWN STREET -  
PROPOSED TEMPORARY "CLEARWAY" CONTROLS (2006330)**

That Council express its support for the temporary introduction of "Clearway, 6.00am - 10.00am and 3.00pm - 7.00pm, Monday - Friday" controls along:

- (a) Fitzroy Street, Surry Hills, both sides;
- (b) South Dowling Street to Bourke Street;
- (c) Foveaux Street, Surry Hills, northern side;
- (d) Bourke Street to Crown Street;

-until completion of the Eastern Distributor (due by July 2000).

(DPWS Report 4/11/98)

At the request of Councillor Lay, and by consent, 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:-

That consideration of the report by the Director of Public Works and Services dated 4 November 1998, be deferred to the next Planning and Development Committee meeting to be held on 2 December 1998.

Motion, as amended by consent, carried.

3.

**REGENT STREET, NO. 30, PADDINGTON - CONSTRUCTION OF  
VEHICULAR ACCESS AND ERECTION OF PERGOLA - DEVELOPMENT  
APPLICATION (U98-00702)**

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr T Spooner for permission to erect a brick archway to provide vehicular access and install a roller door together with the erection of a timber pergola at the rear of the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with unnumbered plans dated 29 July 1998 except as amended by conditions of consent;
- (2) That prior to the collection of the approved plans and specifications, it will be necessary to lodge with Council a fee of

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**\$300 in the form of Cash or 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) Please note that following the gazettal of the *Home Building Act 1997*, your application is subject to a privately obtained "*Consumer Warranty Insurance*". You must bring your completed insurance documentation to the Council in order to pick up your approved plans.

NOTE: That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;

- (4) That all building work must be carried out in accordance with the provisions of the Building Code of Australia and this does not apply to the extent to which an exemption is in force under clause 80H or 80I of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4);
- (5) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number;
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act;
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number;
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the

amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act;

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

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

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

- (6) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage;
  - (b) if necessary, must underpin and support the building in an approved manner;
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished;

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

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

- (7) 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;

- (8) 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;
- (9) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (10) That structural details shall be submitted with the application for a Construction Certificate;
- (11) That with respect to proposed work to any party wall, the applicant shall make good any damage to common property as a result of such work;
- (12) 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);
- (13) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (14) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (15) 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);

- (16) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
  - (17) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
  - (18) 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;
  - (19) 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.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

**SHEPHERD LANE, NO. 3, DARLINGTON - ALTERATIONS AND ADDITIONS TO TERRACE HOUSE - DEVELOPMENT APPLICATION (U98-00859)**

- (A) That the Council as the responsible authority, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, grants deferred commencement consent to the application submitted by M Atar (owner), for permission to raise the height of the roof, convert the attic space into a study with a rear extension and juliet balcony, and to erect a first floor rear deck over part of the ground floor in accordance with plans reference DA01 dated August 1998, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has satisfied the requirements in (a) to (e) inclusive below and details as to how it is proposed to comply have been incorporated in amended plans to the satisfaction of the Director of Planning and Building:
    - (a) the existing roof ridge height shall not be altered;

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- (b) the rear attic extension shall be set in from each side boundary by 500mm and from the rear alignment of the first floor by 200mm (measured horizontally);
  - (c) lattice privacy screens 1700mm in height shall be erected along the sides of the proposed first floor deck;
  - (d) the proposed Juliet balcony at the second floor level shall be deleted;
  - (e) the proposed french doors in the attic extension shall be altered to vertically proportioned windows with minimum sill heights of 900mm;
- (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 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 \$600 or first installment (as applicable), can be paid to the Council;
- (4) 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;

and the following adopted standard conditions:

- (5) Glazing Reflectivity less than 20%<sup>118</sup>
- (6) Obstruction of Public Way<sup>3029</sup>
- (7) Clean Water Discharge<sup>4002</sup>
- (8) Refuse Skips<sup>6002</sup>
- (9) Storage/Garbage<sup>6009</sup>
- (10) Ventilation<sup>7023</sup>

- (11) Noise and Vibration<sup>7026</sup>
- (12) Sewer Discharge<sup>8004</sup>
- (13) Comply With BCA<sup>9104</sup>
- (14) Works Within Boundary<sup>9152</sup>
- (15) Hours of Work and Use of Cranes<sup>9153</sup>
- (16) Construction Certificate Required<sup>9155</sup>.

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.

**5.**

**PROSPECT STREET, NO. 19, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO REAR OF DWELLING - DEVELOPMENT APPLICATION (U98-00948)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Farley Dahl for permission to carry out alterations and additions to the rear of the property at No. 19 Prospect Street, Erskineville, subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with the submitted plans dated 22 September 1998;
  - (2) That prior to issuing a Development Application, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

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- (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 \$180 or first installment (as applicable), can be paid to the Council;
- (4) That the proposed balcony at the first floor of the north elevation shall be screened by way of a lattice screen at the western end to a height of 1.8m and 1.5m along its length;
- (5) That the glazing associated with the stairway shall fixed and obscured;
- (6) That the two windows at the first floor of the northern elevation shall be fixed and obscured at the lower level;
- (7) 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;
- (8) That the existing right of way along the northern boundary shall be maintained;
- (9) That all works shall take place within the confines of the site;
- (10) That plans and specifications showing details of:
  - (a) all proposed mechanical ventilation systems;
  - (b) all required mechanical ventilation systems;
  - (c) all proposed and altered 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:

- (11) Structural Design Certificate<sup>9006</sup>
- (12) Drainage Details with Construction Certificate<sup>9013</sup>
- (13) Single Dwelling Occupation Only<sup>9103</sup>
- (14) Comply With BCA<sup>9104</sup>
- (15) Works Within Boundary<sup>9152</sup>
- (16) Construction Certificate Required<sup>9155</sup>

- (17) Building/Demolition Noise Control<sup>9156</sup>
- (18) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (19) Commencement of Structural Works<sup>9202</sup>
- (20) Clean Water Discharge<sup>4002</sup>
- (21) Garbage on Public Way<sup>6001</sup>
- (22) Storage/Garbage<sup>6009</sup>
- (23) Breakdown on material on site<sup>7001</sup>
- (24) Woodworking Dust<sup>7003</sup>
- (25) Ventilation<sup>7023</sup>
- (26) Part Mechanical Ventilation<sup>7027</sup>
- (27) Exhaust Vents<sup>7037</sup>
- (28) Obstruction of Public Way<sup>3029</sup>
- (29) Refuse Skips<sup>6002</sup>
- (30) Hours of Work and Use of Cranes<sup>9153</sup>
- (31) Noise and Vibration<sup>7026</sup>
- (32) Sewer Discharge<sup>8004</sup>

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.

