

229TH Meeting**Erskineville Town Hall
Erskineville****Wednesday, 9 June 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.35 p.m. on Wednesday, 9 June 1999.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 12 May 1999, be taken as read and confirmed.

At the request of Councillor Deftereos, and by consent, the minutes of 12 May 1999, were amended on Page 523 in relation to Item 25, regarding Oxford Street, No. 255A and B, Paddington, by the deletion of clause (5) and the insertion in lieu thereof of the following new clause (5), namely:-

- (5) Clear Brief to the Consultants which sets out a series of meetings for community consultation and to ensure the invitations to representatives of the R.A.I.A. - National Trust and the Paddington Society.

Minutes, as amended by consent, were then confirmed.

Apology

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

Moved by Councillor Fowler, seconded by Councillor Deftereos:-

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

Carried.

Leave of Absence - Councillor Waters

A request was received from Councillor Waters for leave of absence from all meetings of Council, including Council and Committee Meetings, from 16 June to 23 June, 1999, inclusive.

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

That leave of absence be granted to Councillor Waters from all meetings of Council, including Council and Committee Meetings, from 16 June to 23 June 1999, inclusive.

Carried.

Leave of Absence - Councillor Fenton

A request was received from Councillor Fenton for leave of absence from the Committee Meeting of 16 June 1999.

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

That leave of absence be granted to Councillor Fenton from the Committee Meeting of 16 June 1999.

Carried.

MINUTE BY THE MAYOR

9 June 1999

**PUBLIC RELATIONS - DEATH OF RICHARD GEDDES - FORMER MAYOR
OF KU-RING-GAI MUNICIPAL COUNCIL (2004380)**

It is with regret that I inform Council of the recent death of Richard Geddes, former Mayor of Ku-ring-gai Municipal Council.

Richard Geddes was elected to Ku-ring-gai Municipal Council in 1987 and served that Council for 12 years. He was Mayor of Ku-ring-gai for three years.

It is recommended that a letter under signature by the Mayor be forwarded to members of his family, expressing the condolences of Council.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

9 June 1999

**PUBLIC RELATIONS - DEATH OF "JACK" JOHN ALEXANDER
CAMERON B.E.M. - FATHER OF COUNCILLOR SONIA FENTON (2004380)**

It is with regret that I inform Council of the recent death of Jack Cameron, father of Councillor Sonia Fenton.

Jack Cameron was awarded the British Empire Medal for community services and served in the A.I.F. from 1940 to 1945.

He was absent from Australia on active war service in the Middle East and Papua New Guinea for over 1,000 days, and also was sent to Cowra, N.S.W., to assist in the recapture of escaped prisoners of war.

He worked for the Nestles Company for 58 years and was also seconded to the Commonwealth for his advice and expertise on tax matters.

It is recommended that a letter under signature by the Mayor be forwarded to Councillor Fenton and her family, expressing the condolences of Council.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

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

Carried.

MINUTE BY THE MAYOR

9 June 1999

CLEANSING - GRAFFITI CLEAN UP TRIAL (C56-00023)

On 10 February 1999, Premier Bob Carr announced a comprehensive package of graffiti abatement initiatives. One of these initiatives is a trial of strategies for early and continuing removal and clean up of illegal graffiti.

The Government will purchase two high powered cleaning machines to scrub painted graffiti from brick, stone, cement and other surfaces.

The trial will take place in South Sydney and Newcastle City local government areas and if successful will be expanded statewide.

The purpose of the trial is to determine:

- (1) The effectiveness of rapid removal as a deterrent to illegal graffiti.
- (2) Procedures and cost effectiveness for State and Local Government in removing graffiti from privately owned commercial and residential property.
- (3) The influence of time lines and persistence in the removal of graffiti on public perceptions of safety and security in the community.
- (4) The cost effectiveness of currently available removal methods, materials and technologies.
- (5) Effective models for whole of government and community cooperation and coordination in graffiti removal and clean up.
- (6) The effectiveness of a graffiti telephone hotline as a reporting and response mechanism for graffiti removal.
- (7) Best practice in reporting and monitoring graffiti incidence and rates of recurrence as these relate to removal strategies.
- (8) Best practice in cooperation between graffiti removal agencies, law enforcement and crime prevention agencies.

The estimated cost of a six month trial is \$121,500, with the State Government contributing \$76,500 for the blasting machine, compressor, materials and vehicle running costs. Council's \$45,000 contribution would cover administration, coordination and labour.

It is intended that the Manager Waste Services Branch program/manage the trial and labour provided by the Public Works and Services Department.

Recommendation:

That Council accept the State Government graffiti removal proposal and commit a further \$45,000 to the 1999/2000 Budget Estimates, and an evaluation report prepared for Committee at the conclusion of the trial.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

9 June 1999

BOUNDARIES - INVESTIGATION OF AMALGAMATION WITH BOTANY BAY CITY COUNCIL (2014956)

The Minister for Local Government announced in Parliament that voluntary amalgamations by Councils would be welcomed and encouraged by the State Government.

Amalgamations are being encouraged as a means of cost saving and ensuring that Local Government adequately responds to changing community needs.

The Minister has written to Councils indicating that he intends to make legislative changes to facilitate a process whereby Councils can examine options for restructuring.

Accordingly the Minister has indicated that where there is a joint proposal from two or more Councils to pursue amalgamation, it would be appropriate to defer the September election for a period of up to 12 months so these proposals can be developed and assessed without the pressure of impending elections.

Councils wishing to take up the deferral option would need to submit their proposal by 30th June, 1999.

Discussions with Botany Bay City Council have indicated that an amalgamation between South Sydney and Botany Councils would be worthy of pursuing.

It is therefore recommended that South Sydney City Council and Botany Bay City Council agree to pursue an amalgamation and submit this proposal to the Minister for Local Government and seek a deferral of the September Local Government election.

Recommendation:

That South Sydney City Council agree to pursue amalgamation with Botany Bay City Council with the intention of developing a firm proposal by no later than March 31, 2000.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

At the request of Councillor Fowler, and by consent, the motion was amended by the insertion of the words "and other interested surrounding Councils" between the words "Council" and "with" where appearing in the second line of the recommendation.

Motion, as amended by consent, carried.

MINUTE BY THE GENERAL MANAGER

8 June 1999

INSURANCES - SELF INSURERS LICENCE/BANK GUARANTEE (I51-00003)

Under the terms of Council's Self Insurance Licence, the WorkCover Authority has reviewed the Actuarial Report prepared for outstanding workers compensation claims liability as at 30 June 1998 and now advises that the amount of security required has been calculated at \$2.74 million. The current security is in the form of a Bank Guarantee of \$2.548 million.

The cheapest and simplest way for Council to comply with the increased security is to increase its Bank Guarantee with the WorkCover Authority to \$2.74 million. This will increase the annual cost by \$1,544 bringing the total cost to \$21,920 per annum.

Recommendation:

That arising from a report by the General Manager dated 8 June 1999, Council increases its Bank Guarantee with the WorkCover Authority, under the terms of Council's Self Insurance Licence, by \$192,000 to \$2.74 million which will increase the

annual cost by \$1,544 to a total of \$21,920 per annum, for which funds are provided in the Revenue Estimates (LCA.77WA).

