

**227<sup>TH</sup> Meeting****Erskineville Town Hall  
Erskineville****Wednesday 12 May 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.40 pm on Wednesday, 12 May 1999.

**PRESENT**

The Mayor, Councillor Vic Smith (Chairperson)

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

**INDEX TO MINUTES**

<b>Subject</b>	<b>Page No.</b>
Minutes by the Mayor	425
Minute by the General Manager	428
Petition	429
Questions Without Notice	429
Report of Finance Committee	434
Report of Community Services Committee	446
Report of Planning and Development Committee	448

**MINUTE BY THE MAYOR**

21 April 1999

**COMMITTEE - COOKS RIVER REHABILITATION -  
COUNCIL SUPPORT (2020733)**

I am in receipt of correspondence from the Mayor of Rockdale City Council, Councillor Kent R Johns proposing a joint letter from the Cooks River Catchment Association of Councils to press the State and Federal Government to a financial commitment to the rehabilitation of the Cooks River.

The Cooks River Catchment Association of Councils was formed from the Environment protection Authorities direction to prepare a Stormwater Management Plan (SMP) for the Cooks River Catchment. As part of the community consultative process in the formulation of the SMP it was established that the majority of the community surveyed would like the health of the waterway to be restored so that the river can be passed to future generations in a condition that is aesthetically pleasing and suitable for recreational activities.

The proposal from Councillor Johns acknowledges that the Cooks River Catchment Association of Councils is responsible for stormwater management issues. However, stormwater issues form only part of the whole picture in addressing river health. The State and Federal Governments carry the principal responsibility for past policies and actions that lead to the destruction of Mangroves, foreshore reclamation, diversion and rechannelling of the lower reaches of the river to allow for expansion of Sydney Airport.

In consideration of Councillor John's request for support it is appropriate that we reflect on our current position as a Council with regard to the Cooks River as manifested on our approach to issues relating to the Alexandria Canal and as expressed in an interim reply to Councillor Johns, in correspondence dated 16 March 1999.

*"My Councillor colleagues and I at South Sydney are well aware of the state of the Cooks River and in particular the Alexandria Canal. We have long been committed to the improvement of water quality entering the river and as a Council have implemented and been part of initiatives in this regard.*

*As you may be aware, as part of the City South Project, the "Alexandra Canal Water Environment Plan "(May 1997) was prepared by Hyder Consulting. The plan identified the "legacy from the past" inherited by the policies and practices of former government and industry and presented a Vision and Action Plan to achieve the Vision. The Action Plan identified practical strategies and actions that would restore water in the canal to a quality consistent with the vision of a waterway that can be enjoyed for its recreational, visual and ecological values.*

*The broad objectives of the action plan are:*

- *To manage current activities and land uses within the catchment which impact on water quality of the canal, so that water is consistent with the objectives for primary contact recreation and ecosystem protection.*
- *To remediate the impacts of development and polluting activities of the past and restore the natural values of the Canal;*
- *To ensure future developments and planning for the catchment sustain the water quality objectives for the Canal.*

*Stemming from and consistent with the objectives of the plan Council was successful in obtaining one grant from the "Sollution to Pollution" scheme administered by the EPA and another from the Natural Heritage Trust (Coast & Clean Seas). Both have and are involved in funding independent environmental audits of business/industry within the catchment. The second of the grants is currently being implemented.*

*Council is also involved in a working group associated with the South Sydney Development Corporation that is looking to improve the quality of water and sediments in all tributaries leading to and including Alexandra Canal. These are projects currently underway that should go some way to achieving this end.*

*The contents of your correspondence dated 15 February 1999 and the suggested actions therein are consistent with a holistic and integrated approach to the rehabilitation of the canal and river and in my view is worthy of support. However, having said that, I must seek the concurrence of my colleagues prior to committing the support of Council to the initiative.*

*Therefore I propose to raise the matter of support for a joint letter from the Cooks River Catchment Association of Councils to my colleagues in Council and will further communicate with you upon a resolution of Council in this regard."*

The rehabilitation of the Cooks River and tributaries is consistent with Council's vision for the Alexandra Canal. Initiatives such as constructive collaborative lobbying of State and Federal Government to formulate holistic remediation and rehabilitation strategies and objectives is also consistent with Council's vision for the Alexandria Canal and Cooks River.

### **Recommendation:**

That Council resolve to give support in the form of a Council endorsement on a joint letter under the banner of the Cooks River Catchment Association of Councils pressing the State and Federal Government to give a strong commitment to the rehabilitation of the Cooks River and tributaries. Such an endorsement to be conditional on viewing and accepting the final contents of the letter.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

### **MINUTE BY THE MAYOR**

12 May 1999

#### **LANDMARKS - SID CUNNINGHAM MEMORIAL - DESIGN AND INSTALLATION (2011918)**

On 21 March 1999, Sid Cunningham died. Sid Cunningham is best known for his tireless fundraising and filling food orders for needy families throughout Australia and for delivering toys to many disadvantaged Aboriginal children at Christmas time.

Sid worked for many years in Aboriginal affairs and was a member of the Yuin tribe from the North Coast of NSW. He lived in the South Sydney area for many years and was a familiar sight collecting donations on King Street, Newtown.

It would be fitting to commemorate Sid Cunningham's work on behalf of the community in a memorial. It is understood that Marrickville Council is considering a memorial also. Due to Sid's association with King Street, this would be an appropriate site for such a memorial. Further, because South Sydney and Marrickville Councils have collaborated on the development of an urban design strategy for King Street, Newtown both Councils should conduct a joint project regarding the memorial.

#### **Recommendation:**

That Council supports a joint project with Marrickville Council to design and install an appropriate memorial for Sid Cunningham in King Street, Newtown.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

11 May 1999

**PERSONNEL - NOMINATION OF COUNCIL'S LOCAL EMERGENCY  
MANAGEMENT OFFICER TO ATTEND TRAINING IN VICTORIA (2010177)**

Since assuming the responsibilities of Maintenance Manager in the Public Works and Services Department, Mr Geoffrey Wicks has taken over the role of Local Emergency Management Officer (LEMO) for Council in the hierarchy of State Emergency Management. The position has attendant responsibilities for which training is recommended. Such training is provided at the Australian Emergency Management Institute at Mount Macedon in Victoria.

Mr Wicks has been nominated to attend a five day, live in course from Monday, 24 May 1999 to Friday, 28 May 1999, by the District Emergency Management Officer (DEMO), Mr Bob Moul.

All course, accommodation and travel expenses for the course are met by the Federal Government.

**Recommendation:**

That approval be given for Mr G. Wicks, Council's Maintenance Manager to attend emergency management training from 24 to 28 May 1999, at the Australian Emergency Management Institute, Mount Macedon, Victoria with all expenses met by the Federal Government.

John Bourke (SGD)  
**General Manager**

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

**PETITION**

1.

Councillor Bush tabled a petition with approximately 16 signatures appended from residents of Waratah Street, Rushcutters Bay, seeking to confirm that the proper Council approval procedures were adopted for Stage 2 of the hotel/apartment complex.

Received.

**QUESTIONS WITHOUT NOTICE**

1.

**DONATIONS - REQUEST FOR SAUSAGE SIZZLE AND KINGS CROSS TOURISM FUND RAISER DINNER - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2017150)****Question:**

I have had requests from the Redfern Residents for Reconciliation for \$650 for a sausage sizzle for 300 people on Reconciliation Day and \$1,250 for a table of 10 at the Kings Cross Tourism Fund Raiser Dinner on Friday evening. Have you received this request and are they being granted?

**Answer by the Mayor:**

The answer to both questions is no. The question of the \$650, that can come before Council's Committee next Wednesday night and I will ask the General Manager to have that report prepared. I think the question of us buying tables for people in the community to attend is inappropriate as it is not a donation towards the Organisation, it is for the people attending.

2.

**COUNCILLORS - COUNCIL MEETING 15 APRIL 1999 - SPEECH BY COUNCILLOR FENTON - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (A54-00013)****Question:**

I would like to ask a question to Councillor Fenton through the Chairperson. I didn't attend the Council meeting of 15 April 1999, but I noticed there was a speech which was included in the minutes by Councillor Fenton and one of the paragraphs said that "some of the Councillors are stupid and some are gutless". I was just wondering as to whom she may be referring?

**Answer by the Mayor:**

I think that can be left up to the imagination of the Councillors without going into any debate by us. I don't think Councillor Fenton wants to respond.

3.

**COMPUTERISATION - BUSINESS IMPACT ANALYSIS FROM HAIL STORM DISASTER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009907)****Question to the Director of Corporate Services:**

When tragedy struck Bankstown Council, we, at South Sydney Council realised that we needed a Risk Management and Disaster Recovery Plan of Management.

Councillors were given a briefing on possible solutions and action we should take to avoid any unforeseen disaster of the same magnitude. The Risk Management Plan in principle appears to have been successful with the exception of that which relates to Information Technology.

At the Extraordinary Meeting of 15 April 1999, I requested a report from the Director of Corporate Services relating to back up procedures. Assurances were given at that meeting and in the Director's report that my initial inquiries were about hot sites and that the cost of an off-site backup was cost prohibitive at \$30,000. Who provided this cost?

At that briefing and on other subsequent occasions, I sought information relating to what is termed a **business impact analysis** of such a disaster and how it relates to **warm site back up** and not a **hot site back up**. Any decision to reject either a hot site or a warm site should only have been done in conjunction with a business impact analysis.

Could the Director provide a report of the Business Impact Analysis?

**Answer by the Mayor:**

I will ask the Director of Corporate Services to prepare a report for next week's Committee.

4.

**INSURANCES - ADVICE TO COUNCIL FROM BANKSTOWN COUNCIL'S RISK MANAGEMENT MANAGER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021303)**

**Question to the Director of Corporate Services:**

Was the advice of the Bankstown Risk Management Manager sought after their disaster?

**Answer by the Mayor:**

The answer to that is yes. Given the storm damage and the disaster that was caused to our building, there was a request made by myself to the Mayor of Bankstown to engage the Risk Manager of Bankstown City Council.

5.

**COMPUTERISATION - RESTORATION OF COUNCIL FACILITIES - QUESTION OF ENGAGING CONSULTANT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009907)**

**Question to the Director of Corporate Services:**

The report submitted by the Director of Corporate Services states that the restoration of all facilities are almost complete. Could we have additional information on this matter please? We need to minimise any future negative impacts from any type of disaster. We need to evaluate some well recognised consultants that are used in the corporate world to help ensure we are safe from any risks in the future?

**Answer by the Mayor:**

Again, I will ask the Director of Corporate Services to encompass that question in the report of the first question.

6.

**COMPUTERISATION - ENGAGING CONSULTANTS TO EVALUATE FUTURE NEEDS OF SOUTH SYDNEY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009907)**

**Question:**

Could a report come to Council which involves an outside Consultancy evaluating the future needs of South Sydney, and that measures are taken to ensure that this Council is protected in the future, and that we offer overall technology and business solutions to both the constituents and the employees of the Council?

**Answer by the Mayor:**

Again, I will have all that information in the report for next week's Committee.

7.

**RECORDS - CURRENT STATUS OF WORK FLOW AND IMAGING PROJECT FOR COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2011928)****Question:**

Could a report come to Council detailing **the current status of the work flow and imaging project**? Full details of expenditure and actual hard materials that Council has purchased?