6.

**GEORGE STREET, NOS. 106 - 110, REDFERN (COURTHOUSE HOTEL) - INCREASE HOURS OF HOTEL TRADING - DEVELOPMENT APPLICATION (U98-00709)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Red Baron Enterprises, for permission to extend the trading hours of the hotel at Nos. 106-110 George Street, Redfern, subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted to 7am to 12 midnight Monday through Saturday, and 11am to 10pm Sunday;
  - (2) 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.
  - (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 \$180 or first installment (as applicable), can be paid to the Council.

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.

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

That consideration of the above application for extension of trading hours be deferred to the next Planning and Development Committee meeting to be held on 2 December 1998, as requested by the applicant in fax dated 25 November 1998.

Amendment, carried.

Motion, as amended by Councillor Fowler, carried.

At the request of the Mayor, the Director of Planning and Building was directed to notify objectors and the signatories of the petition submitted to Council and the Police of the deferment of the application.

7.

**DARLINGHURST ROAD, NOS. 39 - 43, POTTS POINT - PROPOSED  
EXTENSION OF HOURS TO EXISTING NIGHTCLUB - DEVELOPMENT  
APPLICATION (U98-00609)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by KR and Associates Entertainment Pty Ltd, with the authority of Vendomatic Pty Ltd, to continue use of the basement level as a nightclub between the hours of 12 midday and 6am daily, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with unnumbered plans dated March 18, 1997 and submitted to Council on July 2, 1998;
  - (2) That the hours of operation shall be restricted to between 6.00 p.m. and 6.00 a.m. daily;
  - (3) That the hours of operation between 3.00 a.m. and 6.00 a.m. shall cease after a period of 12 months from the date of commencement. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed use (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period);
  - (4) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
  - (5) That the applicant shall become a fully paid member of Kings Cross Licensing Accord and comply with the objectives and principles of the Accord throughout the duration of the approved use. Proof of membership (e.g. a current certificate) shall be provided prior to the commencement of this consent;
  - (6) That the doors onto Earl Place are not used at any time other than in emergencies, with signage to be attached to the doors facing Earl Place with the words "No Entry" and with signage to be attached to the doors facing indoors with the words "Emergency Exit Only";
  - (7) That there is no amplified sound at ground level, on the stairs between lower-ground (basement) and ground level, or within five

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metres of the stairs between lower-ground (basement) and ground level;

- (8) That each loudspeaker or loudspeaker system shall be placed in such a position that while in use it remains:
  - (a) located entirely within the nightclub;
  - (b) directed in such a manner that the loudspeaker or loudspeaker system, while in use, does not point towards any wall which contains an external window or entrance to the shop;
- (9) That the use of the premises shall not give rise to:-
  - (a) transmission of vibration to any place of different occupancy;
  - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise";
  - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (10) That the noise levels shall not be audible to any place of different occupancy used for sleeping;
- (11) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 – 1978, Intruder Alarm Systems.

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 persons who made representation in respect of the proposal be advised of Council's decision.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of condition (6) of the recommendation and the insertion in lieu thereof of a new condition (6), namely:-

- (6) That the doors on to Earl Place are not used at any time other than to permit wheelchair access by prior arrangement and in emergencies, with signage to be attached to the doors facing Earl

Place with the words "No Entry" and without signage to be attached to the doors facing indoors with the words "Emergency Exit Only".

Motion, as amended by consent, carried.

8.

**GEORGE STREET, NOS. 238 - 246, WATERLOO - REFURBISHMENT OF NINE EXISTING FLAT RESIDENTIAL UNITS - DEVELOPMENT APPLICATION (U98-00889)**

- (A) That subject to the receipt of the necessary concurrence of the Department of Housing, the Council as the responsible authority favours the granting of its consent to the application submitted by the Department of Housing, for permission to refurbish nine existing residential flat buildings at Nos. 238-240 George Street, Waterloo, 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 \$16,500 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;
  - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$7,000, or first installment (as applicable), can be paid to the Council;
  - (3) That the development shall be generally carried out in accordance with plans numbered SHT 01-10 of 10, S 01 of 1, LA 01 of 1, dated August 1998, except where amended by conditions of this consent;
  - (4) That all the ground floor units shall be fitted with security screen doors and appropriate locking devices on all doors;
  - (5) That all relevant sections of the BCA shall be complied with;
  - (6) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

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

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

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

- (7) That a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;
- (8) That if the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;

- (9) That the garbage/recycling areas shall make provision for containerisation requirements set by Council's Waste Services Section;
- (10) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (11) 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);
- (12) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (13) That all existing trees on the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;
- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
  - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;

- (15) 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);
- (16) 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;
- (17) That the applicant 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 crossing adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be carried out by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (18) That an existing stormwater plan shall be submitted to the Director Public Works and Services showing where the discharge points are;
- (19) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;
- (20) That the garbage receptacle storage areas shall be provided within the site in an approved position, constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;

and the following adopted standard conditions:

- (21) HSC500 - Premises to be ventilated;
- (22) HSC111 - Liquid wastes to sewer;
- (23) HSC555 - Bathroom ventilation;
- (24) HSC700 - Compliance with code for Garbage Handling System;
- (25) HSC800 - Use of appliances emitting intrusive noise.

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

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

- (B) That subject to the agreement of the Department of Housing to the draft conditions, the development consent be issued under delegation of authority.
- (C) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

**CLEVELAND STREET, NOS. 375 - 387, REDFERN - CARWASH CAFÉ - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00914)**

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 Stasia Pty Ltd, for permission to erect a carwash and cafe, at the abovementioned premises, subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with plans numbered 9809.1/2/, dated 3 September, 1998;
  - (2) 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	\$632	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$219	2E97002.BGY0
Accessibility And Transport	\$ 4	2E97006.BGY0
Management	\$ 20	2E97007.BGY0
<b>Total</b>	<b>\$875</b>	

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

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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.