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 176 signatures appended from residents objecting to the proposed installation of a bus shelter outside No. 387 Crown Street, Surry Hills.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 22 signatures appended from residents objecting to the proposed conversion of shop No. 73, Nos. 543 - 551 Elizabeth Street, Surry Hills, from a Real Estate Agency to a Pizza/Pasta Restaurant/takeaway shop.

Received.

3.

The Mayor tabled a petition with approximately 25 signatures appended from residents of William Street and Pitt Street, Redfern, requesting that a deferment of the sale of land known as No. 30A and 30B Pitt Street, Redfern.

Received and that a report be submitted to the next Finance Committee Meeting to be held on 16 June 1999.

QUESTIONS WITHOUT NOTICE

1.

PLANNING - PARRAMATTA ROAD TASK FORCE - FUNDING - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2020155)**Question:**

Can Council Officers provide a report for the next Finance Committee on the attached request for funding of the Parramatta Road Task Force?

Answer by the Mayor:

I will ask the General Manager to have that report prepared for next week's Committee.

2.

TRAFFIC - FORBES STREET, DARLINGHURST - COMMUNITY CONSULTATION ON KERB CRAWLING - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (T52-00231)**Question:**

Earlier this year, Council approved by way of a Mayoral minute to investigate kerb crawling in Forbes Street area of Darlinghurst. Part of the Mayoral minute outlined Community Consultation. Can Council by way of the CIS outline what form this consultation will take place and when?

Answer by the Mayor:

Yes, I will have a response prepared for you.

3.

CELEBRATIONS - CITY TO SURF RACE - COUNCIL SPONSORSHIP OF ENTRANTS FOR CHARITY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (C52-00016)**Question:**

On August 15th the usual City to Surf race is scheduled.

Council staff should be encouraged to participate, and to this end I suggest we sponsor entrants to an amount of say \$1.00 per km and the money donated to a charity to be determined.

Answer by the Mayor:

I will ask the Officer to prepare a report for next weeks committee in relation to that matter so that we can determine that charity.

4.

PERSONNEL - ROTATING ROSTERED DAYS - FEASIBILITY OF A MINI-MAXI DAY SYSTEM BEING IMPLEMENTED FOR STAFF WORKING ALONG DARLINGHURST ROAD - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P53-00086)**Question:**

Over the last 12 months, I have heard many grumbles about the revolving rostered days off. This has been particularly noticeable with comments coming from the Council Officers working along Darlinghurst Road. Further comments have been received from businesses and residents, when suddenly mid week no work takes place on the roadworks.

Could the relevant Officers please report on Council moving to a mini-maxi day system as used in the hospital and oil companies?

Answer by the Mayor:

I will have a report prepared for you.

5.

MAYOR - DEATH OF "JACK" JOHN ALEXANDER CAMERON B.E.M. - FATHER OF COUNCILLOR SONIA FENTON - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2004380)**Question:**

I would like to take this opportunity to thank Vic and the Council staff for attending my father's funeral last week. My mother and family were grateful you were there to support me and thank you also for the beautiful flowers.

Answer by the Mayor:

Thank you Councillor Fenton and I am sure all the Councillors express their condolences to you.

6.

CELEBRATIONS - RECONCILIATION WEEK - CONGRATULATIONS TO STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2017734)

Question:

Could I congratulate all staff involved in the Council's celebration of Reconciliation Week? The Day in Redfern Park was a very valuable and important day for South Sydney. Comments I have received on the day and since the day, have been very positive.

Answer by the Mayor:

I will ask the General Manager to pass on those thanks.

7.

LIVERPOOL STREET, NO. 238, DARLINGHURST - COUNCIL INVESTIGATIONS OF OPERATION OF PROPERTY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002658, 2008267)

Question:

Could Council Officers please investigate the operations of No.238 and No.293 Liverpool Street, Darlinghurst, as I have had complaints?

Answer by the Mayor:

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

8.

TREES - MITCHELL ROAD, ALEXANDRIA - TRIMMING OF TREE BLOCKING VIEW OF BUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2005362)

Question:

I have been advised that there is a tree on Mitchell Road, Alexandria, which is blocking views of buses. Could Council Officers investigate and trim it? It is located near the Brown Street stop.

Answer by the Mayor:

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

9.

STREETS - MITCHELL ROAD, ALEXANDRIA - INSTALLATION OF A BUS SEAT OPPOSITE ALEXANDRIA PUBLIC SCHOOL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2001974)

Question:

Could Officers please investigate the need for a bus seat at the Mitchell Road bus stop opposite Alexandria Public School and near Copeland Street?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and if at all possible, have a seat installed with some urgency.

10.

PUBLIC RELATIONS - LETTER OF CONGRATULATIONS TO BE SENT TO TONY LOCKETT FOR HIS RECORD BREAKING GOAL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2013336)

Question:

Could the Mayor send a letter to Tony Lockett under the seal of Council congratulating him on his record breaking goal last Sunday?

Answer by the Mayor:

I would be happy to do so.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

3 June 1999

PRESENT

At the commencement of business at 5.45 pm. those present were:

His Worship, The Mayor, Councillor Vic Smith and Councillors - Bush, Fenton, Harcourt, and Lay.

Apologies:

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

The Committee **recommended** the following:-

**MANAGEMENT PLAN 1998/2001 – REPORT FOR NINE MONTHS ENDED
31 MARCH 1999 (2017703)**

That arising from consideration of a minute by the General Manager dated 31 May 1999, Council receives and notes the report on the Management Plan 1998/2001 for the nine months ended 31 March 1999.

Carried.

REPORT OF THE FINANCE COMMITTEE

2 June 1999

PRESENT

Councillor Greg Waters (Acting Chairperson)

Councillors – Margaret Deftereos , Sonia Fenton

At the commencement of business at 6.34 pm those present were:-

Councillors - Deftereos, Fenton and Waters

Apology:

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

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

That the Report of the Finance Committee of its meeting of 2 June 1999, be received and the recommendations set out below for Items 1 to 11 , inclusive, 14,16 and 18 to 24 inclusive be adopted. The recommendations set out below for Items 12,13,15 and 17 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD ENDING 26 MARCH 1999 (2015594)

That the investment report of the Director of Finance dated 20 May 1999, be received and noted.

Carried.

2.

GOODS AND EQUIPMENT - SUPPLY AND DELIVERY OF READY MIXED CONCRETE 1999/2000 - ACCEPTANCE OF TENDERS (5244162)

That approval be given to the acceptance of tenders for the supply and delivery of concrete in accordance with the schedule, accompanying the Director's report (Attachment A), for a period of two years, with an option of a further one year subject to satisfactory performance, funds for this material are included in Departmental Estimates for all relevant programs.

(DPWS Report 18.5.99)

Carried.

3.

LEASING - COUNCIL OWNED PREMISES - APPLICATION FOR LEASING SUBSIDISED ACCOMMODATION - D4 FAMILY SUPPORT SERVICE - HEFFRON HALL - DARLINGHURST, DOWNSTAIRS SECTION (C57-0010)

That the above application be deferred until Council has approved the donations/subsidies and that the Director of Corporate Services prepare a further report to Council on the proposed lease including any subsidised amount allocated to the various Applicants.