**Answer by the Mayor:**

I will ask the Director of Corporate Services to have a report prepared for next week's Committee.

8.

**PLANNING - GREEN SQUARE MASTER PLAN - STALLING OF PROCESS BY DEVELOPMENT CORPORATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020387)****Question to the Director of Planning and Building:**

The decision to defer a large portion of the Green Square Master Plan so as to resolve problems of the North South link road was made in December 1998. South Sydney Council has acted promptly and made recommendations offering concrete solutions. The process appears to have stalled at the Development Corporation.

Could the Director and the Mayor intervene to expedite the process?

**Answer by the Mayor:**

I have not been a Director of the South Sydney Development Corporation for some months, given that I had to stand down for other reasons. I am not going to be back on that Corporation, but I will ask the Director of Planning and Building to investigate that matter through the CEO of that Corporation and have a report prepared for Council's Committee.

9.

**TRAFFIC - CAMPBELL STREET, SURRY HILLS - IMPROVEMENT OF SIGNAGE AND TREATMENT TO PEDESTRIAN CROSSING - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2010593)**

**Question:**

I understand Council's Traffic Committee has recommended improvements to signage and treatment of the pedestrian crossing on Campbell Street, near the entrance to Smith Street. Could I have a report on the proposed timetable for these improvements as residents are very concerned about the potential for accidents at this site?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to prepare a report for you as a matter of urgency.

10.

**SPORTS FACILITIES - SYDNEY PARK - FEASIBILITY OF INSTALLING A SKATEBOARD RAMP - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S54-00028)**

**Question:**

Some months ago, I requested a report on the feasibility of installing a skateboard rink in Sydney Park. Has this request been considered and is any information available on the possibility of developing such a facility?

**Answer by the Mayor:**

I will have a report prepared for Council's Committee in relation to progress and costing.

11.

**EMERGENCY MANAGEMENT - RAILWAY PARADE AND HENDERSON ROAD, ERSKINEVILLE - ENQUIRY BY RESIDENTS REGARDING CLOSURE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2021321)**

**Question:**

A number of residents have asked how much longer Railway Parade/ Henderson Road, Erskineville, will be closed for the use of the State Emergency Service.

**Answer by the Mayor:**

The Director of Public Works and Services has indicated that he can find that information out tomorrow. But I will ask the General Manager to raise that question on Friday at the State Recovery Team Meeting.

12.

**DEPARTMENTS - THANKS TO BE PASSED ON TO PLANNING STAFF FOR THEIR HANDLING OF ENQUIRIES AND APPROVALS DURING RECOVERY PERIOD - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (D51-00128)****Question:**

Could Council pass on thanks to staff of the Planning Department in their handling of inquiries and approvals relating to the reroofing of storm affected houses?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to pass on those thanks from the community and yourself to the staff involved.

**REPORT OF THE FINANCE COMMITTEE****5 May 1999****PRESENT****Councillor Sean Macken (Chairperson)****Councillor: Sonia Fenton.**

At the commencement of business at 6.35 p.m. those present were: -

Councillors:- Fenton and Macken

**Apologies:**

Apologies for non-attendance at the meeting were received from Councillor Deftereos and Waters.

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

That the Report of the Finance Committee of its meeting of 5 May 1999, be received and the recommendation set out below for Items 1, 3, 4, 6 to 8, inclusive, 10 to 13, inclusive, 15 to 17, inclusive, and 19 to 23, inclusive, be adopted. The recommendations for Items 2, 5, 9, 14 and 18 having been dealt with as shown immediately following such Items.

Carried.

There being no quorum present at the beginning of the meeting, Councillors Fenton and Macken **recommended** the following:-

1.

**MEMBERSHIPS - ANNUAL CONTRIBUTION FOR COASTCARE TO PROVIDE TWO NEW COASTAL FACILITATORS FOR THE NSW COAST (M54-00018)**

That Council support in principle the proposal by NSW Department of Water and Land Conservation to contribute \$2,500 annually for the additional two coastal facilitators to run Coastcare activities in the Sydney Region and that SCC Groups will host the two facilitators either at their office in Willoughby City Council, in another member Council or a combination of both.

(DPWS Report 19.4.99)

Carried.

2.

**PARKS - GREEN PARK, DARLINGHURST - APPLICATION TO CONDUCT FAIR ( P52-00126)**

That approval be given to the use of green Park, Darlinghurst free of charge by the Ladies Committee of St. Vincent's Private Hospital and Clinic foundation to conduct a Fair involving the sale of goods and public entertainment on Saturday 27 November 1999, between the hours of 10.00 a.m. and 4.00 a.m. subject to the following conditions, namely:-

- (1) That Council and Minister for Conservation and Land Management shall be indemnified against any claims for injury to persons or damage to property arising out of such approval and such indemnity shall be expressed in the form of a public risk insurance policy in the minimum amount of \$10,000,000 for any individual claim which may be made, such policy must be in the joint names of the applicant, the Council and the Minister for Conservation and Land Management;
- (2) That the applicant shall agree to pay Council's cost for any necessary cleansing or repairs to the park as a result of the proposed use;

- (3) That no vehicles shall enter onto the Park;
- (4) That the activity shall be contained with the park and shall not extend onto the surrounding footways;
- (5) That any amplified sound shall be kept to a reasonable level and restricted to the area being used;
- (6) That the preparation and sale of food shall comply with the provisions of the Pure Food Act 1989 and Council's Temporary Food Premises Code regarding the sale of food and shall meet the requirements of the Council's Health and Community Services Department;
- (7) That no alcohol shall be sold in the Park;
- (8) That all stalls and equipment set up by the Committee shall be removed from the Park on the evening of 27 November 1999;
- (9) That evidence of the public risk insurance policy and written acceptance of the abovementioned conditions to be received by Council not less than seven (7) days prior to the event.

At the request of Councillor Deftereos, and by consent, the motion was amended by the addition of the words "and that the relevant levels be to the satisfaction of the Director of Health and Community Services" to Condition (5) of the recommendation.

Motion, as amended by consent, carried.

**NOTE:** At the request of the Mayor, the Director of Public Works and Services be requested to ensure that the Park is thoroughly cleaned prior to the event.

### 3.

#### **DONATIONS - REQUEST FOR FREE USE OF REDFERN TOWN HALL BY THE AUSTRALIAN JEWISH WELFARE SOCIETY (2003711)**

- (1) That Council support the Australian Jewish Welfare Society by foregoing \$180 in income and meet the expenses of \$200. This approval will allow free use of Redfern Town Hall for the purpose of conducting the meeting on 28 May 1999 only.
- (2) That a report be prepared by the Director of Corporate Services regarding the hiring of halls with respect to organisations paying some of the costs associated.

Carried.

4.

**DONATIONS - REQUEST FOR FREE USE OF REDFERN TOWN HALL BY REDFERN LEGAL CENTRE (5209308)**

That the request for free use of Redfern Town Hall on the above date for the purpose of conducting meetings, be deferred to the next meeting of the Finance Committee to be held on 19 May 1999.

Carried.

5.

**DONATIONS - REQUEST FOR FREE USE OF PADDINGTON TOWN HALL ON 28 AUGUST 1999 FOR BREAST CANCER INSTITUTE (2020549)**

That the matter be deferred to the next Finance Committee Meeting to be held on 19 May 1999.

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

That Council support Sydney Breast Cancer Institute by foregoing \$7,225 in income and meet the expenses of \$1,120. This approval will allow Sydney Breast Cancer Institute free use of Paddington Town Hall on 28 August 1999, to conduct a fund raising dinner.

(DCS Report 22.3.99)

Motion, as amended by consent, carried.

6.

**DONATIONS - REQUEST FOR FREE USE OF BROWN STREET HALL ON 30 MAY 1999 BY LESBIAN SPACE CUSTODIAL COMMITTEE (2003711)**

- (1) That Council support Lesbian Space Inc. Custodial Committee by foregoing \$120 in income and meet the expenses of \$200. This approval will allow free use of the Brown Street Hall, Newtown on 30 May 1999, to conduct a meeting.
- (2) That Brown Street Hall be included in the review of Council's Hall Hire Policy.

(A/DCS Report 29.3.99)

Carried.

7.

**DONATIONS - REQUEST FOR FREE USE OF PADDINGTON TOWN HALL ON 5 JUNE 1999 FROM THE SIERRA LEONE ASSOCIATION (2003711)**

That approval be given to Council supporting the Sierra Leone Association by foregoing \$5,950 in income for the free use of Paddington Town Hall on 5 June 1999, to conduct a Fundraising Dinner, subject to the Organisation meeting the expenses of the Hall in the amount of \$1,136.

Carried.

8.

**DONATIONS - REQUEST FOR FREE USE OF REDFERN TOWN HALL FROM NSW POLICE SERVICE DRUG PROGRAMS COORDINATION UNIT (2003711)**

That Council approval be given to the NSW Police Service by foregoing \$84 in income and meet the expenses of \$200 per meeting for free use of Redfern Town Hall on the dates 5 May , 2 June and 7 July 1999, for the purpose of conducting meetings.

Carried.

9.

**ADMINISTRATION - CODE OF CONDUCT - REVIEW (5076501)**

That Council adopts the Code of Conduct and approval be given to:-

- (a) the Code of Meeting Practice being amended to incorporate information on how to deal with conflicts of interest in meetings including specifically:
- the need to minute conflicts;
  - declaring the nature of the conflict;
  - how the conflict was handled;
- and because these amendments are not substantial there is not need to give public notice;
- (b) Councillors being able to use fax machines for private purposes provided the use is infrequent and minimal, subject to public notice to this charge to the policy of Payment of Expenses and provision of Facilities for Councillors being advertised as per Section 253 of the Local Government Act;
- (c) informing the community in the Inner City News that it has adopted a Conflict of Interest Policy as part of its Code of Conduct.

(DCS Report 1.3.99)

At the request of Councillor Macken, 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 the matter be deferred for a briefing of all Councillors to be held prior either to the Committee Meeting on 19 May 1999 or the Council Meeting on 26 May 1999.

Motion, as amended by consent, carried.

**10.**

**DONATIONS - REQUEST FOR FREE USE OF BROWN STREET HALL ON 12 APRIL 1999 FOR SYDNEY GAY GAMES (P56-00410)**

That approval be given to Council supporting 2002 Gay Games Limited by reimbursing \$120 paid in income, and meet the expenses of \$200 for the free use of Brown Street Hall, Newtown on 12th April 1999 to conduct a meeting.

(DCS Report 7.4.99)

Carried.

**11.**

**GOODS AND EQUIPMENT - SWATCH COUNTDOWN CLOCKS FOR THE OLYMPICS (P58-00548)**

That offer by Swatch regarding the purchase of Official Sydney 2000 Countdown Clocks, be declined.

Carried.

**12.**

**CELEBRATIONS - LOCAL GOVERNMENT WEEK 1999 - PROGRAM OF EVENTS (2020573)**

That arising from consideration of the report by the Community Liaison Officer dated 12 April 1999, approval be given for the attached program of events for Local Government Week 1999, for which money has been provided in the 1999/20 Budget Estimates (ENL and ENF accounts)

Carried.