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

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 / 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 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.

That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6750 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 Construction Certificate, it will be necessary to lodge with Council a fee of \$6750 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;
- (4) 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 \$900, or first installment (as applicable), can be paid to the Council;
- (5) That the height of the canopy shall be no more than six metres;
- (6) That a rear portion of the canopy between the pump room and the rear of the adjacent residence shall be constructed of a transparent material, to be no less than a meter in width;
- (7) That a screen constructed of perspex or plastic shall be erected between the pump room and the rear of the adjacent terrace;
- (8) That a detailed landscape and specification , prepared by a qualified Landscape Architect shall be submitted to the director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hard works and soft works including decorative paving type, garden bed edging, fencing, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation and or hose cock locations. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs. Minimum soil depths shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch;
- (9) That 1 street tree shall be provided by the developer along Cleveland Street in accordance with the Council's Street Tree Masterplan (1996). The tree shall be a minimum 100 litre in container size, 2.5 metres high, 75 mm calliper and planted at 10 metre centres. The street tree is to be *Plantanus hybrida* commonly known as the plane tree;

- (10) That the width of the entry and exit driveways shall be reduced to 5 metres and arrows painted on the pavement and circulation lanes to indicate the direction of vehicle movements;
- (11) That a boundary wall no less than 300mm in height shall be provided on the Marriott and Cleveland Street frontages;
- (12) That the storage and garbage rooms shall be set back 1m from the Marriott Street boundary and incorporated into a Landscape Plan;
- (13) That a final inspection of the landscape works shall be arranged by the developer with the Parks Development Branch to ensure that the works are constructed in accordance with the plans approved with the construction certificate;
- (14) That the developer shall be responsible for sign posting along the Marriott Street frontage;
- (15) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environmental Protection Authority. This assessment shall be reviewed by a Site Auditor who is accredited under part 4 of the Contaminated Land Management Act, 1997, and a site audit statement shall be submitted to council in accordance with Schedule 1 Form 1 Contaminated Land management (Site Auditors) Regulation, 1998;
- (16) That the service station's underground storage tanks be removed in accordance with WorkCover Authority's requirements;
- (17) That no queuing or parking of vehicles in conjunction with the proposal shall be conducted on either Cleveland Street or Marriott Street;
- (18) That movements of vehicles be restricted to 'left in' from Cleveland street and "left out" in Marriott Street;
- (19) That the Cleveland Street entrance driveway shall be clearly signposted "no right turn" and be legible to east bound traffic along Cleveland Street;
- (20) That driveways shall be clearly signposted to indicate "entry" and "exit" only;
- (21) That the use of the cafe shall be ancillary to the use of the car wash;

- (22) That the hours of operation shall be restricted to between 8:00 a.m. to 10:00 p.m. Monday to Saturday 8.00 a.m. to 8.00 p.m. Sundays;
- (23) That the Landscaping Plan shall be designed to incorporate the adjacent public reserve at the direction of Public Works and Services;
- (24) That the details (finishes) of steps and handrails accessible from the public reserve shall be provided by the developer to ensure they are designed in accordance with appropriate standards;
- (25) That the proposed blank wall adjoining the northern boundary of the park shall be a public art space. Details to be provided with the construction certificate to the satisfaction of the council's Arts and Cultural development Co-Ordinator;
- (26) That the owner/developer shall dedicate to the Council, free of cost to the Council, the following land:
  - (a) a 3x3m wide strip along the site frontage to Cleveland Street;
  - (b) a splay only at the intersection of Cleveland and Marriott Street;

-limited if so desired in height and/or depth to 5m above and/or 2m below the adjacent footway level, to be detailed in a plan for consolidation of the land, to be approved by the Director of Public Works and Services, prior to issuing an Occupation Certificate;
- (27) That all car wash bays and vehicle servicing areas shall be graded and drained to the sewer in accordance with the requirements of the Water Board;
- (28) That all liquid wastes other than stormwater arising on the premise shall be discharged to the sewer in accordance with the requirements of the Water Board;
- (29) That a minimum of two off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Councils Development Control Plan No 11 and line marked for staff only prior to the issuing of a construction certificate;

and the following standard conditions:-

- (30) 2003 – Sign/Goods on Footpath
- (31) 1002 – Works on Public Way Cost
- (32) 1006 – Alteration of Public Services
- (33) 1016 – Alignment Levels
- (34) 3025 – Road Opening Permit
- (35) 3026 – Cost of Signposting
- (36) 3027 – Consequential Road works
- (37) 3028 – Footway Crossing
- (38) 3029 – Obstruction of Public Way
- (39) 3031 – Traffic and Pedestrian Movement
- (40) 4001 – Stormwater Standard
- (41) 4002 – Clean Water Discharge
- (42) 6002 – Refuse Skips
- (43) 9104 – Comply With BCA
- (44) 9155 – Construction Certificate Required
- (45) 108 – Spruikers
- (46) 7023 – Ventilation
- (47) 6011 – Garbage Room/Receptacle
- (48) 6003 - Commercial Garbage Contract
- (49) 7005 – Noise Report
- (50) 7020 – Fitout of Food Premises
- (51) 7022 – Air Handling – Food
- (52) 7028 – Vibration and Noise
- (53) 7017 – Details of Health Aspects
- (54) 124 – Display Street Number

- (55) 122 – Consolidate Lots
  - (56) 2001 – Separate Application for Signs
  - (57) That all water used for the washing of vehicles shall be treated to a standard suitable for reuse and shall be used in the car washing process. The reclaimed water pipelines and fittings must be clearly identified and installed so as to provide a cross connection with the potable water supply, and approval obtained from Sydney Water for the installation.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**10.**