Carried.

4.

LEASING - COUNCIL OWNED PREMISES - APPLICATION FOR LEASING SUBSIDISED ACCOMMODATION - METROPOLITAN COMMUNITY CHURCH - HEFFRON HALL, DARLINGHURST, UPSTAIRS SECTION (P56-00383)

That the above application be deferred until Council has approved the donations/subsidies and that the Director of Corporate Services prepare a

further report to Council on the proposed lease including any subsidised amount allocated to the various Applicants.

Carried.

5.

LEASING - COUNCIL OWNED PREMISES - APPLICATION FOR LEASING SUBSIDISED ACCOMMODATION - SOUTH SYDNEY YOUTH SERVICES - BUILDING CORNER ELIZABETH AND ALLEN STREETS, WATERLOO (2020375)

That the above application be deferred until Council has approved the donations/subsidies and that the Director of Corporate Services prepare a further report to Council on the proposed lease including any subsidised amount allocated to the various Applicants.

Carried.

6.

LEASING - COUNCIL OWNED PREMISES - APPLICATION FOR LEASING SUBSIDISED ACCOMMODATION - INNER CITY REGIONAL COUNCIL FOR SOCIAL DEVELOPMENT CO-OP LTD - ROOMS AT REAR OF WATERLOO TOWN HALL NO.770, ELIZABETH STREET, WATERLOO (2016507)

That the above application be deferred until Council has approved the donations/subsidies and that the Director of Corporate Services prepare a further report to Council on the proposed lease including any subsidised amount allocated to the various Applicants.

Carried.

7.

LEASING - OXFORD STREET, NO. 94, ROOM NO.22, DARLINGHURST - A. WEIL & J. PACE - WRITING OFF OF DEPT (2013908)

That arising from consideration of a report by the Director of Finance dated 20 May 1999, approval be granted for an amount of \$3487.25 (plus additional accrued interest) due by A Weil and J Pace for rental of Room 22, No. 94 Oxford Street, Darlinghurst, to be written off as an irrecoverable bad debt.

Carried.

8.

LEASING - SPRINGFIELD AVENUE, KINGS CROSS - KIOSK - PHOENIX COURT PTY LTD., TRADING AS ROGALS HOT DOGS - WRITING OFF OF DEBT (5142378)

That arising from consideration of a report by the Director of Finance dated 27 May 1999, approval be granted for an amount of \$14,797.21 (plus additional accrued interest) due by Phoenix Court Pty Limited for rentals and interest to be written off as an irrecoverable bad debt.

Carried.

9.

FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 26 MARCH 1999 (A52-00240)

That the report by the Director of Finance dated 28 May 1999, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

10.

FINANCE - OUTSTANDING DEBTS - SUNDRY DEBTORS AS AT 31 MARCH 1999 (2019500)

That the report by the Director of Finance dated 19 May 1999, detailing outstanding sundry debtors at 31 March 1999, be received and noted.

Carried.

11.

LEASING - BROADWAY, NOS. 169-179 - THE PHOENICIAN CLUB OF AUSTRALIA LTD. - WRITING OFF OF DEBT (2002167)

That arising from consideration of a report by the Director of Finance dated 19 May 1999, approval be granted for an amount of \$12,839.97 due by The Phoenician Club of Australia Ltd for rental of premises Nos. 169 – 179 Broadway to be written off as an irrecoverable bad debt.

Carried.

12.

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

That approval be given to:-

- (1) the closure under Part 4 Division 1 of the Roads Act 1993 of part of Botany Lane, Alexandria as shown stippled on Plan No S6-280/240A and its subsequent sale to adjoining owners or their successors in title and subject to the conditions in the schedule accompanying the Director's report;
- (2) all public utility authorities being advised of Council's decision;
- (3) all relevant documents and plans being executed under The Common Seal of Council or by Council's Attorney;
- (4) all adjoining owners being advised of Council's decision.

(DPWS Report 28/5/1999)

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

That the matter be deferred for the submission of a further report.

Motion, as amended by consent, carried.

13.

LICENSING - MACLEAY STREET, SHOP 2, NO. 65- 65B POTTS POINT - PROPOSED FOOTWAY LICENCE (2008747)

That approval be given to:-

- (1) the granting of a licence to Jeffrey Hurvitz over an area of 6.2 square metres of the footway of Challis Avenue adjacent to "La-Buvette" at Shop 2, No. 65-65B Macleay Street Potts Point as shown stippled on Plan No S4-130/598D and subject to the conditions in the schedule, accompanying the Director's report;
- (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 erection of fencing by the Applicant in accordance with the requirements of the Director of Public Works and Services within 6 weeks from the date of this Approval;
- (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 of the licence agreement;

- (6) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement.

(DPWS Report 12/5/1999)

At the request of Councillor Macken, and by consent, the motion was amended by the addition of a Clause (7) to the recommendation, namely that:-

- (7) No table clothes are to be put on tables, access to the fire hydrant is not to be impeded and barricades to be removed.

Motion, as amended by consent, carried.

14.

POLICY - STREETS - ROADS SUBJECT TO ROAD WIDENING ORDERS - LEASE OR SALE (2001754)

That approval be given to:-

- (a) the adoption of:
- (i) the Policy for Roads subject to Road Widening Orders - Lease or Sale and;
 - (ii) the Procedure for Advertising and Valuation for Roads subject to Road Widening Orders - Lease or Sale accompanying the Director of Public Works and Services Report.
- (b) referral of the adopted Policy and Procedure to the Roads and Traffic Authority for concurrence.

(DPWS Report 24.5.99)

Carried.

15.

PROPERTIES - PADDINGTON TOWN HALL - PROPOSED ATTACHMENT OF A BELL TO THE CLOCK TOWER (2021332)

- (1) That the community in the vicinity of Paddington Town Hall be asked to comment on the installation of a bell to ring on the hour, and/or muted between set periods to minimise the effects of noise.
- (2) That the acquisition of the bell within the Showground Clock Tower be confirmed

- (3) That the adequacy of the existing Clock Tower structure to accommodate a 10cwt bell is to be confirmed by a Structural Engineer.

(DCS Report 17.5.99)

At the request of Councillor Deftereos, and by consent, the motion was amended by the addition of clause (4), namely:-

- (4) That Council write to Fox Studios Australia Pty Ltd., to enquire if there is a bell for acquisition by Council.

Motion, as amended by consent, carried.

16.

COMPUTERISATION - COUNCIL'S DISASTER RECOVERY PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009907)

That the report by the Director of Corporate Services dated 28 May 1999, regarding the above matter, be received and noted.

Carried.

17.

COMPUTERISATION - COUNCIL'S IMAGING AND WORKFLOW IMPLEMENTATION - QUESTION WITHOUT NOTICE BY COUNCILOR BUSH (2011928)

That the report by the Director of Corporate Services dated 29 May 1999, regarding the above matter, be deferred.

Carried.

18.