**13.**

**DONATIONS - REQUEST FOR FREE USE BY SOUTH SYDNEY AMATEUR SWIMMING CLUB ON 1 AUGUST 1999 - BROWN STREET, NEWTOWN (D53-00196)**

That Council support South Sydney Amateur Swimming Club by foregoing \$195 in income, and meet the expenses of \$140 (from account ENG 123) of the 1998/1999 Revenue Estimates and allow South Sydney Amateur Swimming Club free use of Brown Street Hall on Sunday 1 August 1999, for their awards afternoon.

(DCS Report 24.4.99)

Carried.

14.

**DONATIONS - NSW STATE DISASTER FUND - RECENT HAILSTORMS (2021300)**

That arising from a report by the Director of Health and Community Services dated 30 April 1999, it be resolved that Council approve \$50,000 donation to the "Community Disaster Relief Fund - Sydney Hailstorm Assistance Fund" which has been established by the NSW Government to assist families and homeowners who require emergency financial assistance as a result of the recent hail storm, with funds to cover this expenditure to be added to the 1998/99 Section 356 Budget in the Revenue Estimates.

Carried.

15.

**FINANCE - ROADS/FOOTPATHS/DRAINAGE WORKS 1998/99 - PUBLIC WORKS AND SERVICES DEPARTMENT CONSTRUCTION BRANCH - QUARTERLY REPORT FOR PERIOD ENDING 31 MARCH 1999 (S56-02169)**

That the report by the Director of Public Works and Services dated 22 April 1999, presenting the Quarterly progress Report of the 1998/99 Works Programme (Construction Branch) for the period ending 31 March 1999, be received and noted.

Carried.

16.

**LICENSING - CROWN STREET, NOS. 302 - 308, DARLINGHURST -  
PROPOSED FOOTWAY LICENCE (2020195)**

That approval be given to:-

- (1) the granting of a licence to Frank Saffioti over an area of 6.3 square metres of Crown Street adjacent to Mykonos on Crown at Nos. 302-308 Crown Street, Darlinghurst as shown stippled on Plan No.S4-130/729A and subject to the conditions in the attached schedule;
- (2) the licence being for a period of 5 years under Part 9 division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with condition 7 and 8 attached, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Condition 7 and 8, or failed to execute the licence agreement.

(DPWS Report 19.4.99)

Carried.

17.

**LICENSING - CHALMERS STREET, NO. 229, REDFERN - PROPOSED  
FOOTWAY LICENCE (2020196)**

That approval be given to:-

- (1) the granting of a licence to Woolpack Hotel (Redfern) Pty Ltd.,(CAN 079 857 837) over an area of 7.5 square metres of the footway of Chalmers Street adjacent to Woolpack Hotel at No.229 Chalmers Street, Redfern as shown stippled on Plan No.S4-130/730B and subject to the conditions in the attached schedule;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly

in advance) set by the annual Scale of fees and Charges adopted by Council;

- (3) the license commencing only following the satisfactory compliance with condition 7 and 8 attached, the licence executing the licence agreement and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal cost and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Condition 7 and 8 or failed to execute the licence agreement.

(DPWS Report 1.4.99)

Carried.

**18.**

**LICENSING - OXFORD STREET, SHOP 1, NOS. 1 - 11, PADDINGTON - PROPOSED FOOTWAY LICENCE (2019966)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fowler:-

That consideration of approval for a footpath licence at Shop 1, Nos. 1-11, Oxford Street, Paddington, be deferred until the next meeting of Council to allow liaison with the proprietor on various matters of Council.

(DPWS Report 12.5.99)

Carried.

**19.**

**COMMUNITY SUPPORT - WOOLLOOMOOLOO CRIME PREVENTION AND SAFETY INITIATIVE - PROPOSED EXTENSION UNTIL AUGUST 1999 (2016504)**

That arising from the report by the Director of Health and Community Services dated 3 May 1999, it be resolved that Council extend the period of employment for the Woolloomooloo Crime Prevention and safety Coordinator (Sandra Nicoll - Pay No.70545) until 1 August 1999, at a rate of \$61,900 pa on a pro rata basis for 4 days per fortnight as per the request from the NSW

Premier's Department and approve an additional \$5,000 in funding to be added to KW98602 to cover this expenditure.

Carried.

20.

**DONATIONS - REQUEST FOR FREE USE OF REDFERN TOWN HALL - WE HELP OURSELVES (D53-00276)**

That Council support, We Help Ourselves, by forgoing \$780 in income and meet the expenses of \$390. This approval will allow We Help Ourselves free use of Redfern Town Hall on Mondays, Tuesdays and Thursdays for a trial period of 3 months commencing 10 May 1999, between 10.00 a.m. and 11.00 a.m. to conduct Relaxation Classes.

Carried.

21.

**COMPUTERISATION - BACKUP PROCEDURES (20000000)**

That the report by the Director of Corporate Services dated 4 May 1999, regarding the above matter be received and noted.

Carried.

22.

**PUBLIC INFORMATION CAMPAIGN FOR TEMPORARY RE-LOCATION (20000000)**

That Council seek quotes from Public Relations consultants to carry out a two stage public information and communication campaign for Council's temporary re-location.

Carried.

23.

**FINANCE – WORKS PROGRAMME – ADDITIONAL FUNDING NEEDED FOR MILL & RESHEET WORKS DONE BY PAVEMENT SALVAGE OPERATIONS PTY LTD (2015562)**

That approval be given to the payment of \$125,000 over and above that approved on 10 June 1998, for the contract with Pavement Salvage

Operations Pty Ltd to meet unforeseen costs incurred during construction with funds available from the Mill and Resurfacing Program (CWC.9100)

(DPWS Report 13.4.99)

Carried.

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

**WEDNESDAY, 5 MAY 1999 AT 7.16 PM**

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

### **Apologies:**

Apologies for non-attendance were received from Councillor Deftereos and Waters.

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

Item 1 - Personnel Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 5 May 1999, be received and the recommendations set out below for Item 1, be adopted.

Carried.

There being no quorum present at the beginning of the meeting, Councillors Fenton and Macken **recommended** the following:-

1.

**COMMUNITY FACILITIES - AGED SERVICES - FUTURE DIRECTION -  
COUNCIL'S FOOD SERVICE (W51-00045)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

- (1) That arising from a report by the Director of Health and Community Services dated 19 April 1999, Council approval be given to:-
  - (a) the refurbishment of the Alexandria Activity Club corner Suttor and Renwick Street, Alexandria into a Meals-on Wheels distribution facility, and a community meeting room facility;
  - (b) the cessation of the conduct of an Activity Club from that site with the remaining members being bused to the nearby Activities Clubs;
  - (c) the Director of Health and Community Services and the Director of Corporate Services calling for quotes for a design of the refurbishment of the Alexandria Activity Club to house a meals-on-wheels distribution centre and community meeting room, by suitably qualified architects;
  - (d) the restructuring of the Aged Services branch by re-development of the social workers as outlined in the body of this report and maintaining the current staff establishment of social workers at 7 equivalent full time positions, at a nil cost impact to Council;
  - (e) Kitchen staff being offered re-deployment of redundancies in accordance with current award conditions.
- (2) That this approval be given in principle pending further discussions being held with the MEU regarding the redundancies, redeployment and the further training of staff affected.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 7.27 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE****5 May 1999****PRESENT****Councillor Fenton(Chairperson)****Councillor:- Macken**

At the commencement of business at 7.28.p.m. those present were:-

Councillors:-Fenton and Macken.

**Apologies:**

Apologies for non-attendance at the meeting were received from Councillors Deftereos and Waters.

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

That the Report of the Community Services Committee of its meeting of 5 May 1999, be received and the recommendations set out below for Items 1 to 3, be adopted.

Carried.

As there was no quorum present Councillors Macken and Fenton **recommended** the following:-

**1.**

**HEALTH - DRAFT HEALTH POLICY FOR PLACES OF SHARED ACCOMMODATION (L54-00011)**

That arising from a report by the Director of Health and Community Services dated 24 March 1999, it be resolved that:-

- (1) the current Health Policy for "Places of Shared Accommodation" which was adopted on 12 April 1995, be rescinded.
- (2) the revised "Draft Health Policy" for "Places of Shared Accommodation" be adopted as an interim Council Policy;

- (3) the Draft Health Policy for "Places of Shared Accommodation" be forwarded for comment to peak organisations and groups interested in issues associated with "Places of Shared Accommodation" and that a further report be submitted to Council.

Carried.

## 2.

### **HEALTH - MEN'S HEALTH PROGRAM - FEASIBILITY STUDY TO INTRODUCE A PROGRAM INTO THE SOUTH SYDNEY COUNCIL AREA (2020562)**

That arising from a report by the Acting Director of Health and Community Services dated 21 April 1999, it be resolved that:-

- (1) South Sydney City Council undertake the development of a Men's Health Program for the South Sydney Area;
- (2) South Sydney City Council establish a Steering Committee inviting representatives of State Health Authorities, Council's Community Health and Social Services Staff and managed by the Environmental Health Education Officer.

Carried.

## 3.

### **EVENTS - SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES COMMITTEE - REPORT AND RECOMMENDATIONS (2019159)**

That arising from consideration of the report by the Director of Public Works and Services dated 30 April 1999, and the accompanying minutes of the meeting of Council's Sydney 2000 Olympic and Paralympic Games Internal Committee held on Wednesday 14 April 1999, it be resolved that:-

- (1) Council receive and note the Minutes of the meeting of Council's Sydney 2000 Olympic and Paralympic Games Internal Committee held on Wednesday 14 April 1999;
- (2) Council endorse extension of the membership of Council's 2000 Sydney Olympic and Paralympic Games Internal Committee to include the following officers of Council:

Ms. Kate Meagher	(Media Manager)
Ms. Donna Sowry	(Marketing Manager)
Mr. Peter Chaffe	(Director of Organisational Development)

Mr. Tony Rolls (Admin. Services Manager - Corp Srves)  
 Mr. Andrew Johnson (Manager Waste Services Branch)  
 Mrs. Edda Boyd (Council's Community Liaison Officer)

- (3) Council approve, as a donation under Section 356 of the Local Government Act 1993, the purchase of 350 complimentary tickets to the Sydney 2000 Paralympic Games (at a total estimated cost of \$5250) for presentation to attendees at the 1999 Mayoral Charity Ball (with the cost to be met from the proceeds of the Ball)

(DPWS Report 30.4.99)

Carried.

The Community Services Committee Meeting terminated at 7.35 p.m.