**LIVERPOOL STREET, NO. 300, DARLINGHURST - PREMISES TO BE USED AS SOLICITORS PRACTICE - DEVELOPMENT APPLICATION (U98-00514)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Evanel Pty with the concurrence of the Body Corporate of Strata Plan 18156 to use Lot 3 as a solicitor's office in conjunction with the use of No. 298 Liverpool Street, for the following reasons, namely:-
- (1) That the approval would result in the loss of a residence;
  - (2) That approval would result in the expansion of a solicitor's firm above a size appropriate to a residential zone;
  - (3) That the expansion would result in a commercial use which could not be regarded as only local in nature;
  - (4) That the establishment of a commercial use within the residential flat building would adversely affect the security of the building;
  - (5) That the construction of an opening on the property boundary is contrary to the provisions of the Building Code of Australia.
- (B) That action be taken for the cessation of the unauthorised use and the boundary door removal and the wall made good.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

**WILSON STREET, NO. 442, DARLINGTON - ALTERATIONS AND ADDITIONS TO EXISTING WAREHOUSE TO CREATE A RESIDENCE AND WORKSPACE - DEVELOPMENT APPLICATION (U97-01058)**

That the application submitted by M.A. Jones for permission to demolish all but the masonry side walls and parapet at the front of the site and to erect a lower ground level garage at the rear, a ground level model making studio, bathroom and loading dock, and a 2 bedroom dwelling on the 2 additional upper floors with front and rear terraces at the first floor level and front and rear balconies at the second floor level, be deferred as requested by the applicant in fax dated 17 November 1998.

Carried.

12.

**STIRLING STREET, NOS. 2 - 4, REDFERN - ERECTION OF TWO NEW TERRACES - DEVELOPMENT APPLICATION (U98-00917)**

That the application submitted by D Whitbourn for permission to erect 2 x 3 storey terraces at the abovementioned premises, be deferred until the proposed new alignment review of William Street, Redfern, between James Street and Stirling Street has been determined.

Carried.

13.

**HENDERSON ROAD, NO. 260, ALEXANDRIA - SECTION 102 AMENDMENT TO DEVELOPMENT CONSENT (U95-00070)**

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(A) That the terms of the consent granted by Council on 3 March 1995 to use the premises for the design, servicing and storage of radio and telecommunication equipment and as ancillary offices, to display one 1.25m<sup>2</sup> and one 3.75m<sup>2</sup> flush wall signs and to carry out associated alterations generally in accordance with the submitted plans subject, inter alia, to the following conditions, namely:-

(3) That at no time shall the premises be serviced by articulated vehicles or by vehicles bearing containers

- (4) That all vehicles shall be driven onto and off the site in forward direction at all times

-be amended only in so far as will provided for:

- (a) The abovementioned description being deleted and the following description being inserted in lieu thereof

"to use the premises for the design, servicing and storage of radio and telecommunication equipment, including the fitting and servicing of equipment to motor vehicles and as ancillary offices and to display one 1.25m<sup>2</sup> and one 3.75m<sup>2</sup> flush wall sign and to carry out associated alterations generally in accordance with the submitted plans"

- (b) The abovementioned conditions being deleted and the following conditions being inserted in lieu thereof

(3) That the premises shall not be serviced by or be visited by (for fitting, servicing, quotation or any other reasons) any vehicles exceeding 6.6 metres in length or of a height that cannot drive through the building;

(4) That all vehicles shall enter and leave the site in a forward direction with all vehicles entering via the rear entry and exiting via the roller shutter to Henderson Road;

(16) That not more than four vehicles shall be fitted/serviced, await fitting/service or await collection after fitting/service at any one time and all such vehicles shall stand wholly within the confines of the site at all time;

(17)(a)

That the 2.5 metre wide strip along the eastern side of the site shall be only used for the parking of staff vehicles, of vehicles awaiting servicing or collection or of vehicles being worked on with electronic test equipment battery operated hard tools or unpowered non-impact hand tools such as pliers, screw drivers and the like (not hammers, grinder, cutting tools etc).

(b)

That the floor of this 2.5 metre wide strip and the eastern wall of the building to a height of 2 metres above floor level shall be fitted with rubber matting or materials with equivalent noise absorption properties so as to minimise the generation and transmission of noise. This work to be carried out to Council's satisfaction by the 1 March, 1999

- (18) That signage shall be displayed at the front of the premises indicating the requirements of conditions (3) and (4) above and all fleet customers be advised of same;
  - (19) That appropriate measures be taken to ensure compliance with condition (15) such measures may include ceasing the use of grinders and the like, the sound proofing of any area for their use or their use only adjacent to the western wall;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

**CLEVELAND STREET, NO. 189, REDFERN - ERECT 15 RESIDENTIAL FLATS AND BASEMENT PARKING - DEVELOPMENT APPLICATION CONTRIBUTION INCLUDED IN CONSENT (U98-00622)**

- (A) That, subject to the receipt of the necessary concurrence of the Roads and Traffic Authority, the Council as the responsible authority grants its consent to the application submitted by Leduva Pty Ltd, with the authority of Rail Access Corporation, for permission to erect a new five storey residential flat building containing 15 x 2 bedroom units and basement level car parking, 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 **\$10,640** in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of **\$2,200**, or first installment (as applicable), can be paid to the Council;
  - (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

**GENERAL MANAGER**

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$33,840	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$10,266	2E97002.BGY0
Accessibility And Transport	\$ 121	2E97006.BGY0
Management	\$ 510	2E97007.BGY0
Total	<u>\$ 44,737</u>	

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 September Quarter '98.

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

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as

soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works;

- (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 – 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 2E97008.BGY0	\$9,188

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

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (5) That the development shall be generally in accordance with plans numbered Job No.98045 Drawings 1 to 4 dated 29 June, 1998;
- (6) 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) balcony treatment;

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

- (7) That a maximum of 12 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (8) That prior to the approval of the Construction Certificate, the developer shall enter into an External Party Major Works Agreement with the Rail Access Corporation requiring the developer to meet all conditions and requirements placed on the proposal by Rail Services Australia;

and the following adopted standard conditions:

- (9) One Television Aerial<sup>114</sup>
- (10) Works on Public Way Cost<sup>1002</sup>
- (11) Builders Hoarding Permit<sup>1008</sup>
- (12) Alignment Levels<sup>1016</sup>
- (13) Resident Parking Access<sup>3001</sup>
- (14) Road Opening Permit<sup>3025</sup>
- (15) Obstruction of Public Way<sup>3029</sup>
- (16) Delivery of Construction Materials<sup>3032</sup>
- (17) Stormwater Standard<sup>4001</sup>
- (18) Landscape Plan<sup>5001</sup>
- (19) Street Trees<sup>5008</sup>
- (20) Preserve Existing Trees<sup>5006</sup>
- (21) Maintenance of Landscaping<sup>5014</sup>
- (22) Construction Noise<sup>7008</sup>
- (23) Sanitary Facilities<sup>7016</sup>

- (24) Contamination Assessment<sup>7018</sup>
- (25) Car Park Ventilation<sup>7029</sup>
- (26) Water Board Certificate (s73)<sup>8001</sup>
- (27) Compliance with Building Code of Australia<sup>8501</sup>
- (28) Residential Building Work<sup>8503</sup>
- (29) Support for Neighbouring Buildings<sup>8506</sup>
- (30) Protection of Public Places<sup>8507</sup>
- (31) Signs Erected on Building and Demolition Sites<sup>8508</sup>
- (32) Toilet Facilities<sup>8509</sup>
- (33) Drainage Details with Construction Certificate<sup>9013</sup>
- (34) Issue of Occupation Certificate<sup>9101</sup>
- (35) Construction Hours<sup>9151</sup>
- (36) Works Within Boundary<sup>9152</sup>
- (37) Construction Certificate Required<sup>9155</sup>
- (38) Building/Demolition Noise Control<sup>9156</sup>

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 Council grants its delegation to the Director of Planning and Building to consent to the granting of this application subject to the receipt of the concurrence of the Roads and Traffic Authority and the imposition of any additional conditions required by the Authority.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision;

At the request of Councillor Lay, 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:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Leduva Pty Ltd, with the authority of Rail Access Corporation, for permission to erect a new five storey residential flat building containing 15 x 2 bedroom units and basement level car parking at the abovementioned premises, 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 **\$10,640** in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of **\$2,200**, or first installment (as applicable), can be paid to the Council;
- (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required:

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$33,840	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$10,266	2E97002.BGY0
Accessibility And Transport Management	\$ 121	2E97006.BGY0
	<u>\$ 510</u>	2E97007.BGY0
<b>Total</b>	<b><u>\$44,737</u></b>	

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

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

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 September Quarter '98.

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

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works;

- (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 – 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 2E97008.BGY0	\$9,188

**GENERAL MANAGER**

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

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (5) That the development shall be generally in accordance with plans numbered Job No.98045 Drawings 1 to 4 dated 29 June, 1998;
- (6) 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) balcony treatment;

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

- (7) That a maximum of 12 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (8) That prior to the approval of the Construction Certificate, the developer shall enter into an External Party Major Works Agreement with the Rail Access Corporation requiring the developer to meet all conditions and requirements placed on the proposal by Rail Services Australia;

and the following adopted standard conditions:

- (9) One Television Aerial<sup>114</sup>
- (10) Works on Public Way Cost<sup>1002</sup>
- (11) Builders Hoarding Permit<sup>1008</sup>
- (12) Alignment Levels<sup>1016</sup>
- (13) Resident Parking Access<sup>3001</sup>
- (14) Road Opening Permit<sup>3025</sup>
- (15) Obstruction of Public Way<sup>3029</sup>
- (16) Delivery of Construction Materials<sup>3032</sup>
- (17) Stormwater Standard<sup>4001</sup>
- (18) Landscape Plan<sup>5001</sup>
- (19) Street Trees<sup>5008</sup>
- (20) Preserve Existing Trees<sup>5006</sup>
- (21) Maintenance of Landscaping<sup>5014</sup>
- (22) Construction Noise<sup>7008</sup>
- (23) Sanitary Facilities<sup>7016</sup>
- (24) Contamination Assessment<sup>7018</sup>
- (25) Car Park Ventilation<sup>7029</sup>
- (26) Water Board Certificate (s73)<sup>8001</sup>
- (27) Compliance with Building Code of Australia<sup>8501</sup>
- (28) Residential Building Work<sup>8503</sup>
- (29) Support for Neighbouring Buildings<sup>8506</sup>
- (30) Protection of Public Places<sup>8507</sup>
- (31) Signs Erected on Building and Demolition Sites<sup>8508</sup>
- (32) Toilet Facilities<sup>8509</sup>
- (33) Drainage Details with Construction Certificate<sup>9013</sup>

- (34) Issue of Occupation Certificate<sup>9101</sup>
- (35) Construction Hours<sup>9151</sup>
- (36) Works Within Boundary<sup>9152</sup>
- (37) Construction Certificate Required<sup>9155</sup>
- (38) Building/Demolition Noise Control<sup>9156</sup>

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.

Motion, as amended by consent, carried.

**15.**

**CHALMERS STREET, NOS. 249 - 253, REDFERN - RE-SUBDIVISION OF EXISTING PROPERTY TO CREATE 2 TORRENS TITLE LOTS, DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF NEW RESIDENTIAL BUILDINGS CONTAINING 89 UNITS AND ASSOCIATED PARKING TOGETHER WITH PARKING FOR THE LEAGUES CLUB ADJACENT - DEVELOPMENT APPLICATION (U98-00435)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay seconded by Councillor Harcourt:-

That consideration of the application submitted by Colomex Pty Ltd, with the authority of South Sydney Leagues Club, for permission to re-subdivide the existing property, demolish the existing building and construct new residential buildings containing 89 units and associated parking together with parking for the adjacent Leagues Club, be deferred and that:-

- (a) the applicant be advised that Council considered the proposal to be an over development of the site that the height and floor space should be reduced by deleting the equivalent of the floor space contained on the fourth and sixth levels along that part of the development fronting Chalmers Street and Douglas Street, reducing the overall floor space by 1961 sq m to 8499 sq m, the height by approximately 6m to 15.5m and resulting in the loss of 15 units such that the new FSR would be 1.73:1

- (b) Council request the Local Traffic Committee to reconsider the matter of the right hand turn from Redfern Street into Chalmers Street with a view to seeking the Committees endorsement for it proceed.

Carried.

16.