PLANNING - TAYLOR SQUARE TASKFORCE - FORMATION (2020343)

(ALSO LISTED AS ITEM NO. 11, PLANNING AND DEVELOPMENT COMMITTEE)

That to facilitate the start of the Taylor Square Urban Design Project as a matter of urgency, Council approve:-

- (1) the Draft Terms of Reference for the Taylor Square Urban Design Project, the key points being:
- to produce by charette process the Draft Taylor Square Special Precinct Development Control Plan and Taylor Square Urban Design Concept Plan;

- to form the inhouse Taylor Square Urban Design Taskforce, lead by Council's Mainstreet Projects Officer to coordinate the process;
 - to provide opportunity for community input to the project by forming the Taylor Square Urban Design Reference Group;
- (2) the allocation of \$50 000 to appoint an external consultant to manage the charette process and produce the Draft Taylor Square Special Precinct Development Control Plan and Taylor Square Urban Design Concept Plan; comprising of funds being transferred from the following Accounts into Account Number GW 99003 Mainstreet Program:

Planning and Building Department - Strategic Planning Operational

Budget:

| | |
|--|----------|
| •GW 99004 - Safer by Design Implementation | \$5 000 |
| •GW 98006 - City Model View | \$5 000 |
| •GW 97008 - Energy/Water Minimisation DCP | \$15 000 |

Public Works and Services Department - Engineering Operational

Budget:

| | |
|-----------------------------------|----------|
| •.77F0- Miscellaneous Expenditure | \$25 000 |
|-----------------------------------|----------|

- (3) a submission being made to the Roads and Traffic Authority to contribute \$25 000 to the Taylor Square Urban Design Project. This contribution will be sort on the basis for the need to prepare a Taylor Square Urban Design Concept Plan, which will be used to inform the preparation of detailed design and documentation for the Taylor Square component of the Eastern Distributor LAIP scheme. Funds received from the RTA for this project will be used to reimburse the Public Works and Services Department's contribution to the project.

(A/DPB & DPWS Joint Report 28.5.99)

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of a clause (4) to the recommendation, namely:-

- (4) That the Draft Term of Reference include that the Mayor or his nominee be the Chairperson and that the Taskforce Membership also include any interested Ward Councillors.

Motion, as amended by consent, carried.

19.

COMPUTERISATION - MUNICS REPLACEMENT - ACCEPTANCE OF TENDERS (2017962)

That for the reasons set out in the report by the Director of Corporate Services dated 31 May 1999, approval be given to accept:-

- (1) the submission from Price Waterhouse Coopers in the sum of \$2,110,619 for the replacement of Council's Core Computer System as per Tender S4034/98;
- (2) the submission of Frontier Software in the sum of \$234,915 for the supply and installation the Chris complete Payroll and Human Resources System as per Tender S4034/98 with Price Waterhouse Coopers as our prime Contractor;
- (3) the purchase of the Infomaster GiS System under the terms of the State Government Contract at an estimated cost of \$320,100 with Price Waterhouse Coopers as our prime Contractor;
- (4) the Tenders or purchase through the State Government Contract for the supply and installation of Hardware to support the replacement of our Core Computer System at an estimated cost of \$400,000.

Carried.

20.

PARKS - VICTORIA PARK SWIMMING POOL COMPLEX - DESIGN AND CONSTRUCTION OF SHADE SAIL STRUCTURES -ACCEPTANCE OF TENDER (2018528)

That approval be given to the acceptance of alternative No. 2 of the tender submitted by C & K A Flanagan Sailmakers in the amount of \$181,174 plus \$10,000 for contingencies (total \$191,174) for the design and construction of shade sail structures at Victoria Park Pool for which funds are available in 1998/99 Works Program (Victoria Park Pool FWP-8051 - \$80,600, Traffic and Parking Miscellaneous Program CWJ-9600 - \$80,000 and Unsupervised Playgrounds FWP-9121 - \$30,574) and due to the time restraints the funds be carried forward to the 1999/2000 Budget Estimates.

(DPWS Report 31/05/99)

Carried.

21.

DONATIONS - ABORIGINAL CULTURE WORKSHOP - 27 JULY 1999 - REQUEST FOR ASSISTANCE (D53-00241)

That Council assist South Sydney Community Aid with a follow-up workshop to learn about Aboriginal Culture on Tuesday, 27 July 1999, at the Eora Centre in Darlington by providing in-kind assistance to a total cost of one thousand dollars (\$1,000) of a light lunch for 130 participants (sandwiches,

orange juice and cake)(\$900) and the mail out of approximately 200 invitations (covering the postage costs) (\$100) and that funds be voted accordingly.

(CAM/PO Report 31.5.99)

Carried.

22.

DONATIONS - "THANK YOU PARADE AND PICNIC DAY" - EMERGENCY SERVICE WORKERS AND VOLUNTEERS - HAIL STORM DAMAGE - 19 JUNE 1999 - FREEDOM OF THE CITY OF SOUTH SYDNEY (12021148)

That Council provide a donation of \$5,000, under Section 356 of the Local Government Act (1993) towards the cost of the Thank You Parade and Picnic Day" to be held on Saturday 19 June 1999, at Kensington Oval to allow the community to publicly thank those emergency service workers and volunteers who worked so hard during the aftermath of the 14 April hailstorm and that funds be voted accordingly. Additionally Council agree to grant **Freedom of the City of South Sydney** to the State Emergency Service, the NSW Fire Brigade and the NSW Rural Fire Service.

(CAM/PO Report 1.6.99)

Carried.

23.

CONFERENCES - AUSTRALIAN INTERNATIONAL WORKSHOP FESTIVAL, MELBOURNE, VICTORIA, 3-4 JULY 1999 - ATTENDANCE OF COUNCIL'S REPRESENTATIVES (12017187)

That arising from consideration of a minute by the Civic Affairs Manager/Public Officer dated 26 May 1999, approval be given to the Special Events Coordinator, Richard Perram and any interested Councillors attending the Ceremony and Spectacle Conference at the 1999 Australian International Workshop Festival to be held in Melbourne on Saturday, 3 and Sunday, 4 July, and that payment of registration fees, travelling expenses, and accommodation and all subsistence expenses be borne by the Council, and for which funds are available in the 1999/2000 Revenue Estimates.

Carried.

24.

CLEANING - WASTE SERVICES - CLEAN UP AFTER APRIL HAIL STORM - EXTENSION OF SERVICE (2021321)

That arising from consideration of a report by the Director of Public Works and Services dated 2 June 1999, it be resolved that the Waste Services Branch

continue to provide a clean-up collection services for material related to hail storm damage and review the situation on 30 June 1999.

Carried.

The Finance Committee Meeting terminated at 7.06 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

2 June 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Greg Waters

At the commencement of business at 7.07 pm those present were -

Councillors:- Deftereos, Fenton and Waters.

Apology:

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

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

That the Report of the Community Services Committee of its meeting of 2 June 1999, be received and the recommendations set out below for Items 1,2,4 and 5, be adopted. The recommendation set out below for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

TRAFFIC - EVENTS - SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES - PROPOSED SPECIAL TRANSPORT ROUTES - PUBLICITY RELEASE (2009321)

That Council receive and note the preliminary report dated 20 May 1999 by the Director of Public Works and Services on the publicity release about special transport routes for the Sydney 2000 Olympic Games, and the implications for the South Sydney areas.

Carried.

2.