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

5 May 1999

### **PRESENT**

**The Deputy Mayor, Councillor Jill Lay (Acting Chairperson)**

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

At the commencement of business at 6.38 p.m., those present were -

The Deputy Mayor and Councillors - Bush, Fowler and Harcourt

### **Apology:**

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

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

That the Report of the Planning and Development Committee of its meeting of 5 May 1999, be received and the recommendations set out below for Items 1, 3, 5, 7 to 10, inclusive, 14, 15, 21, 23, 24 and 26 to 28, inclusive, be adopted. The recommendations for Items 2, 4, 6, 11 to 13, inclusive, 16 to 20, inclusive, 22 and 25, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**CLARA STREET, NO. 8, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO REAR OF DWELLING - DEVELOPMENT APPLICATION (U98-01108)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Anthony Giardina (owner) for permission to carry out alterations and additions to the rear of the abovementioned premises, including a ground floor kitchen, bathroom and laundry 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 should the renovations involve the installation of a new hot water service, then a Solar Hot Water Services shall be provided;
  - (3) That the eaves overhang shading the proposed lightwell shall be deleted;
  - (4) That drainage shall be provided to serve the proposed enclosed courtyard;
  - (5) That all walls along the allotment boundary shall be of masonry or masonry veneer construction, and shall be rendered, bagged or painted to match the main dwelling;
  - (6) 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 preserve your completed insurance documentation;
  - (7) 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;

- (8) That the development shall be generally in accordance with plans numbered 96/98 received on 19 February 1998;

and the following adopted standard conditions:

- (9) Notification of Contractors Licence Details<sup>9110</sup>
- (10) Works to be Within Allotment Boundaries<sup>9159</sup>
- (11) Survey Certificate at Set Out Stage<sup>9001</sup>
- (12) Survey Certificate at Completion<sup>9002</sup>
- (13) Construction Certificate Required<sup>9155</sup>
- (14) Ventilation<sup>7023</sup>
- (15) Noise and Vibration<sup>7026</sup>
- (16) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>
- (17) Details of Health Aspects<sup>7017</sup>
- (18) Stormwater Standard<sup>4001</sup>
- (19) Garbage on Public Way<sup>6001</sup>
- (20) Refuse Skips<sup>6002</sup>
- (21) Construction Hours<sup>9151</sup>
- (22) Construction Noise<sup>7008</sup>
- (23) Compliance with Building Code of Australia<sup>8501</sup>
- (24) Residential Building Work<sup>8503</sup>
- (25) Support for Neighbouring Buildings<sup>8506</sup>
- (26) Signs Erected on Building and Demolition Sites<sup>8508</sup>
- (27) Toilet Facilities<sup>8509</sup>
- (28) Structural Design Certificate<sup>9006</sup>
- (29) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (30) Protection from Termites<sup>9203</sup>
- (31) Drainage Details with Construction Certificate<sup>9013</sup>

(32) Natural Light and Ventilation/Skylights<sup>9614</sup>

(33) Hcs014

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

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

NOTE: That the applicant may be liable for prosecution under the Environmental Planning and Assessment Act for breach of an approval condition, or under the Clean Waters Act 1970 if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

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

Carried.

2.

**PLEASANT AVENUE, NO. 35, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - BUILDING APPLICATION (Q98-00328)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the matter be deferred to allow the applicant to explore the issues raised at the Planning and Development Committee Meeting.

Carried.

3.

**WILLIAM STREET, NOS. 234 - 236, POTTS POINT - ERECT RESIDENTIAL BUILDING (23 UNITS PLUS GROUND FLOOR RETAIL) - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01338)**

(A) That the Council as the responsible authority grants its consent to the application submitted by Eastview (Aust) Pty Ltd with the authority of Bell Developments Pty Ltd, for demolition of an existing building and

erection of a retail / residential flat building containing 23 units 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 \$11,250 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 instalment 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 \$3, 500, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 6,443	2E97003.BGY0
Open Space/Townscape/Public Domain	\$32,429	2E97009.BGY0
Accessibility And Transport Management	\$ 195	2E97006.BGY0
	\$ 539	2E97007.BGY0
Total	\$39,606	

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific 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	Amount	Account
Multi-Function Administration Centre	\$9409	2E97008.BGY0

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

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

CPI1

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent 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 DA01, DA02 and DA03, dated December 1998;
- (6) That the windows proposed along the western side of the units on level 5 be deleted. Details to be provided with the construction certificate;
- (7) That the western and eastern elevations of the proposed balconies shall be constructed in solid masonry. Details indicating such to be provided with the construction certificate;
- (8) That no noise source objects such as air conditioning units, extractor fans or the like shall be located in either of the proposed light courts;
- (9) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
  - a) external finishes to walls;
  - b) roofing;
  - c) balcony treatment;
  - d) proposed fences;
  - e) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (10) That a separate application shall be submitted at the appropriate time for the specific use of the ground floor retail component;

- (11) That the development shall include solar water heating or heat pumps throughout, in accordance with the Solar Water Heater Policy contained within Development Control Plan 1997 – Urban Design. In this respect an investigation shall be undertaken and full details of the proposed energy conservation measures be included with the Construction Certificate;
- (12) That any external glazing shall have a reflectivity not exceeding 20%;
- (13) That no off-street parking shall be provided on the site for the residential units;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) 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;
- (16) 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;
- (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 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;
- (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 new work including footings shall not project beyond the street alignment or boundaries of the allotment;
  - (23) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
  - (24) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
  - (25) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
  - (26) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
  - (27) That the demolition work shall comply with Australian Standard 2601-1991;
  - (28) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation;
  - (29) That a dilapidation report on adjoining properties (known as 230-232 and 238-240 William Street) be prepared and submitted to Council on lodgement of application for a construction Certificate.

Such report shall also be provided to the owners of the subject properties;

- (30) 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);
- (31) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (32) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (33) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (34) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (35) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (36) 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;

- (37) 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;
- (38) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (39) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (40) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (41) 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);
- (42) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;
- (43) That the minimum soil depth for planting on any slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth for mulch and a suitable waterproofing and drainage layer;
- (44) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include

construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;

- (45) That the developer shall submit with the landscape plan an annual maintenance programme for landscaping on the site, which is to be supplied to the body corporate or building owner for ongoing maintenance of the site;
- (46) That the developer/owner shall be responsible for the cost of removing, relocating or replacing in the footway any tree whose removal is the consequential result of the construction of the vehicle driveways or other works;
- (47) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (48) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (49) That a separate garbage/recycling storage area for commercial use be provided;
- (50) That the residential garbage/recycling area can access a kerbside collection service;
- (51) That an Environmental Site Assessment (Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No. 55 (SEPP55). The assessment will be required to assess potential risk posed by contaminants to health and the environment and contain sufficient information to develop a remedial action plan if required. The assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit at any stage of the investigatory and/or remediation process;
- (52) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (53) That the construction of any retail food shops shall comply with the requirements of the National Code and Fitout of Food Premises;

- (54) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (55) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (56) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (57) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (58) 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;
- (59) That the use of the premises shall not give rise to:-
- a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
  - b) an "offensive noise" as defined in the Noise Control Act, 1975;
- (59) That plans and specifications showing details of:-
- a) all required mechanical ventilation systems;
  - b) the garbage room;
  - c) the recycling storage area;
  - d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

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

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

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

Carried.

4.

**NICKSON STREET, NO. 33, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING FACTORY - DEVELOPMENT APPLICATION (U98-01009)**

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 an application for extension to an existing factory building, for use for storage manufacture and design of clothing 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 \$580 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 instalment 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 \$770, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with plans numbered 98016/1001 to 1007 Revision A as varied by plan 98016/A1 dated 28 January 1999;
  - (4) That at no time shall retail sales be made from the premises; sales shall be made by wholesale to the trade only;
  - (5) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.87:1 and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;

- (6) That the additions shall be constructed of materials similar in colour to those of the existing building;
- (7) That a maximum of 7 off-street car parking spaces shall be provided, 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 and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (8) That the existing loading dock shall be maintained for use in connection with the proposed development;
- (9) That all loading and unloading operations shall be carried out within the confines of the site, at all times;
- (10) That all loading and unloading operation shall take place between 8.00 a.m. and 6.00 p.m. Mondays to Fridays;
- (11) That all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (12) 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;
- (13) 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;
- (14) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
  - a) all proposed mechanical ventilation systems;
- (15) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;

- (16) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (17) That noise from construction, demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:-

- (a) Construction periods of 4 weeks and under:-

The LA 10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

- (b) Construction periods greater than 4 weeks and not exceeding 26 weeks;

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: the above noise levels are applicable for construction hours of:-

- (a) Mondays to Fridays, 7.00 a.m. to 5.00 p.m.;
- (b) Saturdays, 7.00 a.m. to 3.00 p.m.

No construction work outside of the above hours is permissible without the prior approval of Council.

- (18) That all proposed work shall be wholly within the boundaries of the site;
- (19) That the hours of operation of the factory shall not exceed 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 3.00 p.m. Saturdays;
- (20) That the proposed extension shall be setback a minimum of 2m from the northern boundary;
- (21) That the decorative plasterwork on the eastern façade of the building shall be retained.

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.
- (C) That Council's Traffic and Design Section prepare a report for the Traffic Committee concerning the merits and indicative costings of providing a safety mirror and/or raised threshold to improve vehicle/pedestrian safety at the South Western corner of Wilshire Street.

Carried.

5.

**RILEY STREET, NO. 249, SURRY HILLS - ADD TWO STOREYS TO EXISTING WAREHOUSE FOR USE AS A RESIDENTIAL UNIT - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01220)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr T H Grimme, for permission to add extra storey to existing warehouse 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 \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment 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 \$160, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.

Part A

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

Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, 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: LGA Works Programme	\$267	2E97003.BGY0
Open Space: New Parks	\$1,351	2E97009.BGY0
Accessibility And Transport Management	\$8	2E97006.BGY0
	\$22	2E97007.BGY0
Total	\$1,648	

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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Multi-Function Administration Centre	\$399	2E97008.BGY0

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

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

where:

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

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

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

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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 approved building plans / before the release of the construction certificate / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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

#### Part B

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

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

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

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

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

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

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

- (3) That the development shall be generally in accordance with plans numbered 9812-02-06 inclusive dated July 1998 and as amended in red on the plans;
- (4) That the maximum floor to ceiling height for level 3 (being the uppermost level) shall be restricted to a maximum 2.6m;
- (5) That the windows along the northern façade on the proposed second floor shall incorporate glass blocks or bricks;
- (6) That any external glazing shall have a reflectivity not exceeding 20%;
- (7) That the residential portion including path of travel to the street, shall be separated from the café/kitchen area by construction having a minimum resistance level of 60/60/60;
- (8) That vertical separation shall be redesigned to comply fully with the requirements of Clause C.2.6 of the BCA;
- (9) That the proposed and existing stairway at the western end of the building shall be redesigned to be fire isolated and comply with the requirements of Parts C and D of the BCA;
- (10) That details of the location of a solar hot water heating system or a heat pump system shall be submitted with the CC. If a solar hot water heating system is used, a tank with a capacity of 180 litres (one panel system) shall be associated with each one

bedroom and two bedroom unit, a tank with a capacity of 300 litres (2 panel system) shall be associated with the three bedroom unit;

- (11) That proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

and the following standard conditions:

HSC500; HSC555; HSC022; HSC538; HSC539; HSC100; HSC101; 9006; 9013; 9104; 9155; 9105; 9152; 9151; 9156; 9201; 9202; 9301; 9307; 9330; 9418; 9420; 9501; 9503; 9522; 9518; 9519; 9603; 9852; 9853

\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999.

NOTE 1:

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 be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

NOTE 2:

The applicant should be advised that any requirement of the Sydney Water Corporation Ltd for connections to sewer are to be complied with fully to that corporation's satisfaction.

NOTE 3:

For the purpose of child safety in the residential parts of the premises, 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.

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

Carried.

6.

**BAYSWATER ROAD, NOS. 96 - 102, RUSHCUTTERS BAY - APPLICATION FOR CONFERENCE ROOMS (U97-00438)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Harcourt:-

- (A) That the matter be deferred and that Council advise the applicant that in order to be assured that the proposed meeting and function rooms will not impact, by way of noise on any adjoining residential premises, a report from an Acoustic Engineer be submitted setting out how it is proposed to comply with the proposed additional conditions.
- (B) That a report be prepared for Committee following receipt of the acoustic report. The report shall also address the issue of what steps were taken by Council to notify plans detailing the activities fronting Clement Lane and the treatment approved for Clement Lane.

At the request of Councillor Fowler, the motion was amended by the insertion of the words "change to" between the words "the" and "activities" where appearing in the 3rd line of condition (B) and also the insertion of the words "such as the placement of the sub-station and keg room" between the words "Lane" and "and" where appearing in the 3rd line of condition (B).

Carried.

At the request of Councillor Fenton, and by consent, the motion was further amended by the addition of a new clause (C), namely:-

- (C) That a Traffic Study Report be prepared with regard to the implications in the change of capacity of patrons in the function rooms.

Carried.

At the request of Councillor Deftereos, and by consent, the motion was further amended by the addition of a new clause (D), namely:-

- (D) That the appropriate Council Officer include in the report alternative delivery methods of alcohol to the premises so as not to damage the pavers in Waratah Street.

Carried.

Motion, as amended by Councillors Fenton, Fowler and Deftereos, carried.

7.

**REDEVELOPMENT OF FORMER SARGENTS PIE SITE AND BUILDINGS BOUNDED BY PALMER STREET, LIVERPOOL STREET, BOURKE STREET AND KINGS LANE, DARLINGHURST - SECTION 96 AMENDMENT - CONTRIBUTION INCLUDED IN CONSENT (U97-01114)**

- (A) That the Council as the responsible authority grants its consent to the Section 96 application submitted by Trafalgar Properties for permission to modify the consent granted on 24 June, 1998 for the redevelopment of the former Sargents Pies site and a number of buildings bounded by Kings Lane, Palmer, Liverpool and Bourke Streets in the following manner:-

Condition (1) being amended to read:

- (1) That the development shall be generally in accordance with plans Project 97068 Drawings DA100 Revision D, DA 200 Rev.D to DA 210 Rev.D inclusive, DA 220 Rev. D inclusive, DA 300 Rev. D to DA 308 Rev. D inclusive, all dated 19 November 1998 as amended by plans Job 98025 Dwg A1.00 to A7.00 inclusive all dated August 1998, Dwg A1.00, A2.00, A2.01 to A2.05, A3.00 to A3.03, A4.00 & A4.01 all dated Sept.98 as further amended by plans Job No.98025 DA201A to DA209A inclusive, DA220A, DA221A, DA221AA, DA222A, DA222AA, DA223A;

Condition (2) being amended to read:

- (2) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$243,675	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 74,616	2E97002.BGY0
Accessibility And Transport	\$ 971	2E97006.BGY0
Management	\$ 3,829	2E97007.BGY0
<b>Total</b>	<b>\$323,091</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 as shown above.

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

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

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

(B) Works in kind

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

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.

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

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

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

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

**NOTE:** Works carried out without written approval by Council 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.

Condition (36) being amended to read:

- (36) That a maximum of 142 car parking spaces shall be provided and of those at least 3 spaces shall be 3m X 5.5m minimum and clearly marked for disabled drivers parking.

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

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

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

Carried.

## 8.

### **FLINDERS STREET, NOS. 10 - 24, DARLINGHURST - CHANGE APPROVED HOURS AT HOTEL PREMISES - DEVELOPMENT APPLICATION (U99-00149)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by ARQ Sydney, with the authority of Shad Danesi, to extend the approved hours of an approved Hotel/Nightclub to 9am-3am Monday to Wednesday, 9am-5am Thursday and 24 hours Friday, Saturday and Sunday (amending conditions 2 and 10 of the Land and Environment Court Approval dated 3 March 1995) for the following reasons, namely:-
- (1) 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;

- (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 intensive 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 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.

9.

**CITY ROAD, NOS. 2 - 6, CHIPPENDALE - PROPOSED EXTENSION OF TRADING HOURS - LANDSDOWNE HOTEL - DEVELOPMENT APPLICATION (U98-01149)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Lake Northern Pty Ltd, owner, for permission to extend the trading hours of the first floor of the abovementioned premises, subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted to between 10.00am and 1.00am Mondays to Thursdays, 10.00am to 3.00am Fridays and Saturdays and 10.00am to 10.00pm Sundays;
  - (2) That the development shall be generally in accordance with plans dated October 1998 and submitted with Development Application U98-01149;
  - (3) That the use shall cease after a period of two years from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;

- (4) That no live entertainment shall be provided on the first floor of the premises;
- (5) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (6) That the existing above awning noticeboard advertisement on the City Road elevation of the building, shall be removed within 28 days from the date of the consent;
- (7) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Bank Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (8) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Bank Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 12.00 midnight to 3.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (9) That Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
- (10) That further acoustic assessment shall be carried out by an accredited acoustic consultant assessing and describing how the operation of the premises will comply with the recommended conditions of approval;

**NOTE:**

Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court the more stringent conditions shall prevail.

-with regard to noise from patron activities external to the premises (i.e. patrons arriving and leaving) it is essential that suitable site management practices be adopted by the licensee to ensure that surrounding residential amenity is not reduced or impacted.

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.

10.

**ELIZABETH STREET, NO. 473, SURRY HILLS - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U99-00066)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Elizabeth Consultants Pty Ltd with the authority of S Browne for use of the premises as a brothel for the following reasons, namely:-
- (1) That the proposal is inconsistent with the provisions of South Sydney Local Environmental Plan 1998, particular having regard to the objectives of the Mixed uses Zone No. 10;
  - (2) 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;
  - (3) That the proposal does not comply with the requirements, aims and objectives of South Sydney Council's Draft Sex Industry Policy, particularly with regard to its adverse amenity and cumulative impacts;
  - (4) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale and size;
  - (5) That the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

**GORDON STREET, NO. 44, PADDINGTON - EXTENSION AT REAR OF DWELLING - DEVELOPMENT APPLICATION (U98-01310)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fenton:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Archivision Design, with the authority of Mr S & Mrs A Matheson, for permission to erect ground and first floor additions, attic conversion involving front and rear dormer windows and new garage at rear, 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 \$2,700 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 instalment 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 \$360, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered A8367 revision A dated 15 November, 1998 stamped 'approved' as amended by conditions of this consent with such amendments being indicated in red on the approved plans;
- (4) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
  - (a) external finishes to walls;
  - (b) roofing;
  - (c) balcony treatment;
  - (d) proposed fences;
  - (e) windows and doors;

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

- (5) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;

- (6) That the rear dormer shall be constructed below the existing ridge line and set 500mm in from the side walls of the dwelling. Details shall be submitted with the Construction Certificate;
- (7) That the front dormer shall be redesigned to comply fully with DCP 1997 with vertical proportions of 1.5:1. Details shall be submitted with the Construction Certificate;
- (8) That all rear external walls shall be rendered with flat rendered finish of a light colour;
- (9) That details shall be submitted with the Construction Certificate;
- (10) That windows in the eastern elevation shall be of vertical proportions 1.5:1. Details shall be submitted with the Construction Certificate;
- (11) That bathroom window in the eastern elevation shall be fitted with obscure glass and the lower half of the bedroom windows in the eastern elevation shall be fixed and appropriately obscured. Details shall be submitted with the Construction Certificate;
- (12) That the ground floor extension shall be reduced in height so that the maximum height on the eastern boundary does not exceed 2.7m above natural ground level. This may be achieved by excavation, removal of a parapet wall on this boundary or minor reduction in ceiling height. Details shall be submitted with the Construction Certificate;
- (13) That the proposed garage shall be reduced in total length by 1.5m and the height on the boundary shall be reduced to a maximum of 2.4m above natural ground level;
- (14) That the rear balconies shall be deleted from the proposal. One non-trafficable Juliet balcony extending no more than 300mm from the rear wall will be acceptable as a replacement at first floor level. Details shall be submitted with the Construction Certificate;

and the following adopted standard conditions:\*

1008; 3026; 3028; 3029; 3032; 4001; 6002; 7008; 9151; 9152 9104; 9155; 9013; 9105; 9152; 9157; 9156; 9201; 9202; 9203; 9323; 9330; 9419; 9523; 9604; 9611; 9613.

\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999.

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.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the words "natural ground level" where appearing in the 3rd line of condition (12) after the word "above" and the insertion in lieu thereof of the words "Floor R.L. of 9.26".

Motion, as amended by consent, carried.

## 12.

### **KINGS CROSS ROAD, NO. 1 (EASTERN SITE), DARLINGHURST - ERECT 18 LEVEL BUILDING COMPRISING OF 142 RESIDENTIAL FLATS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01017)**

(At the Council Meeting, the Mayor 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 Macken:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by the Walker Corporation Limited for permission to erect a residential tower, subject to the following conditions:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$15,150 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 \$52,000 or first installment (as applicable), can be paid

to the Council, providing that a completed levy payment form accompanies the payment.

- (3) That the development shall be generally in accordance with plans 9834-2-0-01;-2-1-01 to 03, Revision A; 04 to 11, Revision B; -3-0-01,& 02 Revision B; -4-0-01 Revision B; all dated 2-2-99.

**(4) (A) Section 94 Contributions**

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$269,570	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 82,142	2E97002.BGYO
Accessibility And Transport	\$ 1,075	2E97006.BGYO
Management	\$ 4,090	2E97007.BGYO
Multifunction Administration Centre	\$ 73,046	2E970008.BGYO
<b>Total</b>	<b>\$429,923</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.

$$\text{Contributions at Time of Payment} = C \times \frac{CP_2}{CP_1}$$

where:

**C** is the original contribution amount as shown above;

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

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

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

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

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

### **(B)Works in Kind**

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

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

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

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

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

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

Note: This site is carrying a credit in the form of a Bank Guarantee held by Council based on payments made in respect of DA 93-00510 approved by Council on 23<sup>rd</sup> March 1994. Subject to final clarification the payment in relation to this site equates to \$210,651 which may be deducted from the above figure at time of payment. This would equate to a revised contribution of \$219,272.

- (5) 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:
  - (i) external finishes to walls;
  - (ii) roofing;
  - (iii) balcony treatment;
  - (iv) proposed fences;
  - (v) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (6) That any external glazing shall have a reflectivity not exceeding 20%;
- (7) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (8) That a secure storage area for a minimum of 62 bicycles be provided and maintained at all times to the satisfaction of the Director of Planning and Building;
- (9) That Class 1 bicycle lockers be provided in the bicycle room constructed to AS2890.3, Details to be included with the Construction Certificate;
- (10) That 15 inverted 'U' stand spaces are provided in a secure, publicly observable location, near the foyer. Details to be included with the Construction Certificate;
- (11) That all Public Domain works as defined by a concept plan to be submitted and approved pursuant to DA93-00510 shall be completed to the satisfaction of Council prior to occupation of the approved building;
- (12) That detailed plans and calculations be provided with the Construction Certificate, certified by a registered surveyor, showing Floor Space calculations prepared according to the definition of Gross Floor Space contained within Development Control Plan 1997 - Urban Design;

- (13) That the floor space ratio shall not exceed 5:1 with the exception of the approved café and Retail Unit fronting Ward Avenue;
- (14) That a separate application shall be submitted at the appropriate time for the specific use of the approved retail/ cafe unit;
- (15) That the development shall, wherever practicable, include solar water heating or heat pumps throughout, in accordance with the Solar Water Heater Policy contained within Development Control Plan 1997 - Urban Design. in this respect an investigation shall be undertaken and full details of proposed energy conservation measures be included with the Construction Certificate;
- (16) That the requirements for insulation contained within Development Control Plan 1997 - Urban Design shall be addressed in the Construction Certificate;
- (17) That a report prepared by a suitably qualified person be included with the Construction Certificate which assesses the effect of the tower on television reception in the surrounding locality. This report shall detail liaison with the Australian Broadcasting Authority and recommend any mitigation measures necessary;
- (18) That the security shutter at the driveway entry off Kings Cross Road be located at the bottom of the ramp to allow an entering vehicle to and clear of the kerbside lane and footway;
- (19) That pedestrians in Craigend Street should be provided with a warning (preferably a flashing light) at the exit driveway, of vehicles exiting the building. Signs should also be provided at the exit reminding drivers to watch for pedestrians to the satisfaction of the Director of Planning and Building;
- (20) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (21) That a maximum of 152 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;
- (22) That the parking spaces shall be allocated on the basis of 129 for residents, 16 for visitors, 2 for retail and 3 for disabled

(appropriately line-marked and labelled prior to issuing an Occupation Certificate);

- (23) That of the required car parking spaces, at least 3 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;
- (24) That of the required car spaces, at least 2 measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (25) That no more than one parking space shall be allocated to any residential unit;
- (26) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (27) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (28) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (29) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (30) That all vehicles shall always be driven onto and off the site in a forward direction;
- (31) That the vehicular crossing shall be treated in such a manner as to provide a safe walking surface, prior to occupation;
- (32) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
- (33) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to

the lift lobby in accordance with the design requirements of the relevant Australian Standards;

- (34) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (35) 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;
- (36) 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;
- (37) That the developer shall supply a plan for construction traffic for access to and from the site, which shall be approved by the Director of Public Works and Services prior to the release of the Construction Certificate;
- (38) That the developer/owner shall supply a Traffic Control Plan, which shall be approved by the Director of Public Works and Services prior to the approval of the Construction Certificate;
- (39) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (40) That a substantial physical barrier not less than 500mm in height shall be erected across the frontage of the site, other than where a crossing is provided to prevent vehicles from entering or leaving the site other than the crossing(s);
- (41) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;

- (42) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (43) That details of providing and maintaining an overland flowpath shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (44) That any connection to Council's stormwater system shall be subject to a positive covenant on the land title. A separate application for works on the public way related to the connection must be made to the Director of Public Works and Services and approval obtained prior to the approval of the construction certificate. The applicant/owner will be responsible for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance;
- (45) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;
- (46) This does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
- (47) That a building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

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

This does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4).

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

- (48) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:

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

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

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

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

- (49) 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;
- (50) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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

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

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

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

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

This clause does not apply to:

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

- (53) 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);

- (54) That an expert's report shall be submitted confirming that the wind conditions at the ground level of the building would provide a satisfactory environment for pedestrians or, alternatively, to indicate what measures shall be taken to correct any problems which may be indicated;
- (55) That the owner shall dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of Energy Australia and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;
- (56) That the applicant shall accept responsibility for the cost of any alteration or adjustment to existing public services affected by the proposed work;
- (57) That the applicant shall liaise with the Water Board to obtain its requirements for connection to the Board's sewerage system and these shall be submitted with the Building Application.
- (58) That the off-street car parking area shall not be used as a public car parking station.
- (59) That at all times all loading docks, car parking spaces and access driveways thereto shall be kept clear of goods and shall not be used for storage purposes including garbage storage;
- (60) That a landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Certifying Authority for approval. The plan shall nominate hard works and softworks including decorative paving types, garden bed edging, existing and proposed critical levels, planting types and species, locations, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (61) That construction details for all components of the landscape proposal accompany the landscape plan and include details of subsoil drainage where landscaping is provided on slab or rooftop planterboxes. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (62) That the applicant shall make a separate application to the Director of Public Works and Services for any paving or associated landscape works on the public way (for approval under the Roads Act 1993). The applicant / owner shall

complete the work wholly in accordance with the requirements of the Director of Public Works and Services (including responsibility for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance);

- (63) That the Developer submit a survey of the existing site to the Certifying Authority which indicates all existing trees, their species, height, caliper and their status i.e. to be retained or to be removed. (A tree is classified as any plant taller than 3.4m). This plan shall also include any street trees adjoining the site;
- (64) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing street tree on site is lopped or removed. A letter of application is to accompany the Construction Certificate marked to the attention of the Tree Preservation Officer;
- (65) That as per the submitted Landscape Master Plan the Developer shall provide street trees (new and infill) along the property frontages in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75litre-container size, 2.5 metres high, 75mm calliper and planted at maximum 10 metre centres;

<b>STREET</b>	<b>TREE SPECIES</b>	<b>COMMON NAME</b>
Kings Cross Road	<i>Platanus x hybrida</i>	Plane Tree
Ward Avenue	<i>Magnolia grandiflora</i>	Southern Magnolia
Craigend Street	<i>Platanus x hybrida</i>	Plane Tree

- (66) That the Developer arranges with the Certifying Authority (whether Council or private), prior to the issuing of an Occupation Certificate, for a qualified Landscape Architect or Designer to complete the final inspection of the landscape works to ensure that the works are constructed in accordance with the plans approved with the Construction Certificate;
- (67) That the Developer shall provide to the Certifying Authority (whether Council or private) a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion at the time of lodgment of the Occupation Certificate;
- (68) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;

- (69) That all internal areas not provided with adequate natural ventilation being mechanically ventilated to the requirements of the Building Code of Australia and Council's Ventilation Code;
- (70) That the construction of the Cafes shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (71) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (72) That a smoke hazard management system being provided in the building in accordance with the Building Code of Australia;
- (73) 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;
- (74) That the use of the premises shall not give rise to:-
  - (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
  - (b) an "offensive noise" as defined in the Noise Control Act, 1975;
- (75) That the retail shops shall enter into a commercial contract for the removal of trade waste;
- (76) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (77) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (78) That a system of filtered mechanical exhaust ventilation shall be provided to the servery/kitchen with hoods over all existing and proposed cooking appliances;
- (79) That plans and specifications showing details of:
  - (a) the smoke hazard management system;

- (b) all required mechanical ventilation systems and associated fire precaution features;
- (c) the garbage room;
- (d) the layout, disposition and method of installation of fixtures and fittings, together with floor and ceiling finishes to the proposed Cafes;

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

- (80) 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 be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;
- (81) That the appropriate arrangements should be made for the removal of rubbish to the satisfaction of Council's Public Works and Services Department, Cleansing Services Group;
- (82) That all relevant sections of the BCA shall be complied with;
- (83) 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;
- (84) That applicant should note that this application has not been assessed for compliance with the Approval Regulation or the Building Code of Australia;
- (85) That the garbage/recycling areas shall make provision for containerisation requirements set by Council's Waste Services Section;
- (86) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (87) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";

- (88) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (89) That the applicant shall satisfy the requirements of DCP No. 11 "Transport Guidelines for Development", in particular:
- Clear width of each car space must be at least 2.4 metres;
  - Wider spaces are required as given in Clause 4.2.2 of the Guidelines;
  - Ramp grades and dimensions to be shown on the plans, with transitions for any ramp grade of 1:8 or steeper (Clause 4.4);
  - Vertical clearance for services vehicles shall be at least 3.6 metres, and at least 4.5 metres for removalist van (4.7);
  - Bicycle parking facilities and routes for access shall be shown on the plans (Clause 4.8);
  - Disabled parking spaces should be relocated adjacent to the lifts;
- more detailed plan shall show that the Guidelines are satisfied;
- (90) That at no time shall the premises be serviced by articulated vehicles or vehicles bearing container (condition 3018);
- (91) That the applicant must take into account the roundabout and footway widening which are required under the DA for "The Elan";
- (92) That the cost of signposting for alteration of kerbside parking restriction required to complement the new development shall be borne by the developer;
- (93) That the developer shall also meet the cost of and provide measures to protect pedestrians along Craigend Street, such as a flashing light, Stop control at the vehicular exit and other signs;
- (94) That the security shutters at driveways are to be set back at least 6 metres from the alignment;
- (95) That prior to approval of the Construction Certificate all owners shall do all things necessary under the Environmental Planning and Assessment Act 1979, firstly to surrender the Development Consent dated 12 August 1998, Council reference U98-00124, and secondly to modify Development Consent dated 23 March 1994, with amended plans as approved on 27 July 1994, Council

reference U93-00510, so as to excise therefrom consent to the erection of the proposed eastern tower which has not yet been erected.

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.

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition of the words "and in this respect landscape details shall include in particular planting to overhang or suitably soften the podium walls and landscaping details to the proposed townhouses fronting Kings Cross Road" to condition (60) of the recommendation.

Motion, as amended by consent, carried.

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

**13.**

**FLINDERS STREET, NOS. 10 - 24, DARLINGHURST - INSTALL POKER MACHINES IN HOTEL PREMISES - DEVELOPMENT APPLICATION (U99-00151)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by ARQ Sydney, with the authority of Shad Danesi, to allow the use of electronic gaming machines in an approved Hotel/ Night Club, subject to the following conditions, namely:-
- (1) That the Building Application shall be amended accordingly to show the location of the proposed gaming machines;
  - (2) That appropriate approval for gaming machines shall be obtained from the Licensing Court of New South Wales who shall determine the number and operation of machines.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of a new condition (C), namely:-

- (C) That a report be prepared regarding the monitoring of the construction of replacement or repairing of the awning for circulation in the Councillors Information Service.

Motion, as amended by consent, carried.

14.

**FLINDERS STREET, NOS. 10 - 24, DARLINGHURST - CHANGE APPROVED CAPACITY IN HOTEL PREMISES - DEVELOPMENT APPLICATION (U99-00150)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by ARQ Sydney, with the authority of Shad Danesi, to increase the maximum number of persons permitted on the premises at any one time from 434 to persons to a limit to be determined by the Place of Public Entertainment Approval (Deleting condition 9 of the Court Approval dated 3<sup>rd</sup> March 1995), for the following reason, namely:-
- (1) That insufficient information has been submitted to enable Council to determine the proposal in the form of a Development Application and the application as submitted could only be dealt with under Section 96 of the Environmental Planning and Assessment (Amendment) Act, 1997, and such an application, in this instance, could only be determined by the Land and Environment Court.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

**CHALLIS AVENUE, NO. 10C, POTTS POINT - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U98-01289)**

- (A) That the Council as the responsible authority refuses to grant its consent to the development application submitted by David Stubbs, with the authority of the Registered Proprietors Strata Plan 9941, for permission to render and provide a membrane to the external walls of the existing residential flat building and to replace its windows, for the following reasons, namely:-
- (1) That the proposal would cause significant adverse impacts to the heritage conservation area in which the site of the proposal is located and is therefore unacceptable under the provisions of Clause 23 of the South Sydney Local Environmental Plan 1998;

- (2) That approval of the proposal would not be in the public interest in the circumstances of the case.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

16.

**STANLEY STREET, NO. 51, DARLINGHURST - SECTION 96 AMENDMENT APPLICATION (U97-00371)**

- (A) That the Council as the responsible authority refuses the application submitted by Mr Mark Camuglia to amend Development Application U97-00371, for the following reason, namely:-

That the proposed amendment would result in significant adverse bulk-related visual impacts to adjoining dwellings and to an unacceptable increase in site-coverage on the site and approval of the proposal would not be in the public interest in the circumstances of the case.

- (B) 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:-

That the matter be deferred to the next Planning and Development Committee Meeting for an inspection of the premises as requested by the applicant in fax dated 12 May 1999.

Motion, as amended by consent, carried.

17.

**BILLYARD AVENUE, NOS. 11A - 11B, ELIZABETH BAY - DEMOLISH BUILDING TO ERECT 6 DWELLINGS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01276)**

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 an application by D J Dunne, with the authority of Mr D & Mrs J Dunne, for

the demolition of an existing dwelling and the construction of a residential flat building containing six units 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 \$10,500 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 instalment 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 \$3000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, 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/LGA Works Programme	\$ 2,779	2E97003.BGY0
Open Space/Green Square	\$14,023	2E99001.BGY0
Accessibility And Transport	\$ 83	2E97006.BGY0
Road Infrastructure/Green Square	\$ -	2E99006.BGY0
Community Facilities/Green Square	\$ -	2E99004.BGY0
Management	\$ 231	2E97007.BGY0
<b>Total</b>	<b>\$ 17,116</b>	

The above payments, with the exception of the land acquisition components and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance

with the latest annual valuations.

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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 approved building plans / before the release of the construction certificate / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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

## Part B

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

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

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

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

Unless otherwise agreed, security in the form of an unconditional

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

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

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

- (4) That the development shall be generally in accordance with plans numbered 9808/01 to 06 dated September, 1998;
- (5) That a maximum of 11 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;
- (6) That the parking spaces shall be allocated on the basis of 9 for residents and 2 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (7) That of the required car spaces, at least 1 measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a Construction Certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (8) That a construction management plan be submitted to the Council's Public Works and Services Department prior to the issue of any Construction Certificate;
- (9) That the provision for control of stormwater be certified by a Council approved certifier prior to issue of a Construction Certificate;

- (10) That the applicant is advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation;
- (11) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2, 1991 and Council's Ventilation Code;
- (12) That all handling systems, fresh air and exhaust air discharge vents shall be located in accordance with Australian Standard 1668.1 and 2, 1991;
- (13) That the basement car park shall be ventilated in accordance with the requirements of Australian Standard 1668.2-1991, Section 4;
- (14) That the garbage and recycling rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (15) That the use of the premises shall not give rise to:-
  - (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
  - (b) an "offensive noise" as defined in the Noise Control Act, 1975;
- (16) That plans and specifications showing details of:-
  - (a) all required mechanical ventilation systems;
  - (b) the garbage room;
  - (c) the recycling storage area;

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

- (17) That the builder and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to

enter Council's stormwater drainage system during construction/demolition. Measures must include:-

- (a) siltation fencing;

- (b) protection of the public stormwater system; and
  - (c) site entry construction to prevent vehicle that enter and leave the site from tracking loose material onto the adjoining public place.
- (18) That excavation or removal of any materials involving the use of machinery of any kind whatsoever, including compressors and jack hammers, shall be limited to the hours between 9.00 am and 4.00 pm Mondays to Fridays, inclusive, with regular breaks of at least 15 minutes per hour to afford some relief to occupants of neighbouring properties. Diamond rock saws are to be used in preference to jack hammering or rock picking. This condition is imposed to ensure reasonable standards of amenity for the residents in the locality;
- (19) That provision shall be made in all units for solar water heating;
- (20) That only one common television aerial (for each building where relevant) shall be provided;
- (21) That any external glazing shall have a reflectivity not exceeding 20%;
- (22) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (23) That a photographic archival record shall be prepared in accordance with the NSW Heritage Office Guidelines and two copies lodged with the Council prior to commencement of demolition;

and the following adopted standard conditions:-\*

3001; 3010; 1006; 1008; 1016; 1017; 3008; 3025; 3026; 3028;  
3029; 3030; 3032; 4001; 4005; 6002; 7008; 9151; 9152; 5001;  
5005; 5013; 5014; 5015; 6006; 6007; 6010; 9104; 9155; 9105;  
9156; 9160; 9162; 9163.

\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999.

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

Carried.

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

18.

**VICTORIA STREET, NOS. 394 - 404, DARLINGHURST - ERECTION OF HOSPITAL BUILDING - ST VINCENTS HOSPITAL - DEVELOPMENT APPLICATION (U98-01042)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by the NSW Department of Health, with the authority of the Trustees of St Vincents Hospital, for permission to erect a ten level hospital building, 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 \$291,000 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 instalment 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 \$190,000 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
  - (3) That the development shall be generally in accordance with plans numbered 971211-2066/25-A-DA00 to DA16 and DA36 and 37, all dated 27 August, 1998;
  - (4) That external building finishes shall be generally in accordance with the materials and colours shown on plans ADA-14 and 15;

- (5) That a landscape strip shall be provided in front of the building, planted with trees and shrubs outlined in Council's Street Tree Masterplan;
- (6) That suitably constructed waste disposal containers with securely fitting lids shall be left on the premises for the reception of any clinical, contaminated or related waste and, final disposal of the material shall be effected at a facility approved by the Environment Protection Authority;
- (7) That the applicant shall provide to the certifying authority a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion, at the time of lodgement of the Occupation Certificate;
- (8) That the construction of all food preparation areas shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises and Food (General) Regulations, 1997;
- (9) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environment Protection Authority. This assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land Management Act, 1997, and a site audit statement shall be submitted to Council in accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;
- (10) That the use of the premises shall not give rise to:-
  - a) transmission of 'offensive noise' to any place of different occupancy, or
  - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
  - c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of

stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

- (11) That prior to any demolition or construction work taking place on site prior to the consideration of a report from the Traffic Committee on the closure of part of Barcom Avenue for use as a construction zone, a plan of management shall be submitted detailing how traffic generated will be so regulated as to have minimal impact on residents in the vicinity; This management plan shall as much as possible be consistent with the advertised road closure plan noting that access to the site will be via Oxford Street and Barcom Avenue and egress via Boundary Street and McLachlan Avenue, that is construction traffic routes will be as far as possible on regional and state roads and not Barcom Avenue, between Liverpool and Leichhardt Streets or in Liverpool Street itself;
- (12) That the demolition and excavation work shall be the subject of a management plan detailing means proposed to minimise dust and noise nuisance, and traffic movement prior to any demolition and excavation work taking place and that this shall include details of how these matters will be monitored and by whom and will provide that a report be submitted to the Council every 14 days during the demolition and excavation period;
- (13) That a 24 emergency telephone number shall be exhibited at all entry points and notified to local residents, and a log kept of calls received and action taken;
- (14) That all employees and contractors engaged in demolition and construction shall be advised of the plan of management referred to in conditions (11) and (12) and required to comply with it;
- (15) That notwithstanding condition 9153, demolition and excavation shall only take place between the hours of 7.30 a.m. and 4.00 p.m. Mondays to Fridays and 7.30 a.m. and 1.00 p.m. Saturdays and not on Sundays;

and the following adopted standard conditions, namely:-

118; 1002; 1008; 1016; 3018; 3024; 3026; 1006; 3028; 3032; 4002; 6002; 7008; 7009; 9153; 5002; 5005; 5007; 6007; 6009; 6012; 6013; hsc500; hsc003; hsc002; hsc018; hsc301; hsc101; hsc111; hsc247; hsc704; hsc700; hsc705; hsc800.

\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999.

**NOTE 1:**

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

**NOTE 2:**

The applicant shall note that the application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation.

- (B) That the applicant be advised that the consent does not endorse the use of Barcom Avenue as a construction zone, and that this matter will be considered by the Council after public advertisement of the road closure has taken place and a report has been presented to the Council by the Traffic Committee.
- (C) That after construction is completed, discussion take place between the hospital and the council on the landscaping of the park adjacent to Barcom Avenue and the site, and the possible closure of all or part of Barcom Avenue for extension of the park.
- (D) That Woollahra Council and the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

**SOUTH DOWLING STREET, NO. 344, SURRY HILLS - PROPOSED ATTIC ROOM AND REAR BALCONY - DEVELOPMENT APPLICATION (U99-00052)**

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 Ms H S Low (owner), for alterations and additions to the beforementioned 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 \$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;

- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$60, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (3) That the development shall be generally in accordance with plans numbered 1,2,3 and 4 dated 13.1.99;
- (4) That the balcony proposed on the first floor from bedroom 2 be replaced with a Juliette balcony having a maximum depth of 300mm projecting from the façade and comprising inward opening doors only;
- (5) That a 1.8m privacy screen shall be erected along the southern side of the proposed first floor balcony to mitigate the incidence of overlooking into the adjoining properties to the south.
- (6) That the proposed rear skillion dormer window shall be set back a minimum of 500mm from both the southern and northern property boundaries. Details indicating such shall be submitted with the Construction Certificate.
- (7) That the rear skillion dormer windows shall be vertically proportioned at a ratio of 1.5:1 measured from head to ceiling of the window frame. Details indicating such shall be submitted with the Construction Certificate.
- (8) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate.
- (9) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
  - (a) external finishes to walls;
  - (b) roofing;
  - (c) balcony treatment;
  - (d) proposed fences;
  - (e) windows and doors;

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

- (10) That any external glazing shall have a reflectivity not exceeding 20%;
- (11) That all relevant sections of the BCA shall be complied with;
- (12) 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;
- (13) 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;
- (14) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (15) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (16) That all proposed work shall be wholly within the boundaries of the site;
- (17) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (18) That the requirements of the Work Cover Authority shall be complied with;
- (19) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (20) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (21) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;

- (22) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (23) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (24) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;
- (25) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (26) That noise and vibration from the use and operation 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;
- (27) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (28) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (29) 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;
- (30) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (31) 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).

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

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

- (B) That the person who made representations in respect of the proposal be advised of Council's decision.
- (C) That the owners of No. 2 Albion Street be advised that Council would give favourable consideration to the existing timber boundary fence being extended by up to 800mm in lattice or similar treatment to maintain privacy between the two properties and for this to be returned along the brick section if necessary.

Carried.

20.

**GOODCHAP STREET, NO. 25, SURRY HILLS - ALTERATIONS AND ADDITIONS TO A TERRACE DWELLING - DEVELOPMENT APPLICATION (U99-00028)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Denis Krizanovic, for permission to carry out alterations and additions to a terrace 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 \$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 instalment 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 \$100, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (3) That the development shall be generally in accordance with plans numbered DA01 and DA02, dated August 98 as amended in red on the plan and in accordance with the conditions below;
- (4) That the southern and western boundaries shall be adequately screened by way of fencing or landscaping (tree planting) or a combination of both, in order to mitigate the incidence of overlooking into the adjoining properties. Details shall be submitted with the Construction Certificate to appropriately reflect this requirement;
- (5) That all relevant sections of the BCA shall be complied with;
- (6) 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;
- (7) 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;
- (8) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (9) That all proposed work shall be wholly within the boundaries of the site;

and the following standard conditions:

9006, 9013, 9105, 9201, 9202, 9203, 9156, 9157, 9161, 9163, 9330, 9419, 9523, 9604, 9605, 9611, 9624, 7023, 9616, 4002, 4001, 6002, 9151

\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999.

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 submissions in respect of this application be notified of Council's decision.
- (C) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

Carried.

21.

**BOURKE STREET, NOS. 383 - 387, DARLINGHURST - RELOCATION OF EXISTING AIR-CONDITIONING PLANT - SECTION 96 AMENDMENT (U98-00559)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by McHugh Holdings Pty Ltd, for permission to relocate the air conditioning plant for the following reasons, namely:-
  - (1) That the proposal will have an adverse impact on the amenity and outlook of surrounding properties;
  - (2) That the proposed air conditioning plant and screening has an excessive bulk and scale and detracts from the heritage significance of the building;
  - (3) That the proposed building works have already been undertaken and Council cannot approve the application;
  - (4) That the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council undertake appropriate enforcement action to remove the unauthorised work.

Carried.

22.

**LITTLE DOWLING STREET, NO. 3, PADDINGTON - ERECT FENCING ON RESERVE (U98-00333)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Public Works and Services Department, South Sydney Council as recommended by the Consultant Penny Goldin in the report dated 4 January 1999, and the Director of Planning and Building in the report dated 30 April 1999, for the construction of a 1800 mm rod top iron fence as part of landscaping works associated with the refurbishment of the Short Street Reserve for the following reasons, namely:-
- (1) Pursuant to Section 90(1)(r) of the Environmental Planning and Assessment Act 1979 the proposed fence is not in accordance with the goals and objectives of the South Sydney's Generic Open Space Plan of Management.
  - (2) Pursuant to Section 90(1)(h) & (o) of the Environmental Planning and Assessment Act 1979 and objective 12(1)(a) of South Sydney Local Environmental Plan 1998 the proposed fencing would separate the park from the existing network of paved community spaces and walkways and would not enhance the amenity of the locality.
  - (3) Pursuant to section 90(1)(c) & (e) of the Environmental Planning and Assessment Act 1979 the proposed fence will not better define the areas as a park, nor assist persons using the Part to identify with the garden environment. Visually the subject site already appears as a park, which includes a raised garden. The park boundaries are clearly defined by the edges of the garden at both Short Street and Little Dowling Street, as well as the terminating trees and the sides of the adjacent dwelling.
  - (4) Pursuant to Section 90(1)(d) and objective 12(1)(a) of South Sydney Local Environmental Plan 1998 the proposed fencing of the subject site does not meet generally accepted safety design guidelines.
- (B) That the persons who made representation be advised of the Council's decision.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of a condition (C), namely:-

- (C) That the Director of Public Works and Services submit a report on improved lighting and access way through the nearby park including access steps to Little Dowling Street and Short Street.

Motion, as amended by consent, carried.

23.

**BUCKNELL STREET, NOS. 30 - 32, NEWTOWN - REFURBISHMENT OF TWO EXISTING FLAT BUILDINGS AND THE ERECTION OF A NEW RESIDENTIAL FLAT BUILDING CONTAINING FIVE UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01296)**

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

- (A) That the Council as the responsible authority grant its consent to the development application submitted by Mrs B Vukoman, for permission to carry out internal and external refurbishment works to the two existing residential flat buildings, and erect a new residential flat building at the rear of the site, containing five residential units above a basement car park, at 30-32 Bucknell Street, Newtown, 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 \$8375 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 \$1450 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
  - (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	\$ 1,914	2E97001.BGY0
Open Space/Townscape/Public Domain	\$ 9,660	2E97002.BGY0
Accessibility And Transport	\$ 57	2E97006.BGY0
Management	\$ 158	2E97007.BGY0
<b>Total</b>	<b>\$11,789</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.

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

where:

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

- (4) 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 – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Multi-Function Administration Centre	\$2,860	2E97008.BGY0

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

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

where:

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

- (5) That 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)
- (6) That the development shall be generally in accordance with plans numbered DA01-DA24 dated November 1998, except where amended by conditions of this consent;
- (7) That the exposed external walls of the building fronting Bucknell Street shall be rendered, bagged or painted, and shall be detailed in the application for a construction certificate (and work done prior to issuing the Construction Certificate);

(8) 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:

- (i) external finishes to walls;
- (ii) roofing;
- (iii) balcony treatment;
- (iv) proposed fences;
- (v) windows and doors;

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

(9) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

(a) in the case of work to be done by a licensee under that Act:

- (i) has been informed in writing of the licensee's name and contractor licence number, and
- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

(b) in the case of work to be done by any other person:

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

- (10) 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;

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;

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

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

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

- (11) That if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (12) That the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (13) That any such hoarding, fence or awning is to be removed when the work has been completed;
- (14) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (15) That any such sign is to be removed when the work has been completed.

This clause does not apply to:

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

Each toilet provided:

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

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

In this condition:

- (a) accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.
- (b) approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.
- (c) public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

- (d) Sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.
- (17) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (18) 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);
- (19) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (20) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (21) 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;
- (22) 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;
- (23) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;

- (24) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (25) 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);
- (26) 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);
- (27) That all proposed work shall be wholly within the boundaries of the site;
- (28) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (29) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environment Protection Authority. This assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land Management Act, 1997, and a site audit statement shall be submitted to Council in accordance with Schedule 1 Form 2 Contaminated Land Management (Site Auditors) Regulation, 1998, prior to release of the Construction Certificate;
- (30) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1669.1 and 2, 1991 and Council's Ventilation Code;
- (31) That the parking areas shall be ventilated in accordance with the requirements of Australian Standard 1668.2-1991 Section 4 and Australian Standard 1668.1 Section 7;

- (32) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (33) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (34) That 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;
- (35) That use of the premises shall not give rise to:-
- (a) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055 "Acoustic-Description and Measurement of Environmental Noise" or
  - (b) An "offensive noise" as defined in the Noise Control Act, 1975.
- (36) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

Certificates of performance in accordance with Section 5 of Council's Ventilation Code, accompanied by details of the test carried out in respect of ventilation being forwarded to the Director, Health and Community Services at completion and commissioning of the mechanical ventilation 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.

**NOTE1:** That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

**NOTE 2:** The applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation.

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

It was moved as an amendment by Councillor Bush, seconded by Councillor Fenton, that condition (7) be deleted.

Amendment negatived.

Motion carried.

**24.**

**REGENT STREET, NO. 8, PADDINGTON - ALTERATIONS AND ADDITIONS TO REAR OF HOUSE - DEVELOPMENT APPLICATION (U99-00211)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application (including Construction Certificate approval to authorise the proposed building work) submitted by Colin Brady Architecture and Planning, with the authority of Phillipa McGuinness and Adam Suckling, to undertake alterations and additions to the rear of a dwelling to extend a kitchen and dining area, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered DA.01, dated January 1999;
- (2) That stormwater shall be disposed from the site in accordance with Council's standard requirements;

and the following standard conditions\*

3029; 3032; 4002; 6002; 7023; 7026; 8501; 8503; 9110; 9151; 9152; 9156; 9163; 9201; 9202; 9325; 9330; 9523; 9602; 9604; 9613; 9624; 9625.

\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999.

- (B) That the applicant is advised that prior to commencing building work:
- (i) a principal certifier must be appointed (Council or an accredited certifier);
- (ii) the Council must be notified in writing of the appointment (if Council is not appointed), quoting the reference number; and

- (iii) written notice must be given to Council at least two days prior to commencement of building work.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**25.**

**OXFORD STREET, NO. 255 A AND B, PADDINGTON (WALTER REID RESERVE) - PLANNING STUDY AND PLAN OF MANAGEMENT (2021301)**

That arising from consideration of a report by the Director of Public Works and Services dated 20 April 1999, approval be given to:-

- (1) the establishment of a project team to manage the planning and redevelopment of Walter Reid Reserve known as No. 255 A and B Oxford Street, Paddington;
- (2) the project management of the team by a representative from the Public Works and Services - Parks Development Section;
- (3) the development of a brief so that consultants can be engaged to initiate the first part of a 2 part study using funds available in the Corporate Services Department, 1998/1999 Works Program budget (\$15,000 Account Code 7LND-5501);
- (4) the allocation of funds in the total amount of \$90,000 in the 1999/2000 Draft Works Program (Public Works and Services and Corporate Services Department Budgets) to develop a Plan of Management for Walter Reid Reserve.

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

- (5) That the Consultants engaged to prepare a Plan of Management taking into account the site's heritage and engineering significance and that before any decision is made on the site, a community consultation be commenced.

Motion, as amended by consent, carried.

**26.**

**FOVEAUX STREET, NO. 146, SURRY HILLS - TO USE PREMISES AS AN AUTOMOTIVE REPAIR WORKSHOP AND ERECT SIGNAGE - DEVELOPMENT APPLICATION (U99-00136)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

That the matter be deferred to the next Planning and Development Committee Meeting to be held on 19 May 1999.

Carried.

27.

**CLEVELAND STREET, NO. 518, SURRY HILLS - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U98-00117)**

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by Ms Gale Mulligan, with the authority of Mr Abraham Kneisser for permission to use the premises as a brothel, for the following reasons, namely:-
- (1) That the proposal does not comply with the requirements, aims and objectives of South Sydney Council's Draft Sex Industry Policy, on the grounds of location, amenity, parking, disabled access and safety and security;
  - (2) That the proposed development is inappropriately located in relation to a local church, primary school and residential premises;
  - (3) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale and hours of operation;
  - (4) That the circumstances of the case suggest that approval of the application is not warranted;
  - (5) That the granting of consent would not be in the public interest.
- (B) That Council's staff investigate whether the use is currently operating and if so then the matter of unauthorised use be referred to Council's Solicitors to take appropriate legal action.
- (C) That the persons who made representations in respect of the proposal be notified of Council's decision.

Carried.

28.

**PYRMONT BRIDGE ROAD, NOS. 2 - 50, CAMPERDOWN - FORMER  
CHILDRENS' HOSPITAL SITE - REDEVELOPMENT OF SITE AND  
SUBDIVISION INTO 10 LOTS - STAGED DEVELOPMENT APPLICATION  
(U98-01025)**

- (1) That Council rescinds its resolution of 24 March 1999, in respect of Development Application U98-01025;
- (2) That Council supports the application by Stirling Estates subject to the conditions in the report of the Director of Planning and Building dated 11 March 1999, with the exception of condition (5) and that authority be delegated to the General manager to grant consent subject to such additional conditions as may be recommended by Council's Solicitors to adequately protect Council and the Community with regard to contamination and the remediation of the site;
- (3) That the persons who made representations in respect of the proposal be advised of Council's decision and that a copy of the consent be circulated in the Councillors Information Service.

(DPB Report 4.5.99)

Carried.

The Planning and Development Committee Meeting terminated at 8.50 p.m.

The Council Meeting terminated at 7.38 p.m.

Confirmed at a meeting of South Sydney City Council  
Held on .....1999

**CHAIRPERSON**

**GENERAL MANAGER**