**MOORE PARK ROAD, NO. 298, PADDINGTON - ALTERATIONS AND ADDITIONS TO EXISTING TERRACE STYLE DWELLING - DEVELOPMENT APPLICATION (U98-00735)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr D J Lowrey, with the authority of Mr D & Mrs M Lowrey, for permission to undertake alterations and additions to the existing dwelling involving extension to rear third floor to provide en-suite bathroom, for the following reasons, namely:-
  - (1) That the proposal would cause unacceptable adverse impacts to the conservation area of which it is part;
  - (2) That the proposal fails to comply with the height requirements of the South Sydney Development Control Plan 1997;
  - (3) That the proposal would cause an unacceptable loss of amenity to the property known as 300 Moore Park Road due to the additional bulk that would be presented to the rear uppermost balcony of that building and to the lightwell on that site;
  - (4) That the proposal would cause a significant loss of solar access to 300 Moore Park Road;
  - (5) That the proposal would not be in accordance with the visual character of the existing building and the adjoining terraces.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

**STANLEY STREET, NOS. 82 - 84, DARLINGHURST - APPLICATION TO AMEND CONSENT FOR RESIDENTIAL/COMMERCIAL BUILDING UNDER SECTION 102 (U98-00289)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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That consideration of the application pursuant to Section 102 of the Environmental Planning and Assessment Act by Bassett and Jones Architects on behalf of Kimberley Securities for the deletion from its consent for the erection of a building containing two restaurants and three flats granted on 4 June, 1998, be deferred to the next Planning and Development Committee to be held on 2 December 1998.

Carried.

18.

**CHELSEA STREET, NO. 34, REDFERN - ERECT TWO X TWO BEDROOM FLAT BUILDING AND GARAGE - DEVELOPMENT APPLICATION (U97-00734)**

(A) That the Council as the responsible authority refuses its consent to the application submitted by Frank Walsh Architects, with the authority of Mr W Van Beek and Ms J Walsh , for permission to demolish the existing terrace house and erect a residential flat building with 2 x 2 bedroom dwellings in a split level form over 3 levels with ground level parking for 2 vehicles for the following reasons, namely:-

- (1) That the proposed building height is excessive;
- (2) That the proposed off-street car parking provision will result in the loss of existing kerbside parking facilities;
- (3) That the building design, particularly the recessed ground floor level and wide garage opening, is contrary to Councils urban design guidelines in Development Control Plan no. 1997 and will be detrimental to the general streetscape;

-accordingly the granting of consent would be contrary to the public interest.

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

Carried.

19.

**BELMORE STREET, NO. 21, SURRY HILLS - VENUE FOR ADULT SINGLES AND COUPLES - DEVELOPMENT APPLICATION (U98-00844)**

(A) That the Council as the responsible authority refuses its consent to the application submitted by G Skuthorpe, with the authority of Wei Hong Cao and Xiu Fang He for permission to use the premises as a Sex on Premises Venue, for the following reasons, namely: -

- (1) That pursuant to Section 76A(1)(a) and (b) of the Environmental Planning and Assessment Act, 1979, the application is unsatisfactory on the grounds that specified development has been carried out prior to development consent being obtained and being in force and that approval for such would create an adverse precedent for similar uses;
  - (2) That the proposal is contrary to the provisions of Clause 37 of South Sydney Local Environmental Plan 1998 and Council cannot grant consent to the proposal;
  - (3) That the proposal is inconsistent with the provisions of South Sydney Local Environmental Plan 1998, in particular having regard to the objectives of the Mixed Uses Zone No. 10;
  - (4) That the proposal is inconsistent with the aims and objectives of Development Control Plan 1997 – Urban Design, and in particular the objectives of the Mixed Use Traditional Zone;
  - (5) That the proposal is inconsistent with the aims and objectives of South Sydney Council's Brothels Policy 1996;
  - (6) That the proposal does not to comply with the requirements, aims and objectives of South Sydney Council's Draft Sex Industry Policy, on the grounds of amenity, cumulative impact, access, safety and security;
  - (7) That the proposed development would result in cumulative impacts when taking into consideration other existing brothels and related sex industry premises in the vicinity and that it would have an adverse impact upon the character and identity of the neighbouring area through reinforcing a perceived "red light district";
  - (8) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale and hours of operation;
  - (9) The location of car parking, accessed from the rear lane would adversely affect the amenity of adjoining residential dwellings by reason of excess noise and disturbance associated with traffic movements;
  - (10) That the granting of consent would not be in the public interest.
- (B) That Councils Solicitors take legal action to secure cessation of the unauthorised use of 21 Belmore Street.

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

Carried.

20.

**COMMONWEALTH STREET, NOS. 204 - 206, SURRY HILLS -  
ALTERATIONS AND ADDITIONS TO BROTHEL - DEVELOPMENT  
APPLICATION (U98-00852)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Michael Maynard, with the authority of Spimill Investments Pty Ltd, for use of the abovementioned premises as a brothel, for the following reasons, namely:-
- (1) That pursuant to Section 76A(1)(a) and (b) of the Environmental Planning and Assessment Act, 1979, the application is unsatisfactory on the grounds that specified development has been carried out prior to development consent being obtained and being in force and that approval for such would create an adverse precedent for similar uses;
  - (2) That the proposed is contrary to Clause 37 of South Sydney Local Environmental Plan and 1998, Council cannot therefore grant consent to the proposal;
  - (3) That the proposal is inconsistent with the provisions of South Sydney Local Environmental Plan 1998, in particular having regard to the objectives of the Mixed Uses Zone No. 10;
  - (4) That the proposal is inconsistent with the aims and objectives of Development Control Plan 1997 – Urban Design, and in particular the objectives of the Mixed Use Traditional Zone;
  - (5) That the proposal is inconsistent with the aims and objectives of South Sydney Council's Brothels Policy 1996;
  - (6) That the proposal does not to comply with the requirements, aims and objectives of South Sydney Council's Draft Sex Industry Policy, on the grounds of amenity, cumulative impact, access, safety and security;
  - (7) That the proposed development would result in cumulative impacts when taking into consideration other existing brothels and related sex industry premises in the vicinity and that it would have an adverse impact upon the character and identity of the neighbouring area by creating a "red light district";

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- (8) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to it's scale and hours of operation;
- (9) That the granting of consent would not be in the public interest.
- (B) That the unauthorised works and use of Nos. 204-206 Commonwealth Street be referred to Council Solicitors to take appropriate legal action to have the use ceased and to have the unauthorised works removed and the building reinstated to it's original layout.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

21.