DONATIONS - NSW POLICE SERVICE - NEWTOWN POLICE LOCAL AREA COMMAND'S BIKE TEAM - REQUEST FOR FINANCIAL ASSISTANCE TO REPLACE EQUIPMENT (2021389)

That arising from consideration of a the report by the Director of Health and Community Services dated 28 May 1999, Council resolve to defer consideration of the Newtown Local Area Command's Bike Team request for Council to provide financial assistance for the replacement of equipment for its bicycle patrol, pending correspondence to, and a response from, the Premier and the Minister for Police in relation to the State Government's commitment to proactive policing strategies within local area commands, and specifically bicycle patrols.

Carried.

3.

COMMITTEES - CONVENORSHIP OF THE EASTERN SYDNEY REGIONAL FORUM ON MULTICULTURAL ISSUES - COUNCILLOR JILL LAY CHAIRPERSON (2010964)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Macken:-

That arising from a report by the Director of Health and Community Services dated 26 May 1999, it be resolved that:-

- (1) Council convenes the Eastern Sydney Regional Forum on Multicultural Issues for a period of twelve months:-
- (2) permission be given for the use of Erskineville Town Hall for the Forum meetings;

- (3) Councillor Jill Lay be appointed to chair the Forum meetings for the twelve month period.

Carried.

4.

HEALTH CAMPAIGNS - SUN PROTECTION - OCCUPATIONAL HEALTH AND SAFETY (2019581)

That arising from a consideration of a joint report by the Director of Health and Community Services, Director of Public Works and Services and Director of Organisational Development dated 27 May 1999, approval be given to:-

- (1) recognition of Council's proactive response to the sun protection issue in the fields of occupational health and safety, community health and education;
- (2) continuing Council's ongoing commitment to this important area of community health.

Carried.

5.

COMMUNITY SERVICES - "WALKING FOR PLEASURE PROGRAM" - ENTRY INTO HEART FOUNDATION LOCAL GOVERNMENT AWARDS "OUTSTANDING PHYSICAL ACTIVITY PROJECT" DIVISION(2018510)

That arising from consideration of a report by the Director of Health and Community Services dated 1 June, 1999, approval be given to enter the "Walking for Pleasure" program in the 1999 Heart Foundation Local Government Awards "Outstanding Physical Activity Project" division.

Carried.

The Community Services Committee Meeting terminated at 7.18 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

2 June 1999

PRESENT**The Mayor, Councillor Vic Smith (Chairperson)****Councillors - John Bush, John Fowler, Christine Harcourt, Jill Lay**

At the commencement of business at 6.41 pm, those present were -

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

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

That the Report of the Planning and Development Committee of its meeting of 2 June 1999, be received and the recommendations set out below for Items 2, 3, 5, 6, 8 to 10, inclusive, and 12, be adopted. The recommendations for Items 1, 4, 7 and 11 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ARTHUR STREET, NO. 109, SURRY HILLS - ALTERATIONS AND ADDITIONS TO RESIDENCE - DEVELOPMENT APPLICATION (U98-01264)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr R Ferguson, with the authority of R E Beck, for permission to make alterations and extensions to an existing terrace house, 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;
- (3) That the development shall be generally in accordance with plans numbered A01 to A04 issue A dated 4 December, 1998;
- (4) That the attic deck and first floor deck shall be deleted and the first floor deck shall be replaced with a juliet balcony with a depth of not more than one metre;
- (5) That the roof above the ground floor section slope downward to the west to maintain the typical rear roof form of the terrace;
- (6) That the materials and colours of new building work shall match the existing;
- (7) That the existing chimney stack at the rear shall be retained and incorporated into the design of the rear first floor extension;

and the following adopted standard conditions:

9104; 9155; 9152; 9006; 9157; 9201; 9202; 9203; 9323; 9523; 7023; 9616; 3029; 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 representations in respect of the proposal be advised of Council's decision.

Carried.

2.

CAMPBELL STREET, NO.13, NEWTOWN - DEMOLISH EXISTING SINGLE STOREY WEATHERBOARD REAR ADDITION, ERECTION OF TWO STOREY REAR ADDITION - DEVELOPMENT APPLICATION (U99-00029)

- (A) That the Council, as the responsible authority, refuses its consent to the application submitted by Joe McNulty, owner, for permission to demolish the existing weatherboard rear addition, and erect a two storey rear addition for the following reasons, namely:-
- (1) That the proposal greatly exceeds the maximum floor space ratio of 0.75:1 for the site;
 - (2) That the proposal is bulky and visually intrusive and its unsympathetic profile will disrupt the streetscape;
 - (3) That the proposal will result in the loss of a chimney which straddles the rear of Nos. 13 and 15 Campbell Street. The chimney is a notable design feature in a conservation area, contributing to the continuity and character of the street and should be retained;
 - (4) That the proposal exceeds the maximum site coverage for terrace houses of 66%.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

MACLEAY STREET, NOS.33/67- 69 POTTS POINT - CHANGE OF USE TO RESTAURANT - DEVELOPMENT APPLICATION (U99-00249)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Michael Armstrong, with the authority of Macleay Street Project Pty Ltd, for permission to change use and perform internal fitout for a restaurant, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$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 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 \$170, 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 99.003-DA001, DA002, DA003;
- (4) That the hours of operation shall be restricted to 9.00 a.m. to 12.00 midnight, seven days per week;
- (5) That the egress door shall be fitted with a device for holding it in the open position;
- (6) That the front bi-fold doors shall not be open after 10.00 p.m.;
- (7) That portable fire extinguishers shall be provided throughout the shop to the requirements of E1.6 of the BCA and AS 2444;
- (8) That the proprietor of the restaurant shall take all reasonable measures to ensure that patrons depart as quietly and as quickly as possible;
- (9) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (a) a door which can at all times be opened from inside without a key;
 - (b) an approved alarm device located outside but controllable only from within the chamber;

-the door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.2 of the BCA;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) That the construction of the premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;

- (12) That all air handling system exhaust discharge vents shall be designed and located in accordance with Australian Standard 1668.1-1998 and Australian Standard 1668.2-1991;
- (13) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (14) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (15) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (16) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems. This garbage room shall be constructed on the premises;
- (17) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (18) 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 and approved by Council or an accredited certifier prior to commencement of building work;
- (19) 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;
- (20) 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;

and the following adopted standard conditions:

3029; 3032; 9151; 9152; 9101; 8501; 9318; 9156; 9329; 9330; 9502;
9503; 9522; 9601; 9615;

***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.

Carried.

4.

OXFORD STREET, NOS. 107-111, DARLINGHURST - FOUR STOREY RESIDENTIAL FLAT BUILDING CONTAINING 20 UNITS AND GROUND FLOOR RETAIL - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00142)

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 Eastview Australia Pty Ltd, with the authority of McDonald's Properties Australia Pty Ltd and Bell Developments Pty Ltd for demolition of the existing premises and the erection of a residential flat building comprising 24 units and ground floor retail at Nos. 107-111 Oxford Street, Darlinghurst, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 1/11A – 11/11A inclusive, all dated May 1999, submitted on 25.5.99;
 - (2) 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;

- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3, 500 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) 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.

| Contribution Category | Amount | Account |
|--|---------------|-----------------|
| Open Space: LGA Works Programme | \$ 4,893 | 2E97003.BGY0 |
| Open Space: New Parks | \$25,035 | 2E97009.BGY0 |
| Accessibility And Transport Management | \$ 150 | 2E97006.BGY0 |
| | \$ 375 | 2E97007.BGY0 |
| Tota | I | \$30,453 |

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.