**DARLINGHURST ROAD, NOS. 229 - 231, DARLINGHURST -  
CONSTRUCTION OF RESTAURANT WITHIN EXISTING PRIVATE HOTEL -  
DEVELOPMENT APPLICATION (U98-00854)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Burley Katon Halliday, with the authority of Scuzzy Banana Pty Ltd, for the permission to use part of the Kirketon hotel as public restaurant, 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 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 \$200 or first installment (as applicable), can be paid to the Council;
  - (3) That the development shall be generally in accordance with plans dated August 1998;
  - (4) That the hours of operation shall be restricted to between 7.00 a.m. and 1.00 a.m., 7 days, for a trial period of six months after

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which a further application may be lodged with the Director of Planning and Building;

- (5) That there shall be no entry/egress to the restaurant from Kirketon Road;
- (6) That at no time shall the premises be used as a dance club or nightclub and no entertainment shall be provided with the prior approval of council ;
- (7) 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;
- (8) That there shall be no trade deliveries or garbage pick up from Kirketon Road between the hours of 10.30pm and 8.00am;
- (9) That the applicant shall become a member of the Kings Cross Licensing Accord and comply with the objectives and principles of the Accord throughout the duration of the approved use. Proof of membership (eg a current certificate) shall be included with the application for Construction Certificate;
- (10) That the door fronting Kirketon Road shall be used as an emergency fire exit door;

and the following adopted standard conditions:

- (11) No Live Entertainment<sup>107</sup>
- (12) Construction Certificate Required<sup>9155</sup>
- (13) Separate Application for Signs<sup>2001</sup>
- (14) Garbage on Public Way<sup>6001</sup>
- (15) Commercial Garbage Contract<sup>6003</sup>
- (16) Storage/Garbage<sup>6009</sup>
- (17) Construction Hours<sup>9151</sup>
- (18) Comply With BCA<sup>9104</sup>
- (19) Vibration and Noise<sup>7028</sup>

- (20) Obstruction of Public Way<sup>3029</sup>
- (21) Refuse Skips<sup>6002</sup>
- (22) Works Within Boundary<sup>9152</sup>
- (23) Hours of Work and Use of Cranes<sup>9153</sup>
- (24) Ventilation<sup>7023</sup>
- (25) Fitout of Food Premises<sup>7020</sup>
- (26) Air Handling - Food<sup>7022</sup>
- (27) Sewer Discharge<sup>8004</sup>
- (28) Vibration and Noise<sup>7028</sup>

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.

## 22.

### **BROADWAY, NOS. 166 - 170, CHIPPENDALE - USE GROUND FLOOR AS A RESTAURANT - DEVELOPMENT APPLICATION (U98-00966)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Alertnow Pty Ltd with the authority of Aluap Pty Ltd for permission to establish a restaurant on the ground floor at No. 166 Broadway, Chippendale, subject to the following conditions, namely:-
  - (1) That the development shall occur generally in accordance with plans dated 3 September 1998;
  - (2) That the hours of operation shall be restricted to between 10.00 a.m. to 12.00 midnight Mondays to Saturdays and 10.00 a.m. to 10.00 p.m. Sundays;

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- (3) That the ceiling beneath the first floor of the premises shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (4) That the upper levels of the premises shall remain vacant and secured to the satisfaction of Council;
- (5) That the alterations to any existing air handling systems shall not adversely affect the integrity of the existing systems approved by Council;
- (6) That plans and specifications showing details of:
  - (a) all proposed and altered mechanical ventilation systems
  - (b) the garbage room;

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

and the following standard adopted conditions:-

- (7) Separate Application for Signs<sup>2001</sup>
- (8) Comply With BCA<sup>9104</sup>
- (9) Maintenance of Premises<sup>9704</sup>
- (10) Construction Certificate Required<sup>9155</sup>
- (11) Access to Exits<sup>9713</sup>
- (12) Panic Bolts on Egress Doors<sup>9717</sup>
- (13) Doors in Path of Travel<sup>9721</sup>
- (14) Portable Fire Extinguishers be Installed<sup>9501</sup>
- (15) Construction of Switchboard<sup>9806</sup>
- (16) Fire Blanket be Installed<sup>9503</sup>
- (17) Exit Signs<sup>9809</sup>
- (18) Non-Slip Finish to Stair Treads<sup>9818</sup>
- (19) Egress Paths to be Kept Clear<sup>9852</sup>
- (20) Certification of Electrical Installation<sup>9853</sup>
- (21) Inspection of Gas Installation<sup>9854</sup>

- (22) Hose Reels<sup>9901</sup>
- (23) Hydrants<sup>9904</sup>
- (24) Sanitary Facilities<sup>7016</sup>
- (25) Ventilation<sup>7023</sup>
- (26) HSC500 - Premises to be ventilated;
- (27) HSC018 - Sanitary facilities;
- (28) HSC200 - Compliance with Food Premises Code;
- (29) HSC700 - Compliance with code for Garbage Handling System;
- (30) HSC711 - Commercial contract (trade waste);
- (31) HSC801 - Noise from premises.

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

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

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

Carried.

**23.**

**FLORA STREET, NO. 3, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U98-00760)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr L Faucheux, with the authority of Mr A and Mr M MacPherson, for permission to carry out alterations and additions to existing dwelling, 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 \$435 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

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damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$58, or first installment (as applicable), can be paid to the Council;
- (3) That the development shall be generally in accordance with plan numbered BA01, dated July 1998;
- (4) That the use of the premises shall remain as dwelling in single occupation only;
- (5) That the requirements of Sydney Water shall be complied with;
- (6) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (7) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (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;

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;

NOTE:

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

- (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 to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
- (13) That building work that involves residential building work (within the meaning of the Home Building Act 1989) shall not be carried out unless the principal certifying authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

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

- (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 structural details shall be submitted with the application for a Construction Certificate;
- (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 an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (20) That 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 the demolition work shall comply with Australian Standard 2601-1991;
  - (23) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
  - (24) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
  - (25) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**24.**

**FLINDERS STREET, NOS. 10 - 24, DARLINGHURST (ALBION HOUSE) - CHANGE SEATING AND HOURS - DEVELOPMENT APPLICATION (U98-00805)**

- (A) That the application submitted by ARQ Sydney, with the authority of Shad Danesi, to extend the approved hours of an approved Hotel / nightclub to 24 hour use, seven days a week (amending conditions 2 and 10 of the Land and Environment Court Approval dated 3<sup>rd</sup> March 1995), to increase the maximum number of persons permitted on the premises at any one time from 434 to 1,050 (amending condition 9 of the Court Approval) and to install 30 gaming machines on the premises (amending condition 20 of the Court Approval) be refused for the following reasons, namely:-
- (1) That insufficient information has been submitted to demonstrate that the proposed intensification of use would not have an adverse affect on residential amenity and the safety of patrons and the public;
  - (2) That insufficient information has been submitted to demonstrate that the proposed intensification of use would not lead to an adverse affect on the amenities of the area when the cumulative impact of this and existing late night uses in the immediate area is considered;
  - (3) That a lack of substantive evidence exists to enable assessment of the proposed intensification of use at this stage prior to the

commencement of the approved less intense use on the site;

- (4) That the proposal is premature given that conditions 2 and 10 of the Land and Environment Court Approval dated 3<sup>rd</sup> March 1995, requiring a trial period for the hours of operation after 12 midnight, have not been implemented or tested at this stage;
  - (5) That, given the circumstances of the case at this time, 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.

25.

**DALMENY AVENUE, NOS. 83 - 93, ROSEBERY - ERECT A NEW RESIDENTIAL FLAT BUILDING AND THREE SHOPS AS PART OF STAGE 5 OF THE KIMBERLEY ESTATE DEVELOPMENT (U98-00853)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Meriton Apartments Pty Ltd, Owners for permission to construct 222 residential apartments, 3 commercial/retail tenancies and associated car parking, all as part of Stage 5 of the Kimberley Estate Development , subject to the following conditions, namely:-
- (1) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

<b>Contribution Category</b>	<b>Account</b>	<b>Amount</b>
Community Facilities	2E97004.BGY0	\$9,467
Open Space Land Acquisition	2E98001.BGY0	\$336,167
Open Space/Townscape/ Public Domain	2E97002.BGY0	\$52,692
Accessibility And Transport Management	2E97006.BGY0 2E97007.BGY0	\$36,052 \$2,330
Multi Function Admin Centre		\$42,065

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**Total** **\$478,774**

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 certificate.

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;

- (2) That the development shall be generally in accordance with plans numbered BA02 Issue A to BA07 Issue A inclusive, all dated 30 October, 1998, BA08 Issue A to BA17 Issue A inclusive dated 5 October, 1998, BA20 Issue A dated 5 October, 1998, BA 30 Issue

A & BA31 Issue A both dated 5 October, 1998 as amended by BA05 REVC to BA07 REVC dated 22 November, 1998, and the panel of colours and materials submitted with the Development Application;

- (3) That a separate Development Application shall be lodged for the specific use of the retail commercial tenancies;
- (4) That the pedestrian access between Stage 5 and Kimberley Grove shall be for the required fire exits only and shall not be used for pedestrian access/egress except in emergency situations only and the suitable signage be erected accordingly;
- (5) That the parking spaces shall be allocated on the basis of 223 for residents, 5 for commercial/retail tenancies and 48 for visitors (including disabled spaces and car wash bays);
- (6) That of the required car parking spaces, at least 9 shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;
- (7) That plans and specifications showing details of:-
  - (a) all proposed mechanical ventilation systems;
  - (b) car park ventilation systems;
  - (c) the location of exhaust/and intake vents;-shall be submitted and approved by Council or an accredited certifier before a 'Construction Certificate' is issued;
- (8) That the development shall comply with conditions 40, 41, 42, 45, 46, 47 and 50 of consent U96-00505;
- (9) That the height of the towers shall comply with the same RL levels approved in U95-00505 being RL 47.33 for towers P & Q and RL 53.795 for tower U;

and the following adopted standard conditions:

- (10) Loading Within Site<sup>3014</sup>
- (11) Disabled Entry<sup>3024</sup>
- (12) On Site Detention –Stormwater<sup>4003</sup>
- (13) Landscape Plan<sup>5001</sup>

- (14) Car Park Landscaping<sup>5012</sup>
- (15) Maintenance of Landscaping<sup>5014</sup>
- (16) Garbage on Public Way<sup>6001</sup>
- (17) Storage/Garbage<sup>6009</sup>
- (18) Garbage Room<sup>6010</sup>
- (19) Air Discharges<sup>7002</sup>
- (20) Construction Noise<sup>7008</sup>
- (21) Vehicle Cleansing<sup>7009</sup>
- (22) Sanitary Facilities<sup>7016</sup>
- (23) Noise and Vibration<sup>7026</sup>
- (24) Car Park Ventilation<sup>7029</sup>
- (25) Water Board Certificate (s73)<sup>8001</sup>
- (26) Compliance with Building Code of Australia<sup>8501</sup>
- (27) Residential Building Work<sup>8503</sup>
- (28) Retaining Walls and Drainage<sup>8505</sup>
- (29) Support for Neighbouring Buildings<sup>8506</sup>
- (30) Protection of Public Places<sup>8507</sup>
- (31) Signs Erected on Building and Demolition Sites<sup>8508</sup>
- (32) Toilet Facilities<sup>8509</sup>
- (33) Hours of Work and Use of Cranes<sup>9153</sup>
- (34) Construction Certificate Required<sup>9155</sup>

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.

Councillor Bush requested that his name be recorded as voting against the foregoing motion.

26.

**WILLIAM STREET, REDFERN, BETWEEN JAMES STREET AND STIRLING STREET - REVIEW OF PROPOSED NEW ALIGNMENT OF STREET (2006735)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

That the report by the Director of Public Works and Services dated 12 November 1998, regarding the above matter be deferred to the next Planning and Development Committee to be held on 2 December 1998.

Carried.

The Planning and Development Committee Meeting terminated at 9.11 p.m.

The Council Meeting terminated at 7.24 p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**