- (5) 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.

| Contribution Category | Amount | Account |
|--------------------------------------|---------|--------------|
| Multi-Function Administration Centre | \$8,003 | 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.

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 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;
- (7) That the face brickwork be painted to match the original brick colour without stripping the existing paint of the brick façade, which will cause damage to the façade;
- (8) That joinery to the existing façade shall be timber and where possible shall incorporate reuse of the existing timber or else through the use of new timber to match;

- (9) That an Engineer's Certificate shall be submitted to Council prior to the commencement of any works on site detailing the method in which the façade is proposed to be retained, supported and protected during construction. Such certificate shall also include details of any intervention that such works shall have on the façade fabric. Details shall also be provided of all temporary supports and hoarding areas;
- (10) That the applicant is to engage the services of a suitably qualified and experienced heritage professional to supervise all works associated with the retention and restoration of the façade at 107-109 Oxford Street and its integration with the new development on the site;
- (11) That the screen on top of the original parapet of Nos. 107-109 Oxford Street and the advertising sign attached to the side wall of Nos. 113-115 Oxford Street shall be removed;
- (12) That a separate Development Application shall be lodged for the specific use of the ground floor retail component;
- (13) That the new windows and doors in the front elevation including the ground floor shopfront shall be constructed in timber joinery;
- (14) That the residential access to the building in Arnold Place shall be suitably lit for security and identification purposes;
- (15) 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;
- (16) 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 Contaminated Land Management (site auditors) Regulations 1998;
- (17) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (18) That all air handling system fresh air intake and exhaust air discharge vents shall be located in accordance with Australian Standards 1668, Parts 1 and 2 (1991);

- (19) That a Certificate of Performance in accordance with Section 5 of Council's Ventilation Code, accompanied by details of the test carried out in respect of ventilation shall be forwarded to the Director of Health and Community Services upon satisfactory completion and commissioning of mechanical ventilation systems;
- (20) 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;

and the following adopted standard conditions:

- (21) 1008 – Builders hoarding permit
- (22) 1016 – Alignment levels
- (23) 3025 – road opening permit
- (24) 3026 – cost of signposting
- (25) 3028 – footway crossing
- (26) 3029 – obstruction of public way
- (27) 3031 – traffic and pedestrian management
- (28) 4005 – connection to Council's stormwater
- (29) 9104 – comply with BCA
- (30) 9152- That all works shall be contained wholly within the property boundary;
- (31) 9153 – hours of work and use of cranes
- (32) 9154 – work on public way
- (33) 5001 – Landscape plan
- (34) 5008 – Street trees
- (35) 5013 – on slab planting
- (36) 5014 – maintenance of landscaping
- (37) 5015 – final inspection
- (38) 6006 – containers for garbage

- (39) 6007 – recycling
 - (40) 6009 – storage / garbage
 - (41) 6010 – garbage room
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

GORDON STREET, NO. 42, PADDINGTON - DEMOLISH MOST OF THE BUILDING AND ERECT A NEW TWO STOREY DWELLING PLUS ATTIC AND CONSTRUCT A POOL, GARAGE AND ROOF GARDEN OVER THE GARAGE - DEVELOPMENT APPLICATION (U99-00187)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Folk Lichtman & Associates for permission to demolish most of the building and erect a new two storey dwelling plus attic and construct a pool and garage, 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 \$7,500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1,000, 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 the plans No. Da01a, DA01 and DA02 received with the development application and modified by conditions contained in this consent;
 - (4) That the existing ground floor palladium (triple arched) window and the existing front door shall not be altered. In this regard the

existing front door shall continue to be the main entry door to the premises;

- (5) That the existing french doors on the first floor front verandah shall be reused or if they require replacement they shall be identical in size, glazing and detailing to the existing french doors;
- (6) That the existing wrought iron balustrade on the first floor balcony shall be retained. If any part of the balustrade requires replacement, the replaced sections shall be identical in design, style, type and size to the existing balustrade;
- (7) That the masonry wall, planter box and courtyard behind the palisade fence shall be deleted;
- (8) That the front palisade fence shall match the style height and design of the adjoining property at 40 Gordon Street;
- (9) That the 1.9m high front timber gate shall be deleted;
- (10) That the front palisade fence shall include a palisade gate in line with the existing front door. If required an additional gate in line with the proposed glass wall may be provided and shall also be a metal palisade gate. Both front gates shall match the height, pattern, style and design of the palisade fence;
- (11) That the end terrace fin walls shall be retained and the western one shall not be reconstructed as shown on the plans;
- (12) That the proposed glass wall shall be setback behind the front wall of the terrace by at least 500mm. Details of the wall are to be submitted to Council with the construction certificate;
- (13) That an Engineer's Certificate shall be submitted to Council prior to the commencement of any works on site detailing the method in which the façade is proposed to be retained, supported and protected during construction. Such certificate shall also include details of any intervention that such works shall have on the façade fabric. Details shall also be provided of all temporary supports and hoarding areas;
- (14) That the roof terrace over the garage shall be deleted and replaced with a non trafficable roof;
- (15) That the rear first floor balcony and attic juliet balcony 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 the first floor level. Details shall be submitted with the Construction Certificate;

- (16) That the new roof shall be corrugated iron and dark grey in colour;
- (17) That the rear dormer shall be modified to comply with Council's requirements for rear dormer windows. In this regard the juliet balcony shall be deleted and replaced with vertically proportioned windows, the dormer window shall be centrally located between the end fin walls and setback a minimum of 0.5m from the end fin walls;
- (18) That the site cover shall be reduced to a maximum of 66% in accordance with the requirements of the BCA and Development Control Plan 1997;
- (19) That the proposed chimney shall not rely on the adjoining property for support and shall extend up past the height of the roof ridge;
- (20) That subject to the approval of the owners of premises Nos. 40 and 44 Gordon Street, a dilapidation report shall be carried out on those premises and shall be submitted with the construction certificate application;
- (21) 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) regulations;
- (22) That as no common ownership exists between the common walls of 40 and 42 Gordon Street, the proposed external wall along the north-western boundary of 42 Gordon Street shall be designed as a self supporting element complying with the fire rating (FRL 60/60/60) and weather proofing (P2.2.2) requirements of the BCA;

and the following adopted standard conditions:-

1116; 1008; 1017; 3026; 3028; 3029; 4001; 9151; 9152; 9156; 9104; 9155

***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.

Carried.

6.

VICTORIA STREET, NO.161, POTTS POINT - ALTERATIONS AND ADDITIONS TO A SINGLE RESIDENTIAL DWELLING - DEVELOPMENT APPLICATION (U99-00070)

- (A) That the Council as the responsible authority 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 Leslie John Schmalzbach for permission to make alterations and additions to the rear and front of a residential 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 \$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 a 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 a Construction Certificate, 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 \$80, or first installment (as applicable), can be paid to the Council;
 - (3) That the development be generally in accordance with the plans labeled "161 Victoria Street Potts Point Development Application" and dated January 1999, held in file U99/00070, except as conditioned below;
 - (4) That the decks and balconies shall have:
 - (a) translucent screens between the rail and vertical supports of the balustrade;
 - (b) a solid translucent screen measuring 1.7 metres constructed along the southern boundary on the upper deck terrace and the ground floor deck; and

- (c) projections protruding 1 metre from the hand rail of the balconies and deck;

as shown on the plan;

- (5) That the upper level deck shall be recessed 1.2 metres from the rear wall of the first floor level;
- (6) That the 1.2 metre space on the attic level located between balustrade and rear wall of the first floor shall not be made trafficable, as shown on the plan;
- (7) That the tree *ailanthus altissima* shall be removed as part of this proposal;
- (8) That, if required, the tree *ficus rubiginosa* shall be removed and replaced with a suitable tree;

and the following standard conditions:

1088; 3029; 4002; 6002; 7023; 9006; 9013; 9104; 9105; 9151; 9152;
9155; 9156; 9157; 9201; 9202; 9330; 9523; 9611; 9614; 9613;

***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:
 - (1) a principal certifier must be appointed (Council or an accredited certifier);
 - (2) the Council must be notified in writing of the appointment (if Council is not appointed), quoting the reference number; and
 - (3) 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.

7.

MACDONALD STREET, NO.7, ERSKINEVILLE - DEMOLITION OF EXISTING COTTAGE, ERECTION OF TWO NEW DWELLINGS AND TORRENS TITLE SUBDIVISION INTO TWO LOTS - DEVELOPMENT APPLICATION (U97-01203)

(A) That the Council as the responsible authority grants its consent to the development application submitted by Ms D Yu, (owner) for permission to demolish the existing dwelling and erect two new dwellings for torrens title subdivision at No. 7 Macdonald Street, Erskineville, 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 \$1,500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

(2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first installment (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.

| Contribution Category | Amount | Account |
|--|----------------|----------------|
| Open Space: LGA Works Programme | \$ 742 | 2E97003.BGY0 |
| Open Space: New Parks | \$4,011 | 2E97009.BGY0 |
| Accessibility And Transport Management | \$ 22 | 2E97006.BGY0 |
| | <u>\$ 62</u> | 2E97007.BGY0 |
| Total | \$4,567 | |

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.

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

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 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 construction certificate.

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 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 | \$1,109 | 2E97008.BGY0 |

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

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

where:

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

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

- (5) That the development shall be generally in accordance with plans numbered DA01B dated May 1999, except where amended by conditions of this consent;
- (6) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) 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;

- (7) That the first floor bathroom windows in the eastern and western elevations shall be of an opaque glass. Details shall be submitted for approval prior to release of the Construction Certificate;
- (8) That the proposed pitched over the rear wings of the building shall be deleted and replaced with a sloping skillion roof with a central ridgeline and an east-west fall. The ridgeline of the skillion shall not extend any higher than the proposed front (east-west) ridgeline. Details shall be submitted on the plans submitted with the Construction Certificate;
- (9) That the lower half of the window in the third bedroom in the western elevation shall be obscure glass. Details shall be shown on the plans submitted with the Construction Certificate;
- (10) That the northern most family room windows in the eastern and western elevation shall be deleted from the plans submitted with the Construction Certificate;
- (11) That the small stairwell windows within the northern elevation shall be deleted from the plans submitted with the Construction Certificate;
- (12) That the windows within the northern elevation shall be constructed in timber joinery;

- (13) That the entire site shall be safely secured during all demolition and construction activity, to ensure security for adjoining property owners;
- (14) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development;

and the following adopted standard conditions:

8501; 8503; 8505; 8506; 8507; 8508; 8509; 9155; 7016; 7023; 6009; 7026; 1016; 9151; 9156; 9158; 9160; 9161; 9162; 9163; 9105; 4001; 1008; 3029; 6002.

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

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

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

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

- (B) That the persons who made representations in respect of 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 conditions (9) and (10) of the recommendation and the insertion in lieu thereof of the following new conditions (9) and (10), namely:-

- (9) That the lower half of the windows in the second and third bedrooms on both the eastern and western elevation shall be obscure glass. Details shall be shown on the plans submitted with the Construction Certificate;

- (10) That the northern most family room window in the western elevation shall be deleted from the plans submitted with the Construction Certificate;

-and the following additional conditions be included in the recommendation, namely:-

- (15) That the eastern and western (side) walls of the proposed new building shall be rendered and painted in a light colour. Details shall be provided with the Construction Certificate to the satisfaction of the Director of Planning and Building;
- (16) That the lower pane of the kitchen window in the eastern elevation shall be of obscure glass. Details shall be shown on the plans submitted with the Construction Certificate.

Motion, as amended by consent, carried.

8.

DEVONSHIRE STREET, NO.126, SURRY HILLS - USE AS SWINGERS CLUB - DEVELOPMENT APPLICATION (U99-00076)

- (A) That the Council as the responsible authority grants consent to the application submitted by Cloud 9 Entertainment, with the authority of D.G. Holdings Ltd for permission to use the premises at 126 Devonshire Street as a Swingers Club (Sex on Premises Venue) with trading hours 11am to midnight Sunday to Thursday and 11am to 1 am Friday and Saturday, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with the details provided within the Statement of Environmental Effects and plans received on 27 January, 1999 and Plan of Management received 10 April, 1999, held on Council's file U99-00076;
 - (2) That full bathroom facilities, including shower facilities shall be provided on the first floor. This will require the submissions of a Construction Certificate and the work shall be carried out within 6 months of this consent;
 - (3) That the premises shall only operate between 11am to midnight Sundays to Thursdays and 11am to 1am Fridays and Saturdays;
 - (4) That there shall be no more than 30 persons on the premises at any time;
 - (5) That at no time shall retail sale of sex paraphernalia be made from the premises;

- (6) That no alcohol shall be sold on the premises;
- (7) That no advertising including red lights shall be displayed on the premises without the prior consent of Council;
- (8) That the maintenance of swimming and spa pool if used shall be in accordance with the NSW Health Department "Public Swimming Pool and Spa Pool Guidelines";
- (9) That all fully enclosed bar areas, habitable rooms, bathrooms, spa rooms and water closets not provided with adequate natural ventilation shall be mechanically ventilated in accordance with the Building Code of Australia and Council's Ventilation Code;
- (10) That 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 shall be forwarded to the Director of Health and Community Services upon satisfactory completion and commissioning of mechanical ventilation systems;
- (11) The construction, fitout and finishing of the bar area of the premises shall comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (12) The premises shall comply with the requirements of Council's Draft Sex Industry Policy;
- (13) That sufficient number of toilets, baths, showers, wash hand basins and other sanitary facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2 and Council's Draft Sex Industry Policy;
- (14) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (15) That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (16) That no trade waste from the Swinger's Club shall be stored in the public way at any time;
- (17) 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;
- (17) That the owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, evaporative condensor, evaporative cooling and warm-water systems as required under the provisions of the Public Health Act, 1991 - Regulation, 1991, Part 6, Clause 78(5). Registration forms are available from Council's Health and Community Services Department (i.e. the spa);

and the following adopted standard conditions:

- (18) HSC500 - Premises to be ventilated;
- (19) HSC301 - Cooking of food only if air handling system is provided;
- (20) HSC509 - Plans proposed changes to ventilation system;
- (21) HSC202 - Plans and specifications for proposed food premises;
- (22) HSC011 - Plan skin penetration;
- (23) HSC101 - Not give rise to emissions into the environment;
- (24) HSC111 - Liquid wastes to sewer;
- (25) HSC401 - Cleanliness of premises
- (26) HSC402 - Clean linen
- (27) HSC403 - Linen receptacles
- (28) HSC411 - Contaminated waste disposal
- (29) HSC412 - Swimming and spa pools maintenance
- (30) HSC413 - STD information;
- (31) HSC419 - Public Health Act offences;
- (32) HSC719 - Contaminated waste contract;
- (33) HSC715 - Trade waste;
- (34) HSC032 - Design of regulated systems.

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

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

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

Carried.

9.

GREEN SQUARE - TRAFFIC MODELLING AND ROAD PLANNING - JOINT FUNDING AGREEMENT (2020387)

That Council resolve to contribute \$10,500 towards establishment of the Green Square Traffic Model, for which funds are to be taken from "Transport Guidelines Monitoring"(Account GP97012) listed in the 1998/99 Planning and Building Department Budget.

(A/DPB Report 14.5.99)

Carried.

10.

BUCKLAND STREET, NO.1, ALEXANDRIA - CONSTRUCT TWO RESIDENTIAL APARTMENTS - DEVELOPMENT APPLICATION (U99-00153)

- (A) That the Council as the responsible authority grant its consent to the development application submitted by T & K Abou-Takka, (owners) for permission to demolish the existing structures and erect a new three storey building containing two residential apartments above ground floor studio space and garaging and the subsequent subdivision of the site (under Torrens Title) so as to create two lots at No. 1 Buckland Street, Alexandria, 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 installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$600, or first installment (as applicable), can be paid to the Council, 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.

| Contribution Category | Amount | Account |
|---------------------------------|----------------|----------------|
| Open Space: LGA Works Programme | \$ 825 | 2E97003.BGY0 |
| Open Space: New Parks | \$3,494 | 2E97009.BGY0 |
| Accessibility And Transport | \$ 24 | 2E97006.BGY0 |
| Management | \$ 68 | 2E97007.BGY0 |
| Total | \$5,073 | |

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.

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

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 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 construction certificate

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 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 | \$1,232 | 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.

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

- (5) That the development shall be generally in accordance with plans numbered B-01 (Rev A) dated FEB 1999, except where amended by conditions of this consent;
- (6) That in the event of the studio space being utilised as a separate tenancy from the residential units, a separate development application shall be lodged for the specific use of the ground floor studios;
- (7) 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:
- external finishes to walls;
 - roofing;
 - 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;

- (8) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (9) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (10) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (11) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (12) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;and the certifying authority shall be immediately informed in writing if:-
 - (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (13) 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);

- (14) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (15) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (16) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (17) That the demolition work shall comply with Australian Standard 2601-1991;
- (18) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (19) 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;
- (20) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (21) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (22) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;
- (23) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
- (24) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

- (25) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (26) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (27) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (28) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (29) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (30) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (31) 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;
- (32) That the wall separating between two or more Class 1 buildings shall be constructed of materials having sound transmission class and impact sound resistance in accordance with Part 3.8.6 of the BCA;
- (33) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (34) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (35) That the premises (including the laundries shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (36) An Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the DUAP managing Land Contamination Guidelines, EPA Guidelines and State Environmental Planning Policy No. 55 (SEPP 55). The assessment shall be required to assess potential risk posed by the contaminants to health and the

environment and contain sufficient information to develop a site audit statement prepared by an EPA accredited auditor;

- (37) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (38) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (39) 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;
- (40) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (41) 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 required mechanical ventilation systems;
- (42) 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;
- (43) 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).

7028A - Noise from Licensed Premises (Amplified Music)

That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz 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.

That the LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am 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.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

NOTE: where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court the more stringent condition will prevail.

- (44) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development;
- (45) 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);
- (46) 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;

- (47) 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);
- (48) 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;
- (49) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);
- (50) 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;
- (51) 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;
- (52) 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;
- (53) 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;
- (54) 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;

- (55) 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;
- (56) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (57) That all existing trees on the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;
- (58) 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);
- (59) That all proposed work shall be wholly within the boundaries of the site;
- (60) 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;
- (61) 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;

- (62) 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;
- (63) That if the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place;

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

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

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

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

- (64) 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.

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 a representations in respect of the matter, be advised of Council's decision.

Carried.

11.

PLANNING - TAYLOR SQUARE TASKFORCE - FORMATION (2020343)

(ALSO LISTED AS ITEM NO. 18, FINANCE COMMITTEE)

That to facilitate the start of the Taylor Square Urban Design Project as a matter of urgency, Council approve:-

- (1) the Draft Terms of Reference for the Taylor Square Urban Design Project, the key points being:
- to produce by charette process the Draft Taylor Square Special Precinct Development Control Plan and Taylor Square Urban Design Concept Plan;
 - to form the inhouse Taylor Square Urban Design Taskforce, lead by Council's Mainstreet Projects Officer to coordinate the process;
 - to provide opportunity for community input to the project by forming the Taylor Square Urban Design Reference Group;
- (2) the allocation of \$50 000 to appoint an external consultant to manage the charette process and produce the Draft Taylor Square Special Precinct Development Control Plan and Taylor Square Urban Design Concept Plan; comprising of funds being transferred from the following Accounts into Account Number GW 99003 Mainstreet Program:

Planning and Building Department - Strategic Planning OperationalBudget:

- GW 99004 - Safer by Design Implementation \$5 000
- GW 98006 - City Model View \$5 000
- GW 97008 - Energy/Water Minimisation DCP \$15 000

Public Works and Services Department - Engineering OperationalBudget:

- .77F0 - Miscellaneous Expenditure \$25 000

- (3) a submission being made to the Roads and Traffic Authority to contribute \$25 000 to the Taylor Square Urban Design Project. This contribution will be sort on the basis for the need to prepare a Taylor Square Urban Design Concept Plan, which will be used to inform the preparation of detailed design and documentation for the Taylor Square component of the Eastern Distributor LAIP scheme. Funds received from the RTA for this project will be used to reimburse the Public Works and Services Department's contribution to the project.

(A/DPB & DPWS Joint Report 28.5.99)

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of a clause (4) to the recommendation, namely:-

- (4) That the Draft Term of Reference include that the Mayor or his nominee be the Chairperson and that the Taskforce Membership also include any interested Ward Councillors.

Motion, as amended by consent, carried.

12.

PARKS - SYDNEY PARK - PERMANENT AMENITY BUILDING FOR ALAN DAVIDSON OVAL - DEVELOPMENT PROCESS (2014535)

That Council confirms the continuing support for the provision of a permanent Amenity/Community Building Complex at Alan Davidson Oval, Sydney Park and endorses the immediate progressing of the design process leading to an early consideration of development approval for the Complex.

(DPWS Report 2/6/99)

Carried.

The Planning and Development Committee Meeting terminated at 7.09 p.m.

The Council Meeting terminated at 7.10 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER