

## 239<sup>th</sup> Meeting

**Erskineville Town Hall  
Erskineville**

**Wednesday, 10 November 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.45 pm on Wednesday, 10 November 1999.

### **PRESENT**

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

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

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## Confirmation of Minutes

Moved by the Mayor, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 20 October 1999, be amended:-

(1) On page 1304 under the heading:

1.

**PROPERTIES - ERSKINEVILLE ROAD, NOS. 54 - 56, ERSKINEVILLE  
- PROPOSED SALE (5226651)**

-the resolution be deleted as printed and the following new resolution be inserted, namely:-

That the matter be deferred and Council prepare its own Development Application for the site prior to it going to Auction and joint discussions be held between the Director of Planning and Building and the Acting Director of Corporate Services.

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

That South Sydney City Council approves:-

- (1) the preparation of its own Development Application for the site prior to sale and joint discussions be held between the Acting Director of Corporate Services and the Director of Planning and Building;
- (2) an independent Market Valuation of the site be obtained from Council's Panel of Property Valuers on the basis of the Planning consent;
- (3) the appointment of L. J. Hooker, Newtown to sell the subject site by Public Auction;
- (4) the appropriate allocation of funds from Account No. LND 143.

Motion, as amended by consent, carried.

(2) On page 1305 under the heading:

3.

**PROPERTIES - DIBBS STREET, NO. 9, ALEXANDRIA - PROPOSED SALE (5064952)**

-the resolution be deleted as printed and the following new resolution be inserted, namely:-

That the matter be deferred and Council prepare its own Development Application for the site prior to it going to Auction and joint discussions be held between the Director of Planning and Building and the Acting Director of Corporate Services.

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

That South Sydney City Council approves:

- (1) the preparation of its own Development Application for the site prior to sale and joint discussions be held between the Acting Director of Corporate Services and the Director of Planning and Building;
- (2) an independent Market Valuation of the site be obtained by Council's Panel of Property Valuers on the basis of the Planning consent;
- (3) the sale of site by Public Auction;
- (4) the appropriate allocation of funds from Account No. LND 112.

Motion, as amended by consent, carried.

The minutes were then taken as read and confirmed.

Carried.

**Apology**

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

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

### **MINUTE BY THE MAYOR**

2 November 1999

#### **PERSONNEL - MANAGEMENT DEVELOPMENT PROGRAM - UTS GRADUATE CERTIFICATE IN LOCAL GOVERNMENT - PRESENTATION TO GRADUATES IN 1999 (2018573)**

As part of Council's Management Development Program, a partnership was developed with the University of Technology, Sydney in 1997 to conduct a Graduate Certificate in Local Government for managers at South Sydney City Council.

A measure of the success of this program is that it has been formally adopted by the Institute of Municipal Management.

There have been 3 courses conducted on an annual basis and some 40 employees have participated in this program.

Three employees have completed the 4 modules required to graduate, they are:

Ms Jenny Trinca, Arts and Cultural Development Co-ordinator  
Ms Karen Michalyn, Branch Manager, Newtown Library  
Mr Alan Wren, Personnel Manager

On behalf of Council, I wish to congratulate these employees for completing the Graduate Certificate in Local Government and if those employees would like to come forward I would like to present them with their certificates.

Councillor Vic Smith (SGD)

**Mayor**

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

### **MINUTE BY THE GENERAL MANAGER**

10 November 1999

#### **GREEN SQUARE - AFFORDABLE HOUSING - BRIEFING PAPER (2021738)**

A minute by the General Manager dated 10 November 1999, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

The reasons for the press and public being excluded was because the General Manager's minute related to a Legal matter.

J. W. Bourke (SGD)

**Mayor**

Moved by the Mayor, seconded by Councillor Harcourt:-

That option (3) detailed in the minute by the General Manager, be approved and adopted with the addition that Council write to the Local government Association seeking a contribution towards defence of the legal case.

Carried.

### **MINUTE BY THE GENERAL MANAGER**

5 November 1999

#### **CELEBRATIONS – SYDNEY OLYMPIC 2000 STREET FAIRS WITH**

## ETHNIC GROUPS AND LOCAL COUNCILS (2006760)

Following his attendance at the annual Greek Festival at Brighton-Le-Sands in March 1999, the Premier, the Hon. Bob Carr, expressed the wish to work with the community to set up similar street festivals in the lead-up to the 2000 Olympic Games.

Council has recently received a letter from Mr Stepan Kerkyasharian, Chair of the Ethnic Affairs Commission inviting Council in conjunction with Randwick and Botany Bay Councils to participate in this venture.

Councils in Sydney have been grouped into 10 cluster areas to maximise ethnic participation. It has been proposed that the Randwick-Botany Bay-South Sydney event would occur on Saturday, 19 August 2000.

The date proposed for the South Sydney area will be less than one month before the start of the Olympic Games (15 September - 1 October) and less than a fortnight before the start of the Cultural Olympics (beginning of September - October).

It is believed any local events held this close to the Olympic Games and the Cultural Games will be lost among the pre-Games publicity and hype and therefore not achieve their true objective of celebrating the cultural diversity of Sydney.

Council has over the last five years presented a strong program of celebrating the cultural diversity of Sydney.

Council has over the last five years presented a strong program of celebrating the cultural diversity of South Sydney through its celebrations of music and food under the Cuisine on the Green banner. The program for 1999/2000 will see a wide variety of entertainers from different ethnic backgrounds being featured at six events. The events are:

Sunday, 31 October	Children's Week Celebration
Sunday, 21 November	A Taste of the Pacific (Aboriginal & Torres Strait Islander and Pacific performers and food)
Sunday, 5 December	Flower & Jazz Festival
Sunday, 13 February	Women's Business (Indigenous & Islander Female performers in conjunction with Sydney Gay & Lesbian Mardi Gras)
Sunday, 19 March	Multicultural Festival (Greek and South American food and entertainment)

Sunday, 16 April

Handel's Fireworks Music & Concert

**Recommendation:**

That no action be taken by Council to participate in the series of ethnic festivals proposed by the Ethnic Affairs Commission in the lead-up to the Olympic Games.

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

Moved by Councillor Harcourt, seconded by Councillor Macken:-

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

It was moved by Councillor Fenton, seconded by Councillor Fowler that the recommendation be amended by the event on Sunday 19 March 1999, being held on the day.

Amendment negatived.

Motion, as moved by Councillor Harcourt, carried.

**MINUTE BY THE GENERAL MANAGER**

25 October 1999

**PERSONNEL – DIRECTOR OF CORPORATE SERVICES - TERMINATION OF CONTRACT (5263043)**

Minutes by the General Manager dated 25 October and 4 November 1999, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

The reasons for the press and public being excluded was because the General Manager's minutes related to a Personnel matter.

Councillor Vic Smith (SGD)  
**Mayor**

At this stage and at 6.55 p.m. it was moved by Councillor Fowler seconded by Councillor Deftereos:-

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

Carried.

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

The Mayor and Councillors Bush, Deftereos, Fenton, Fowler, Harcourt, Lay, and Macken

At. 7.05 p.m. the Council Meeting resumed.

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

The Supervising Committee Clerk read out the following recommendations:-

That confirmatory approval be given to the contract of employment with the Director of Corporate Services being terminated on 5 November 1999, and that all monies due to 31 July 2000, being paid out under her Employment Contract.

Carried.

Note: The undermentioned matter was also dealt with at the Committee of the Whole.

#### **MINUTE BY THE GENERAL MANAGER**

10 November 1999

**DEVELOPMENT APPLICATION – WILLIAM STREET, NOS. 191 - 201,  
DARLINGHURST - CHALLENGE TO DEVELOPMENT CONSENT (U99-00036)**



A minute by the General Manager dated 10 November 1999, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

The reasons for the press and public being excluded was because the General Manager's minute related to a legal matter.

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

The Supervising Committee Clerk read out the following recommendation of the Committee of the Whole:-

- (A) That The Council's resolution of 23 June 1999, whereby it was resolved to grant development consent for the erection of a part 8 storey building containing two floors of parking, a level of shops and a backpackers hostel and is hereby rescinded.
- (B) That the application be renotified to residents and occupiers of property within the same general areas as the notification of January 1999, such notification to include reference to the three properties which together make up the site.
- (C) That a report be subsequently submitted to the Council for its determination of the Development Application, such report to take into consideration any matters raised in the submissions received as well as any matters raised at the time of the previous notification.

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

## QUESTIONS WITHOUT NOTICE

1.

### **COMPUTERISATION - IMPLICATIONS FOR IMAGING AND BACK SCARRING PROGRAM - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2020939)**

#### **Question:**

In reference to Item 17, Finance Paper at tonight's meeting given that the contract with Price Waterhouse has yet to be signed, what are the implications for the imaging and back scarring program that is well under way at a cost of \$300,000?

If the contract isn't signed, what will happen to the equipment already purchased?

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

Can I suggest the deferment of Item 17 and that those questions raised by you are referred back to the Finance Committee.

2.

### **PLANNING - GREEN SQUARE RAIL STATION - EXPENDITURE OF SECTION 94 CONTRIBUTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021575)**

#### **Question:**

I have had many representations from residents in Alexandria, Zetland and Beaconsfield expressing outrage at both Council and the Minister with regards to the Green Square Rail Station. The cause of the angst is the expenditure of \$250,000 of developers Section 94 contributions on ameliorating the woeful condition the externals and landscaping.

The Station and the rail line are both private concerns and to date have not offered any subsidy for local travellers. The fare is to be between \$5 and \$7 contrasting with a cab fare to the City from Zetland which is \$7.

Can the Mayor write to both the past and present Minister requesting more attention being allocated to such matters?

**Answer by the Mayor:**

Firstly, I will seek advice from the Director of Planning and Building before I write to the Minister, but I just question the last time you travelled in a cab that cost \$7.

3.

**DEVELOPMENT - SECTION 94 CONTRIBUTIONS - REQUEST BY RESIDENTS FOR WORKS IN CHIPPENDALE - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (5248489)**

**Question:**

Can Council Officers investigate the attached list of needed works in the Chippendale area?.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate all of those matters and have responses prepared for the Councillors Information Service.

4.

**SPORTS FACILITIES - ALLAN DAVIDSON OVAL - BONUS PROVISIONS FOR DEVELOPERS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018595)**

**Question:**

The Development Application report with regard to the unit development in Power Street, Alexandria, for 121 units, states that there are no specific local projects identified in order for developers to obtain a bonus.

Can a report come to Council identifying projects such as lighting for the Allan Davidson Oval?

**Answer by the Director of Planning and Building:**

We can certainly prepare a report, but the bonus provision is certainly not predicated under Section 94 but we can certainly prepare a list.

5.

**SPORTS FACILITIES - RENT ABATEMENTS DUE TO SPORTING TEAMS  
DUE TO WET WEATHER - QUESTION WITHOUT NOTICE BY  
COUNCILLOR BUSH (2022161)**

**Question:**

In regards to the Dunbar Rovers rent abatement, can we have a report come to Council in regards to sporting teams hiring ovals and getting rent abatements due to wet weather?

**Answer by the Mayor:**

That would be a policy decision for Council and a report can be prepared.

6.

**PARKING - COOK ROAD, CENTENNIAL PARKING - REVIEW OF  
CURRENT PARKING SCHEME - QUESTION WITHOUT NOTICE BY THE  
MAYOR (P01-00395)**

**Question:**

I have a question for the Director of Public Works and Services. As Councillors would be aware, there is a Resident Parking Scheme in the Centennial Park area which is being proposed as a trial. I have received correspondence from the Centennial Park Resident Association asking for Council's assistance in respect of Cook Road. The residents of Cook Road would like a review of their current parking scheme and we will wait and see how Fox Studios effects Cook Road.

The residents would like Council's assistance to determine an appropriate parking scheme and, of course, residents wishes will be consistent with Council's policy. The request also includes the residential section of Lang Road in the trial period in respect of Robinson Road, Martin Road and Dibbs Street.

Can I ask the Director of Public Works and Services to refer this matter to the Traffic Committee in December, so that a decision can be made and referred back to Council?

7.

**PLANNING - SECTION 94 CONTRIBUTIONS - REQUESTS FOR INFORMATION BY CHIPPENDALE RESIDENTS ACTION GROUP - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021391)**

**Question:**

The Chippendale Residents Action Group has requested information with regard to the following:-

- (1) the details pursuing the substantial Section 94 contributions over the last four years that are relevant to the Chippendale Precinct.
- (2) Are there any Section 94 monies outstanding from the current contributions, if so, where have they been allocated?

"read from correspondence" as follows ..... (tabled correspondence).

**Answer by the Mayor:**

Councillor Macken has already tabled those questions tonight. You are going over the same questions again, because you were given the same list. If you want to table those questions, we are happy to respond to you.

8.

**OXFORD STREET, NOS. 261-263, PADDINGTON - EXHIBITION OF PLANS FOR DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U99-01171)**

**Question:**

The Uniting Church has submitted a Development Application for the St. John's Church site at Nos. 261 - 263 Oxford Street, Paddington. Can Council exhibit the plans at the Paddington Library?

**Answer by the Mayor:**

I will have that question referred to the Director of Planning and Building and have a response prepared for the Councillors Information Service.

9.

**OXFORD STREET, NOS. 261-263, PADDINGTON - REQUEST FOR A PUBLIC MEETING TO DISCUSS DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U99-01171)**

**Question:**

St. John's Church, including New and Old Manse, is both a landmark and historical site with a prominent position on Oxford Street. This Development Application is a significant application and including a change of use.

I request Council to hold a Public Meeting to discuss this proposal with the developers and interested stakeholders.

**Answer by the Mayor:**

I will have that question referred to the Director of Planning and Building.

10.

**FOX STUDIOS - MOORE PARK ROAD, MOORE PARK - COMPLAINTS BY RESIDENTS REGARDING NOISE - VIOLATION OF CONSENT CONDITIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2014833)**

**Question:**

I have received a complaint from the Poate and Furber Roads Residents Association regarding the noise emanating from the Fodder Shed over the fortnight ending 6 October 1999, and that this area was being used as a 'rehearsal studio/space' due to the repetitive nature of music and crowd noise emanating from the Fodder Shed. The Poate and Furber Roads Residents Association vigorously objected to the initial Fox Development Application for the Fodder Shed which successfully sought consent to retain the Fodder Shed and redevelop it as a storage facility.

A subsequent Development Application by Fox sought to redevelop the Fodder Shed as a "craft shop". The Resident Group holds the view that using the Fodder Shed as a rehearsal was a violation of consent conditions imposed by the Department of Urban Affairs and Planning on the usage of the building.

Can Council investigate whether this is so and if a breach has occurred, formally object to the Department of Urban Affairs and Planning and Fox Studios?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to speak to the Director General of the Department of Urban Affairs and Planning and see if the Minister gave his consent. If he did give his consent, that is the end of the matter.

11.

**FOX STUDIOS - MOORE PARK ROAD, MOORE PARK - COMPLAINTS BY RESIDENTS REGARDING NOISE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2014833)**

**Question:**

I have received a number of complaints from residents who live surrounding the Fox Studios of the totally unacceptable level of noise on Friday, 5 November and Saturday, 6 November 1999, and all expressed a high sense of indignation, outrage and frustration that the private party on Sunday, 7 November 1999, held to celebrate and promote via the media the opening of Fox Studios subjected the residents to what could be described as uninhabitable living conditions.

The Sydney Showground over many years has had many displays of fireworks, but the fireworks on the evening of 6 November 1999, were of an unprecedented scale and duration to be totally unacceptable in a residential area. The power of the fireworks and length of the display generated noise for a duration that made, as one resident put it, "previous displays seemed like a 21 gun salute with cap guns as opposed to the opening as noise similar of an air attack." Floors shaking, windows rattling, etc. The alarming nature was the fact that the firework display seemed to have finished then kept on restarting after a lull.

Needless to say, the dogs were howling and cats couldn't be found. I don't know about the horses in the stables at Fox, how they reacted or the wildlife in Centennial Park.

The noise generated by the amplified music was unacceptable and the noise could not be "screened out" by turning up TV or Stereo as no domestic HiFi could even attempt to mask the noise. The amplified music stopped at approximately 11.10 p.m., restarting at 11.40 p.m. concluding at 12.15 a.m. on Sunday, 7 November 1999.

A number of calls lodged with Fox Hotline were futile as there was only an answering service.

- (1) Did Council monitor independently from Fox the concert?
- (2) Will Council ask Fox for the results of their monitoring results?

Can Council strongly recommend to the Department of Urban Affairs and Planning that a formal consultative body including residents, Department of Urban Affairs and Planning, Fox, South Sydney Council, NSW Police Department and the Environmental Protection Authority be established so all stakeholders can deliberate a more equitable outcome?

**Answer by the Mayor:**

According to the information I have, there were four complaints received and that was from the Environmental Protection Authority and Council in relation to Sunday night and the advice from the Department of Urban Affairs and Planning is that Fox Studios will investigate the claims in the first instance, and if the matter is not resolved, it should be referred to the Department of Urban Affairs and Planning who are the consent authority under the Memorandum of Understanding. There is a meeting next week between Council and the Department of Urban Affairs and Planning to formalise the Memorandum of Understanding on this issue.

12.

**STREETS - BOURKE STREET, SURRY HILLS - REPAIR OF FOOTWAY - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (S56-00847)**

**Question:**

Can works be done to cover and make safe the footpath outside No. 467 Bourke Street, Surry Hills?

Also, can the matter of the structure of the management of Ordinance Officers be placed on the agenda for the Management Review Meeting?

**Answer by the Mayor:**

It is not a matter for the Ordinance Inspectors, it is a matter for the Road Opening Inspectors, but I will have the Director of Public Works and Services detail a report about the Road Opening Inspectors' duties.



13.

**FOX STUDIOS - MOORE PARK ROAD, MOORE PARK - RATES LEVIED ON CURRENT AND PREVIOUS RATING PERIOD - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014833)**

**Question:**

Can I have a report on the rate levied on the Fox Studios for the current and previous ratings period in order to gauge any potential to Council's income of a removal of this land in any amalgamation proposals?

Also, the results of this memorandum of controls on the site be part of the agenda on the Management weekend?

**Answer by the Mayor:**

Yes, I can have it included for you. But prior to that, if I have a result in respect of the meeting, I will have it included in the Councillors Information Service.

14.

**PARKING - FEASIBILITY OF PARKING PERMITS FOR COUNCILLORS POOL CARS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2020520)**

**Question:**

As Councillors and staff are sometimes in use of Council cars or pooled cars and may park in the residential only parking areas, can a sticker valid for all areas (i.e. not numbered as in 17 or 15 which apply to specific streets) be provided and placed on those vehicles?

**Answer by the Mayor:**

I will ask the General Manager to respond, but in terms of the Roads and Traffic Authority Guidelines, my understanding is that it is not permissible.

**Answer by the General Manager:**

I do not think it is appropriate.

**Answer by the Mayor:**

The guidelines in respect of resident parking schemes are set by the Roads and Traffic Authority and one of those guidelines clearly indicates that the car must be registered to that address.

15.

**CONFERENCES/MEETINGS - DEPARTMENT OF LOCAL GOVERNMENT - REMOVAL OF ABORIGINAL POLICY UNIT - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2020741)**

**Question:**

Could I ask that you write to the Minister for Local Government in the strongest possible terms protesting at the removal of the Aboriginal Policy Unit within the Department of Local Government. It was an issue that was raised at the Local Government Conference. We are in a situation where we have had a downsize within the Department and this particular area has been wiped clean without consultation. The benefits of having this Policy Unit within the Department, we saw at the last elections, the number of indigenous Councillors rise from 6 to 17. Councils that have a Liaison Officer, as we do, need the support of the Department and this became very obvious from the discussions this morning to further the Policy development and assistance within their community.

**Answer by the Mayor:**

I will have a letter sent to the Minister for Local Government along the lines that were forwarded by Randwick City Council.

16.

**PUBLIC RELATIONS - INFORMATION TO JOURNALISTS - RE POSITIVE PRESS FOR COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P58-00200)**

**Question:**

I refer to my question at the last Council Meeting regarding the adverse publicity and comments by Leo Schofields and note that on parklands and trees and services also criticised by another journalist.

Whilst I realise we are close to the City and therefore easy targets for adverse publicity regardless whether it has been checked or not.

Could the appropriate Council Officer report what steps, if any, we can take to keep these journalists informed of the positive side of our Council's works?

**Answer by the Mayor:**

We can do that. We could supply them with all the positives, but if you understand the media, it's not a story the people are interested in, it's only the

negatives. But I take on board your point and we will endeavour to provide journalists with positive stories, but it is a matter for them and their Editors if they print it.

17.

**PUBLIC RELATIONS - OLYMPIC CELEBRATIONS ORGANISED BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2006760)**

**Question:**

Since Council has no specific Olympic celebrations planned, could this item be highlighted on the agenda for our forthcoming Management weekend?

**Answer by the Mayor:**

We are getting well over the quota for items on the agenda and we will not get through the items.

18.

**CONFERENCES/MEETINGS - LOCAL GOVERNMENT ASSOCIATION - CONFERENCE - CANCELLATIONS BY COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2016908)**

**Question:**

A number of Councillors and Officers were booked to attend the Local Government Association Conference in Dubbo. How many cancellations were received at late notice and how much of ratepayers money was not refundable?

**Answer by the Mayor:**

I will have a report prepared for the Councillors Information Service for you.

## REPORT OF THE FINANCE COMMITTEE

3 November 1999

### PRESENT

**Councillor Sean Macken (Chairperson)**

**Councillors - Margaret Deftereos, Sonia Fenton**

At the commencement of business at 6.44 pm those present were:-

Councillors - Deftereos, Fenton, and Macken

#### **Apology:**

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

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

That the Report of the Finance Committee of its meeting of 3 November 1999, be received and the recommendations set out below for Items 1 to 16., inclusive, and 18 to 20 inclusive be adopted. The recommendations set out below for Item 17 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

#### **STREETS - EASTERN DISTRIBUTOR - PROPOSED ACQUISITION BY RTA OF PART OF SOUTH DOWLING STREET, MOORE PARK ROAD, ANZAC PARADE, PALMER STREET (AND OTHER LOCAL STREETS) (T02-00172)**

That Council raise no objection to action under the Roads Act, 1993, for the proposed compulsory acquisition by the Roads and Traffic Authority of Lots 1, 3 and 4 on RTA Plan No. 6007413 SP0010 and Lots 1-4 on RTA Plan No. 6007413 SP0011, provided compensation is determined by the Valuer-General in consultation with the Director of Public Works and Services.

(DPWS Report 13.10.99)

Carried.

2.

**LEASING - WOOLLOOMOOLOO RAILWAY VIADUCT - LEASE OF OPEN SPACE/PORIONS OF LAND FROM STATE RAIL AUTHORITY (SRA) (L52-00145)**

That approval be given to a new lease being negotiated between Council and the SRA for parcels of land adjacent to the Woolloomooloo Railway Viaduct based on the following terms:

- (1) Year to Year lease;
- (2) Rental of \$1,600 per annum gross;
- (3) Reviews annually by 3%.

Carried.

3.

**WASTE - SOUTH SYDNEY CITY COUNCIL WASTE REDUCTION AND PROCUREMENT POLICY (2020951)**

That arising from a report by the Director of Public Works and Services dated 22 October 1999, it is recommended that the Waste Reduction and Procurement Policy, be adopted.

Carried.

4.

**ADMINISTRATION - AMALGAMATION - EXPENSES FOR COMMISSIONER (2021730)**

That Council approve the addition of \$5,000 to the 1999/2000 Budget for the purpose of expenditure incurred by the Inquiry Commissioner, as part of his amalgamations consultancy with South Sydney City Council.

Carried.

5.

**DOMAIN CAR PARK - EQUIPMENT REPLACEMENT TENDER (2004975)**

That Council accepts the tender submitted by S & B Parking Services Pty Ltd for the supply and installation of a fully integrated parking control system for the Domain Car Park at the price of \$162,501.84.

(DCS Report 21.10.99)

Carried.

6.

**EVENTS - SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES INTERNAL COMMITTEE - MINUTES OF MEETING HELD ON 19 OCTOBER 1999 - RECOMMENDATIONS TO COUNCIL (2021754)**

- (A) That Council receive and note the Minutes of the meeting of Council's Sydney 2000 Olympic and Paralympic Games Internal Committee held on 19 October 1999;
- (B) That Council give approval-in-principle to the concept of limited community functions at 2 sites along the Olympic Torch Relay route, with further details to be submitted to Council for consideration of final approval when route details are publicly available;
- (C) That Council ask ORTA to alert developers, builders and materials' suppliers generally to the likely effects of kerbside parking bans at building sites along declared "Olympic Routes" during the Games' periods;
- (D) That Council note that further reports will be submitted for Council's consideration on the questions of:
  - (1) Purchase and display of Olympic/Paralympic banners at 4 sites within South Sydney, namely:
    - Green Square, Alexandria;
    - St Paul's Place, Redfern;
    - Taylor Square, Darlinghurst;
    - Over western portal of Kings Cross Tunnel;
  - (2) Adoption of the "Draft Local Approvals Policy - Hawking and Vending" prepared by a working group of Sydney Metropolitan Councils;
  - (3) Interim works to improve the presentation of William Street, Darlinghurst/Woolloomooloo in time for the Games.

(DPWS Report 26.10.99)

Carried.

7.

**DONATIONS - ST. SAVIOURS CHURCH - ASSISTANCE WITH RETURFING OPEN SPACE AT REAR (D53-00313)**

That approval be given under the provisions of Section 356 of the Local Government Act, 1993, to donations in the form of turf supply and installation to the value of \$2,000 to St. Saviours Church, Redfern, as detailed in the above report and that the expenditure involved be added to the 1999/2000 Revenue Estimates - Account Code LFN.

(DPWS Report 25.10.99)

Carried.

8.

**DONATIONS - QUARTERLY REPORT - JULY TO SEPTEMBER 1999 (2003030)**

That approval be given under the provisions of Section 356 of the Local Government Act, 1993, to donations in the form of plants and landscape materials to the value of \$1,000 to the various local bodies as detailed in the report for the three month period ending 30 September 1999, and that the expenditure involved be added to the 1999/2000 Revenue Estimates - Account Code LFN.

(DPWS Report 20.10.99)

Carried.

9.

**FINANCE - BUDGETS - SUMMARY OF ADDITIONS TO THE ADOPTED BUDGET 1999/2000 (2021566)**

That the report by the Director of Finance dated 28 October 1999, regarding the abovementioned matter, be received and noted.

Carried.

10.

**PLANNING - SOUTH SYDNEY DEVELOPMENT CORPORATION - SOUTH SYDNEY GROWTH CENTRE RETAIL STRATEGY - CO-FUNDING PROPOSAL (2021991)**

Council resolve to contribute \$25,000 from Account Code GQB 66AO to the South Sydney Development Corporation for the purpose of the preparation of the South Sydney Growth Centre Retail Strategy by consultants.

Carried.

11.

**DONATIONS - METROPOLITAN COMMUNITY CHURCH SYDNEY AND ACON AND PLWH/A (2013125, D53-00157)**

That arising from a report by the Acting Director of Health and Community Services dated 27 October 1999, that the requests for funding from Metropolitan Community Church Sydney and ACON and PLWHA, be refused for the reasons outlined in the above report.

Carried.

12.

**DONATIONS - ST VINCENT DE PAUL - VINCENTIAN VILLAGE DAY CENTRE CAPITAL APPEAL (2020180)**

That the application by St Vincent De Paul for a donation as detailed in the report by the Acting Director of Health and Community Services dated 27 October 1999, be refused.

Carried.

13.

**LEASING - OUTSTANDING RENTAL PAYMENTS - QUARTERLY REPORT - PERIOD 1 JULY 1999 TO 30 SEPTEMBER 1999 (2006684)**

That the report by the Director of Corporate Services dated 25 October 1999, in connection with outstanding rent payments for the 3 month period ending 30 September 1999, be received and noted.

(DCS Report 25.10.99)



Carried.

14.

**LEASING - VACANT COMMERCIAL AND RESIDENTIAL PROPERTIES - QUARTERLY REPORT - PERIOD 1 JULY 1999 TO 30 SEPTEMBER 1999 (P56-00356)**

That the Report by the Director of Corporate Services dated 29 October 1999, submitting the Quarterly Vacancy Report, for the period 1 July 1999 to 30 September 1999, of Council's Commercial and Residential Properties, be received and noted.

(DCS Report 29.10.99)

Carried.

15.

**PROPERTIES - DOWLING STREET, NOS. 228 - 244, WOOLLOOMOOLOO AND GARDEN STREET, NO. 71, ALEXANDRIA (2017713)**

That T & F Plant Hire be awarded the works involved with separating Sydney Water's sewers in Council's properties at Nos. 228-244 Dowling Street, Woolloomooloo, for the sum of \$45,670.

(DCS Report 29.10.99)

Carried.

16.

**PLANNING - WALTER READ RESERVE - ENDORSE PROJECT BRIEF AND APPROVE CALLING OF TENDERS (2021301)**

That Council approve:-

- (1) calling tenders for the Walter Read Reserve Project based upon the attached Project Brief;
- (2) the project being managed by Council's Mainstreet Projects Officer with input from the Strategic Planning Manager, Parks Development Manager, Heritage Planner, Urban Design Coordinator and Properties Manager;
- (3) the transfer of \$90,000 (currently allocated to the project) from the Properties Works Program Account No. BW99101 to the Budget Estimates for the Strategic Planning Section, and that a new account code be created for the administration of this project entitled "Walter Read Reserve" (GW-99015).

(DPB, DPWS & DCS Joint Report 25.10.99)

Carried.

17.

**COMPUTERISATION - IMAGING AND WORKFLOW - IMPLEMENTATION  
RESPONSE TO QUESTION ASKED BY HIS WORSHIP THE MAYOR  
(2011928)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt :-

That the report by the Director of Corporate Services dated 1 November 1999, in regards to the above matter, be deferred for a further report on the questions raised by Councillor Harcourt during Question Time earlier at the Council meeting and that the report be submitted to the next Finance Committee Meeting.

Carried.

18.

**DOMAIN CAR PARK - USE OF MOVING FOOTWAY - WAIVING OF FEE  
COLLECTED (2005302)**

That approval be given to the waiving of the consideration money collected in respect of the use of the Domain Car Park moving footway by the Big House Fax on 24 September 1999.

(CAMPO Reports 1 and 8 November 1999).

Carried.

19.

**DONATIONS - REQUEST FOR FREE USE OF PADDINGTON TOWN HALL  
(REFUND OF PAYMENT) - CG JUNG SOCIETY/UNIVERSITY OF WESTERN  
SYDNEY - 31 OCTOBER 1999 (2003711)**

That the application by CG Jung Society of Sydney for free use of Paddington Town Hall as detailed in the report by the Director of Corporate Services dated 1 November 1999, be refused.

Carried.

20.

**GOODS AND EQUIPMENT - SUPPLY, DELIVERY AND UNLOADING OF  
STORMWATER DRAINAGE PIPES AND CONCRETE LINTELS - SSROC  
TENDER (2010527)**

That approval be given to accept the tender from C.S.R. Humes for the supply, delivery and unloading of stormwater drainage pipes and concrete lintels in accordance with the attached schedule, for a period of two years commencing 1 December 1999, with an option of a further one-year subject to satisfactory performance.

Carried.

The Finance Committee Meeting terminated at 7.10 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

3 November 1999

**PRESENT**

**Councillor Sonia Fenton (Chairperson)**

**Councillors - Margaret Deftereos, Sean Macken**

At the commencement of business at 7.10 pm those present were -

Councillors:- Deftereos, Fenton, and Macken

**Apology:**

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

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

That the Report of the Community Services Committee of its meeting of 3 November 1999, be received and the recommendations set out below for

Items 2 to 3, inclusive, be adopted. The recommendations set out below for Item 1. having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**DONATIONS - AUSTRALIAN NATIONAL KOREAN WAR MEMORIAL (2021923)**

That the application by the Australian National Korean War Memorial Committee to Council for financial assistance as detailed in the report by the Acting Director of Health and Community Services dated 21 October 1999, be refused.

It was moved as an amendment by Councillor Fowler that the application be deferred for a further report.

Amendment lapsed for want of a seconder.

Motion, carried.

2.

**COMMUNITY SERVICES - CHARITABLE APPEALS - CHRISTMAS TOY APPEAL (2013984)**

That arising from a report by the Acting Director of Health and Community Services dated 21 October 1999, Council discontinue its Annual Christmas Toy Appeal as a Community Services Program, instead funding an advertisement in the local press advising alternative options for residents and local businesses to make a donation of toys, with funds to cover this expenditure available in the 1999/2000 (KCB0008 77 FO).

Carried.

3.

**COMMUNITY SERVICES - REPORT ON THE REVIEW OF COUNCIL'S COMMUNITY GRANTS PROGRAM (2002408)**

That arising from a report by the Director of Health and Community Services

dated 1 November 1999, Council approve the revised title and documentation for the Small Grants Program.

Carried.

The Community Services Committee Meeting terminated at 7.14 p.m.

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

3 November 1999

### **PRESENT**

**The Mayor, Councillor Vic Smith (Chairperson)**

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

At the commencement of business at 6.40 pm, those present were -

The Mayor and Councillors - Bush, Fowler, Harcourt.

### **Apology:**

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

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

That the Report of the Planning and Development Committee of its meeting of 3 November 1999, be received and the recommendations set out below for Items 2,4,5,10,16,24,26 to 27 inclusive, 29, 32 to 34 inclusive, be adopted. The recommendations for Items 1,3,6 to 9 inclusive, 11 to 15 inclusive 17 to 23 inclusive, 25, 28 and 30 to 31 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**SWANSON STREET, NOS. 1 - 5, ERSKINEVILLE - EXTENSION OF OPERATING HOURS - DEVELOPMENT APPLICATION (U99-00904)**

That the Council grant its consent under the NSW Environmental Planning and Assessment Act to the development application for extended operating hours submitted by Mr H and Mrs E Leach (owners) till 12.00 midnight, seven days a week for a trial period of 12 months.

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

- (A) That Council as the responsible authority grants its consent to the development application submitted by Mr. H. C. and Mrs. E.E. Leach for the extension of hotel operating hours under the NSW Environmental Planning and Assessment Act, subject to the following conditions, namely:-
  - (1) That the hours of operation shall be restricted between 10.00 a.m. and 12.00 midnight Monday to Sunday for a trial period of 12 months commencing from the date of consent approval;
  - (2) That the hours of live entertainment shall be restricted between 8.00 p.m. to 11.00 p.m. Tuesday, Thursday and Friday; and between 6.00 p.m. to 9.00 p.m. Sunday;
  - (3) That noise from Licensed Premises (Amplified Music) - 7028A
- (B) That the persons who made representation in respect of the proposal be advised of Council's decision.

Motion, as amended by consent, carried.

2.

**OXFORD STREET, NOS. 1 - 11, PADDINGTON - PROPOSAL - EXTENSION OF SUNDAY TRADING TO 3.00 AM - DEVELOPMENT APPLICATION (U99-00429)**

- (A) That the Council, as the responsible authority refuses it consent to the Development Application submitted by Four Pty. Ltd. For extension of Sunday trading to 3.00 a.m. for the following reasons, namely:-

- (1) That the proposal is inconsistent with the approved trading hours of the late night entertainment venues located in close proximity to the subject site;
  - (2) That the proposal would have an adverse affect on the amenity of the residential uses in the vicinity of the subject site;
  - (3) That the proposal is not in the public interest;
- (B) That the persons who made submissions in respect of this application be notified of Council's decision.

Carried.

**3.**

**DEVELOPMENT APPLICATION - AUTOMATIC PUBLIC TOILETS -  
INSTALLATION (U98-00295)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fenton, seconded by Councillor Harcourt:-

- (A) That the Development Application consent approval and the decision on the selection of sites for the installation of Automatic Public toilets (APTS) be deferred pending the submission of a further report following completion of a detailed Master Plan and wide public consultation and that approval be given for a report on the compliance with Australian Standards of Plumbing and Access for People with Disabilities.
- (B) The appointment of a suitable consultant to prepare the Master Plan and facilities the public consultation (including Councils elected members), and to prepare a submission for D.A.Assessment;
- (C) The allocation of \$20,000 from the General Fund to fund the consultancy.

(DPWS Report 8.11.1999).

Carried.

4.

**IVY STREET, NOS. 74 - 80, DARLINGTON - RESIDENTIAL FLAT BUILDING  
- SECTION 96 APPLICATION - DEVELOPMENT APPLICATION (U96-01123)**

- (A) That pursuant to Section 96 of the Environmental Planning and Assessment Act and Regulations, Council refuse its consent to the application submitted by Gergely and Pinter Architects Pty Ltd., with the authority of E.K Nominees Pty Ltd. for the following reasons namely:-
- (1) That the original approval was granted on the condition that the Ivy Street façade and Ivy Lane be retained;
  - (2) That the Ivy Street façade and Ivy Lane is a contributory element to the streetscape in the conservation area;
  - (3) That rebuilding the façade is not substantially the same development;
  - (4) That approval of the modification would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

**REDFERN STREET, NO. 94, REDFERN - ALTERATIONS AND ADDITIONS  
TO EXISTING VICTORIAN BUILDING AND CONSTRUCTION OF A NEW  
PART ONE PART TWO STOREY RESIDENCE - DEVELOPMENT  
APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00704)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Distinctive Design Pty Ltd, with the authority of Michael Ellis; Stephen Monnier; Terence Brooks and Peter Dobson, for permission to renovate the existing building at No. 94 Redfern Street and construct a new residential house at the rear of the property, 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 \$3000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the



submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (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 \$400, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the first floor veranda be reinstated as shown in plans numbered "AO1" and date stamped 19 October 1999;
- (4) That the development shall be generally in accordance with plans numbered "AO1" by Council and date stamped 19 October 1999;
- (5) That any future strata subdivision of the Victorian building require that access to the open space at the rear of the building shall be included in the residential dwellings title for exclusive use;
- (6) That the proposed fixed Victorian louvres on the east facing balcony be fixed to allow looking out, but not down into the adjoining dwelling;
- (7) That the access from the commercial tenancy in the existing building to the private open space be bricked up;
- (8) That light and ventilation shall be demonstrated to comply with the requirements of Part E of the BCA prior to the issue of a Construction Certificate and that the following standard conditions apply;
- (9) 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
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Open Space: LGA

Works Program	\$ 827	2E97003.BGY0
Open Space: New Parks	\$4,158	2E97009.BGY0
Accessibility And Transport	\$ 25	2E97006.BGY0
Management	\$ 68	2E97007.BGY0
Civic Centre	\$1,236	
<b>Total</b>	<b>\$6,314</b>	

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.

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI<sub>1</sub> 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;

- (10) That the underside of the floor separating office from residential flat above must have a fire protective covering in accordance with C2.9 of the BCA;
- (11) That the staircase leading to flat 1 shall be separated from office area in accordance with clause C2.8 of BCA;
- (12) That the existing and the proposed work shall comply Type B construction in accordance with the requirements of specification C1.1-4 of the BCA;
- (13) That natural light and ventilation shall be provided in accordance with requirements under Part F4 of BCA;

and the following adopted standard conditions:

- (14) 1016 - Alignment Levels
- (15) 3029 - Obstruction of Public Way
- (16) 3032 – Delivery of Construction Materials
- (17) 6002 – Refuse Skips
- (18) 4001- Storm Water
- (19) 9151 – Construction Hours
- (20) 9152 – Works Within Boundary
- (21) 7016 – Sanitary Facilities
- (22) 7023 – Ventilation
- (23) 7069 – Soil and Sediment Prosecution Note
- (24) 7026 – Noise and Vibration
- (25) 8501 – Compliance with the Building Code of Australia
- (26) 8506 – Support for Neighbouring Buildings
- (27) 9001 – Survey Certificate at Set Out Stage
- (28) 9002 – Survey Certificate at Completion
- (29) 9011 – Drainage Design Certificate
- (30) 9014 – Stormwater Design Certificate
- (31) 9016 – Stormwater Certificate at Completion
- (32) 9006 – Structural Design Certificate
- (33) 9108 – Walls Not to be Built as Party Walls Unless Consent  
Obtained
- (34) 9110 – Notification of Contractors Licence Details
- (35) 9151 – Construction Hours

- (36) 9152 – Works Within Boundary
- (37) 9155 – Construction Certificate Required
- (38) 9157 – Maintain Existing Building in a Stable Condition
- (39) 9163 – Demolition to Comply with Australian Standard
- (40) 9307 – Protection of Openings
- (41) 9330 – Glazing Provisions
- (42) 9403 – Height of Travel Path in Exist
- (43) 9407 – Discharge From Exists
- (44) 9414 – Installations in the Path of Travel to an Exist
- (45) 9420 – Private Stairs and Balustrades
- (46) 9501 - Portable Fire Extinguishers to be Installed
- (47) 9522 – Fire Detection and Alarm System
- (48) 9601 – Protection of Floors and Walls in Wet Areas
- (49) 9603 – Clothes Washing and Drying Facilities
- (50) 9606 – Damp and Weather Proofing
- (51) 9612 – Ceiling Heights of Rooms or Spaces
- (52) 9623 – Construction of External Walls for Dampness
- (53) 9625 – Flashings to Boundary Walls

The reason for Council granting consent, subject to 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.

**WATERLOO STREET, NO. 55, SURRY HILLS - PROPOSED ALTERATIONS AND ADDITIONS TO A TERRACE DWELLING - DEVELOPMENT APPLICATION (U99-00955)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by M Duane for permission to carry out alterations and additions to the abovementioned terrace dwelling subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$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 the development shall be generally in accordance with plans numbered DA01, dated 9.8.99;
  - (3) That the external wall of the rear ground floor addition adjacent to No. 57 Waterloo Street, shall have a maximum height of 2.8m including the roof, eaves and gutter. Details shall be provided to Council indicating such prior to the release of the Construction Certificate;
  - (4) That the rear skillion addition within the existing attic shall be set back 500mm from each of the side walls, 200mm below the ridge line and 200mm from the rear wall. In addition, the dormer windows shall be vertically proportioned at a ratio of 1.5:1 measured from head to ceiling of the window frame and shall be constructed of a material to match the existing dwelling. Details in plan indicating the proposed amendments shall be provided to Council prior to the release of the Construction Certificate;
  - (5) That the proposed first floor extension shall match the setback of the first floor at No.53 Waterloo Street. Details shall be indicated as such on the plans submitted with the Construction Certificate;

- (6) That the rear skillion shall be constructed in timber joinery and the roof materials shall match the existing roof materials, to be detailed in the amended plans to be submitted with the Construction Certificate;
- (7) That the proposed southern door of the storage shed providing access to the existing Right of Way shall be allowable only subject to provision of proof of legal access to the Right of Way to Council. Details indicating such shall be provided to Council prior to the release of the Construction Certificate;
- (8) That the proposed storage shed at the rear have a maximum height of 2.4m from natural ground level. Details indicating such shall be provided prior to the release of the Construction Certificate;
- (9) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$180, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (10) That all relevant sections of the BCA shall be complied with;

-and the following adopted standard conditions:

- (11) 117 – Matching Brickwork;
- (12) 119 – Wooden Windows and Doors;
- (13) 3029 – Obstruction of Public Way;
- (14) 3032 – Delivery of Construction Materials;
- (15) 6002 – Refuse Skips;
- (16) 7023 - Ventilation;
- (17) 9002 – Survey Certificate at Completion;
- (18) 9008 – Approval Based on Structural Certificate (Zoltan Ondi, dated 6.8.99);

- (19) 9012 – Drainage Approval Certificate (Zoltan Ondi, dated 6.8.99);
- (20) 9151 – Construction Hours
- (21) 9152 – Works within Boundary;
- (22) 9156 – Building/Demolition Noise Control;
- (23) 9157 – Maintain Existing Building in a Stable Condition;
- (24) 9159 – Works to be within Allotment Boundaries;
- (25) 9160 – Excavation and Backfilling;
- (26) 9201 – Timber Framing to Comply with Australian Standard or Certified;
- (27) 9204 – Protection from Termites;
- (28) 9323 – Protection of External Walls;
- (29) 9325 – Sarking Material Flammability Index;
- (30) 9326 – Protection of Roof Lights;
- (31) 9523 – Smoke Alarms;
- (32) 9602 – Protection of Walls and Floors in Wet Areas;
- (33) 9604 – Clothes Washing, Drying and Cooking Facilities;
- (34) 9605 – Damp and Weatherproofing;
- (35) 9624 – Construction of External Walls for Dampness;
- (36) 9625 – Flashing to Boundary Walls;
- (37) 9613 – Natural Light and Ventilation
- (38) 9103 – Single Dwelling Occupation Only
- (39) 9107 – Repair to Party Wall;
- (40) 9108 – Walls Not to be Built as Party Walls unless Consent Obtained;



- (41) That the wall along the eastern property boundary shall be treated with a waterproof membrane up to a height of one metre and that the same treatment shall be applied to the exposed wall of the outbuilding located on No.57, Waterloo Street;
- (42) That the demolition of the outbuilding on the subject site be carried out in such a manner so as to protect the adjoining outbuilding structure and that the applicant make good the wall of the adjoining outbuilding (of No.57 Waterloo Street) upon completion of the demolition of the subject outbuilding;

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

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

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if 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 or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

Carried.

**7.**

**CLEVELAND STREET, NO. 201, REDFERN - ALTERATIONS AND ADDITIONS, COMMERCIAL/RESIDENTIAL - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01295)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Currency Press P/L with the authority of same (as owner) for permission to carry out alterations and additions to the building for the purposes of offices and an additional residence 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 \$7500 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 \$1000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) As a consequence of this development , Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1997, the following monetary contributions towards the cost of providing facilities and amenities are required:

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$2,256	2E97001.BGYO
Open Space/Townscape/and Public Domain	\$ 678	2E97002 BGYO
Accessibility and Transport	\$ 8	2E97006 BGYO
Management	\$ 34	2E97007 BGYO
<b>Total</b>	<b>\$2,976</b>	

The above must be paid to the Council in cash or by unendorsed bank cheque, before issuing a Construction Certificate.

Details about the contribution, including how it is determined, adjustments for CPI and works in kind can be found in the Contributions Plan (available at the Council, 140 Joynton Avenue,

Zetland). No works will be offset against the required monetary contribution without the prior written consent of the Director of Planning and Building or the Director of Public Works and Services;

- (4) That the development shall be generally in accordance with plans numbered DA01-DA05 as amended by plans dated 29 July 1999 and as annotated in red to portray opaque glass to the new window on the eastern elevation and opaque glass to the lower half of the new openings of the doors adjacent to the dining room on the second floor;
- (5) That the hours of operation shall be restricted to between 8.00 a.m. to 7.00 p.m. Mondays to Saturdays only for the office component;
- (6) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.19:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;
- (7) That the new windows and doors in the rear elevation shall be constructed in timber joinery;
- (8) That a maximum of 5 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (9) That the western stairway shall be fire isolated and redesigned to comply fully with the requirements of Parts C and D of the BCA with specific attention directed to Clause D.1.7 of the BCA or alternatively;
- (10) That a sprinkler system to comply with the requirements of AS.2118 shall be installed throughout the premises;
- (11) That ceilings beneath any existing timber floor of the premises shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (12) That the premises including all internal rooms not provided adequate natural ventilation shall be ventilated in accordance

with the requirements of the Building Code of Australia and Council's Ventilation Code;

- (13) 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);
- (14) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (15) 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;
- (16) That garbage and recycling rooms shall be constructed in accordance within the premises in accordance with the requirements of Council's Waste Management/ Minimisation Fact Sheets;
- (17) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;
- (18) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (19) 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";
- (20) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (21) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (22) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the

Occupational Health and Safety (Asbestos Dust) Regulation  
1984;

-and the following standard conditions\*

113, 114, 117, 118, 124, 2001, 5006, 1008, 1016, 3001, 3029, 3032,  
6002, 9151, 9152, 7008, 9104, 9155, 9105, 9001, 9002, 9006, 9156,  
9163, 9013, 9201, 9202, 9203, 9307, 9315, 9311, 9313, 9330, 9314,  
9418, 9421, 9430, 9608, 9615, 9616, 9623, 9603, 9501, 9506, 9507,  
9518, 9519, 9522,

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

NOTE 1:

That the applicant should be advised that any requirement of the Sydney Water Corporation Ltd for connections to sewer are to be complied with fully to that Corporation's satisfaction. The Wastewater Source Control Branch may be contacted at Plaza Level, the Interchange Building, 432 Victoria Avenue, Chatswood, 2067 by telephone on 9553 0387 or by facsimile transmission on 9552 0382.

NOTE 2:

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

NOTE 3:

That the excavated material, construction supplies and on-site debris be stock-piled within the property and not encroach upon the footpath, nature strip or road.

NOTE 4:

That any fill being brought on to the site being compatible with soil already on the site.

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

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

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

Carried.

8.

**MARSDEN ROAD, NOS. 2 - 8, CAMPERDOWN - DEMOLITION OF EXISTING FACTORY BUILDING AND ERECTION OF 6 NEW DWELLINGS - DEVELOPMENT APPLICATION - (CONTRIBUTION INCLUDED IN CONSENT) (U99-00703)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by CESSTOW Pty Ltd, with the authority of the owners Stead & Baker Engineering Pty Ltd for permission to demolish the existing industrial buildings and erect 6 new dwellings, 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 \$8,700 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment 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 \$1,800 or, first installment (as applicable) can be paid to the Council;
  - (3) That the development shall be generally in accordance with plans numbered DA-01A and DA.02A dated June 1999, except where amended by conditions of consent;

- (4) That a separate development application shall be lodged for the specific non-residential use of any of the dwellings or part thereof;
- (5) That the proposed garage doors shall be replaced with either timber or powder coated aluminium framed bi fold doors. Details shall be submitted for approval prior to the release of the Construction Certificate;
- (6) That solar hot water heating shall be provided in accordance with the requirements of DCP 1997 – Urban Design;
- (7) That an Environmental Site Assessment (Land 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 No.55). The assessment will be required to assess potential risk posed by contaminants to health and environment and contain sufficient information to develop a remedial action plan if required. The assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit at any stage of the investigatory and/or redemption process;

NOTE: That where remediation is required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning and Assessment Act 1979 and the provisions of SEPP No.55.

- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1668.1 and 2;
- (9) That the storage and handling of garbage shall comply with the requirements of Council's "Waste Minimisation Fact Sheets";
- (10) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or accredited certifier for approval prior to the issue of a Construction Certificate or Occupation Certificate:
  - (i) all proposed mechanical ventilation systems;
  - (ii) all required mechanical ventilation systems;
- (11) That the use of the premises shall not give rise to:

- (a) transmission of "offensive noise" to any place of different occupancy and;
- (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 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);

## (12) 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 Program	\$ 2,939	2E97003.BGY0
Open Space: New Parks	\$15,177	2E97009.BGY0
Accessibility And Transport	\$ 89	2E97006.BGY0
Management	\$ 213	2E97007.BGY0
<b>Total</b>	<b>\$18,418</b>	

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.

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

where:



C is the original contribution amount as shown above;  
 $CPI_2$  is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 $CPI_1$  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 lodgment of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

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;

- (13) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Multi-Function Administration Centre	\$5193	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 / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

-and the following standard conditions\*

116, 118, 122, 123, 124, 5008, 8503, 8505, 8507, 8506, 8508, 8509, 9104, 9155, 9156, 9158, 9160, 9161, 9162, 9105, 9163, 9001, 9002, 1016, 3026, 3028, 3029, 4001, 6002, 9151, 9152, 9154.

**\*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, including adverse effects relating to the emission of noise and vibration, and would not be in the public interest.

NOTE 1. That the applicant be advised that they may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

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

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

Carried.

9.

**CALDWELL STREET, NO. 38, DARLINGHURST - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE - DEVELOPMENT APPLICATION (U99-00575)**

At this stage the Mayor, prior to this matter being determined, informed the Council that Council's Director of Organisational Development had objected to this application as a resident of South Sydney Council and also being the immediate neighbour to the owner of the property. The Mayor indicated that

Mr. Chaffe had a right to object and informed Council that Mr. Chaffe will not take part in any decision making on the matter.

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to development application U99-00575 submitted by Thomas Rivard with the authority of the owner Jill Van Vucht, for permission to carry out alterations and additions to an existing terrace house involving multiple storey additions to the front and rear of the premises, at No. 38 Caldwell Street, Darlinghurst, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with the Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. The deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to the collection of the approved plans and specification, 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 \$300, or first instalment (as applicable), can be paid to the Council;
  - (3) That the development shall be generally in accordance with the application, accompanying, unnumbered amended plans dated September 1999, and Statement of Environmental Effects dated June 1999;
  - (4) That details of materials shall be submitted (coloured elevations to an appropriate scale) including proposed materials, colours and finishes with the application for a Construction Certificate, in respect of the following :
    - (a) external finishes to walls;
    - (b) roofing;
    - (c) windows and doors;
    - (d) balustrades;

- (5) That the external face of the side wall of the study on Level 1 shall be set back 1.3 metres from the north-western boundary of the site to align with the external wall face of the adjoining bathroom;
- (6) That the terrace on level 2 shall be reduced in size so that it does not extend more than 1.2m beyond the rear alignment of the bathroom, secured with an appropriate balustrade and with the remainder of the roof made non trafficable. The terrace shall be provided with a privacy screen, along its north-western side. Details shall be submitted with the application for a Construction Certificate;
- (7) That details of the privacy screens to the terrace on Level 2 shall be submitted with the application for a Construction Certificate;
- (8) That all new glazing to the north-western wall to be in obscured glass where it extends above the top of the adjoining side fence;
- (9) That the Caldwell Street facade incorporate a solid masonry parapet with a decorative coping, or the like, to emphasise the stepping down of the building facade, and details of the parapet shall be submitted with the application for a Construction Certificate;
- (10) That the new and reinstated balconies on Level 1 of the Caldwell Street elevation shall incorporate metal balustrades with vertical balusters;
- (11) That all external building materials and finishes shall have a reflectivity value not exceeding 20%;

-and the following adopted standard conditions:

- (12) Lapse after 2 years <sup>102</sup>
- (13) Obstruction of Public Way <sup>3029</sup>
- (14) Delivery of Construction Materials <sup>3032</sup>
- (15) Stormwater Standard <sup>4001</sup>
- (16) Clean Water Discharge <sup>4002</sup>
- (17) Refuse Skips <sup>6002</sup>
- (18) Ventilation <sup>7023</sup>

- (19) Noise and Vibration <sup>7026</sup>
- (20) Soil and Sedimentation Note <sup>7069</sup>
- (21) Sewer Discharge <sup>8004</sup>
- (22) Support for Neighbouring Buildings <sup>8506</sup>
- (23) Survey Certificate at Set Out Stage <sup>9001</sup>
- (24) Survey Certificate at Completion <sup>9002</sup>
- (25) Structural Design Certificate <sup>9006</sup>
- (26) Drainage Details with Construction Certificate <sup>9013</sup>
- (27) Stormwater Design Certificate <sup>9015</sup>
- (28) Comply With BCA <sup>9104</sup>
- (29) Single Dwelling Occupation Only <sup>9103</sup>
- (30) Construction Hours <sup>9151</sup>
- (31) Works Within Boundary <sup>9152</sup>
- (32) Construction Certificate Required <sup>9155</sup>
- (33) Building/Demolition Noise Control <sup>9156</sup>
- (34) Demolition to Comply with Aust Standard <sup>9163</sup>
- (35) Timber framing to Comply with Aust Standard or Certified <sup>9201</sup>
- (36) Commencement of Structural Works <sup>9202</sup>
- (37) Protection from Termites <sup>9203</sup>
- (38) Protection of External Walls <sup>9323</sup>
- (39) Glazing Provisions <sup>9330</sup>
- (40) Stairs and Balustrades <sup>9419</sup>
- (41) Smoke alarms <sup>9523</sup>

- (42) Protection of walls and floors in wet areas <sup>9602</sup>
  - (43) Clothes washing, drying and cooking facilities <sup>9604</sup>
  - (44) Damp and weather proofing <sup>9605</sup>
  - (45) Ceiling heights of rooms <sup>9611</sup>
  - (46) Natural light and Ventilation <sup>9614</sup>
  - (47) Floor Wastes <sup>9622</sup>
  - (48) Construction of External Walls for Dampness <sup>9624</sup>
- (B) That the persons who made representations in respect of the development application be advised of Council's decision.

Carried.

**10.**

**REGENT STREET, NO. 30, PADDINGTON - ALTERATIONS AND ADDITIONS INVOLVING SINGLE STOREY REAR EXTENSION AND NEW REAR DORMER BALCONY - DEVELOPMENT APPLICATION (U99-00859)**

That the development application submitted by Mr Timothy Spooner with the authority of Mr M Bayliss and Ms C Wild, for permission to carry out alterations and additions involving a single rear extension of the kitchen and rear dormer balcony be deferred to the meeting of the Planning and Development Committee to be held on 1 December 1999, as requested by the applicant in fax dated 28 October 1999.

Carried.

**11.**

**WILSON STREET, NO. 186, NEWTOWN - DEMOLISH EXISTING DWELLING AND ERECT 4 TOWN HOUSES - DEVELOPMENT APPLICATION (U99-00388)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That the application submitted by Evan Lee P/L for permission to demolish the existing residence and erect four two storey dwellings be withdrawn as requested by the applicant prior to the Council meeting.

Carried.

12.

**KING STREET, NO. 131, NEWTOWN - REAR ADDITIONS TO SHOP AND USE FIRST FLOOR FOR RESIDENTIAL FLAT - DEVELOPMENT APPLICATION (U99-00904)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr S Hookway with the authority of the Art of Stone Pty Ltd, for permission to construct ground floor and first floor additions to a terrace, 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 \$675 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That the development shall be generally in accordance with plans numbered A1, A2, A3, A4, A5 and dated 8 August 1999; and plans numbered 00804/99 and dated 30 August 1999;
  - (3) That the existing shop front be retained;
  - (4) That details of the proposed privacy screen shall be submitted to Council or the certifying authority for approval prior to the release of the construction certificate;
  - (5) That the boundary wall of the light well adjacent to the deck shall not exceed 2.3 metres in height;
  - (6) That the store room window shall be constructed of obscure glass;



(7) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the BCA;

-and the following adopted standard conditions:

(8) 2001 - Separate Application for Signs.

(9) 7016 - Sanitary Facilities.

(10) 3029 - Obstruction of Public Way.

(11) 3032 - Delivery of Construction Vehicles.

(12) 9151 - Construction Hours.

(13) 9152 - Works Within Boundary

(14) 8501 - Compliance with Building Code of Australia.

(15) 8503 - Residential Building Work.

(16) 8506 - Support for Neighbouring Buildings.

(17) 9001 - Survey Certificate at Set Out Stage.

(18) 9002 - Survey Certificate at Completion.

(19) 9006 - Structural Design Certificate.

(20) 9013 - Drainage Details with Construction Certificate.

(21) 9101 - Issue of Occupation Certificate.

(22) 9104 - Comply with BCA.

(23) 9110 - Notification of Contractors License Details (*Change 79H to 78C*)

(24) 9155 - Construction Certificate Required.

(25) 9156 - Building/Demolition Noise Control.

(26) 9157 - Maintain Existing Building in a Stable Condition.

(27) 8506 - Support for Neighbouring Buildings.

- (28) 9158 - Excavating Below Base of Footings.
- (29) 9159 - Works to be Within Allotment Boundaries.
- (30) 9163 - Demolition to Comply With Aust Standard.
- (31) 9201 - Timber Framing to Comply with Aust Standard or Certified.
- (32) 9204 - Protection from Termites.
- (33) 9319 - Type of Construction (B),(4).
- (34) 9320 - Incipient Ceilings Below a Roof.
- (35) 9330 - Glazing Provisions.
- (36) 9420 - Private Stairs and Balustrade Requirements.
- (37) 9501 - Portable Fire Extinguishers be Installed.
- (38) 9523 - Smoke Alarms.
- (39) 9601 - Protection of walls and floors in wet areas.
- (40) 9603 - Clothes washing and drying facilities.
- (41) 9616 - Mechanical ventilation to internal bathrooms and laundries.
- (42) 9623 - Construction of External Walls for Dampness.
- (43) 9625 - Flashings to Boundary Walls.
- (44) That no garbage or industrial waste shall be placed on the public way (eg footpath, roadways, plazas, reserves etc) at any time;
- (45) 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);

- (46) That a separate garbage/recycling storage area for commercial use shall be provided, details in the application for a construction certificate;
  - (47) That the garbage/recycling storage area shall be located at the street level in a position that can access a kerbside collection service, to be detailed in the application of a construction certificate;
  - (48) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
  - (49) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**13.**

**WATERLOO STREET, NOS. 16 - 18, SURRY HILLS - ERECT EIGHT STOREY RESIDENTIAL BUILDING - SECTION 96 MODIFICATION - DEVELOPMENT APPLICATION (U97-00721)**

That the Section 96 modification submitted by Peter Duffield, with the authority of Hepner Holdings Pty Ltd (owner), for permission to vary a consent granted to "Demolish the existing structure and erect a nine storey mixed use development containing 15 x 2 bedroom units and a ground level commercial tenancy" by deleting the basement car parking area subject, be deferred for a further report specifying the constraints of the site in relation to the building of a car park.

At the request of Councillor Harcourt the motion was amended by the deferment of the application to read "be deferred to the next Planning and Development Committee meeting to be held on 17 November 1999".

Motion, as amended by consent.

14.

**STIRLING STREET, NO. 7, REDFERN - CONVERT EXISTING WAREHOUSE TO RESIDENTIAL BUILDING - DEVELOPMENT APPLICATION (U99-00226)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

That the application submitted by Francis Chocolates Pty Ltd (Owner), for permission to undertake alterations and additions to the existing building for conversion to a residential flat building containing 22 x 2 and 2 x 1 bedroom units, be withdrawn as requested by the applicant in letter dated 3 November 1999, as detailed in the report by the Director of Planning and Building dated 10 November 1999.

Carried.

15.

**ST JOHN STREET, NO. 11, NEWTOWN - ALTERATIONS AND ADDITIONS COMPRISING AN ATTIC EXTENSION, NEW FIRST FLOOR JULIET BALCONY, NEW GROUND FLOOR BRICK WALL AND `NEW TIMBER SLIDING DOOR - DEVELOPMENT APPLICATION (U99-00711)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Patrick Brookes, with the authority of Mr G Dennett & Mr L McCallum for permission to make alterations and additions comprising an attic extension, new first floor juliet balcony, new ground floor brick wall and new timber sliding door, 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 the development shall be generally in accordance with the plans numbered WD-01 to WD-06, dated 2 July 1999 received with this development application, altered in red and modified by conditions contained in this consent;
- (3) That a horizontal slat screen and fin wall be provided along the western side of the attic level and as well as deletion of translucent glass along the lower panels in accordance with amended plans lodged on 1 November 1999;
- (4) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:

- (a) external finishes to walls;
- (b) roofing;
- (c) balcony treatment;
- (d) proposed fences;
- (e) windows and doors;

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

- (5) That 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;
- (6) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;

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

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

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

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

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

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

- (8) 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;

- (9) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (10) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (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 a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (13) That all relevant sections of the BCA shall be complied with;
- (14) 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);
- (15) That all proposed work shall be wholly within the boundaries of the site;
- (16) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (17) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (18) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (19) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (20) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (21) 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;
- (22) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (23) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (24) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (25) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (26) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (27) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (28) That 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);



- (29) 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.

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if 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 or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council;

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

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

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

Carried.

16.

**BROADWAY, CITY ROAD AND PARRAMATTA ROAD - INSTALLATION OF ADVERTISING STRUCTURES - DEVELOPMENT APPLICATION (U99-00911)**

- (A) That the Council as the responsible authority:-
- (a) refuses its consent to part of development application U99-00911 submitted by South Sydney City Council, for permission to install

four general advertising structures on Parramatta Road and City Road adjacent to the northern and eastern boundaries, respectively, of Victoria Park;

- (b) grants deferred commencement consent to part of development application U99-00911 submitted by South Sydney City Council, for permission to install three general advertising structures on Broadway between Mountain Street and Wattle Street, Ultimo, and on the eastern side of City Road between Broadway and Cleveland Street, Chippendale, subject to the following conditions, namely:-
- (1) That the consent is not to operate until the applicant has satisfied Council that there are no available, satisfactory alternatives to installing stand-alone general advertising structures, including alternatives that increase the number of advertising panels on street furniture items approved under the consent granted by Council on 24 June, 1998 to DA U98-00295, and/or that, subject to the necessary approvals, involve installing additional street furniture items incorporating advertising panels;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$450 in the form of Cash or non-expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (3) That prior to issuing a Construction Certificate, it will be necessary to produce evidence of the payment 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 \$25 can be paid to the Council;
  - (4) That the development shall be generally in accordance with the application and the accompanying, undated and unnumbered plans received by Council on 19 August, 1999;
  - (5) That a maximum of two general advertising panels shall be displayed in each location;

- (6) That the general advertising structure located on Broadway, in the vicinity of Wattle Street, shall be relocated to a position further towards that street as approved by the Director of Planning and Building;
- (7) That details of the general advertising structures, including their materials, finishes and colours shall be submitted to the Director of Planning and Building for approval;
- (8) That locations of the general advertising structures shall not obscure motorists' views of traffic and road safety signs; and any relocation required as a result of this condition shall be approved by the Director of Planning and Building;

-and the following adopted standard conditions:

- (9) Lapse after 2 years <sup>101</sup>
- (10) Works on Public Way Cost <sup>1002</sup>
- (11) Paving <sup>1003</sup>
- (12) Alteration of Public Services <sup>1006</sup>
- (13) Limits on Signage <sup>2005</sup>
- (14) Road Opening Permit <sup>3025</sup>
- (15) Consequential Roadworks <sup>3027</sup>
- (16) Obstruction of Public Way <sup>3029</sup>
- (17) Delivery of Construction Materials <sup>3032</sup>
- (18) Preserve Existing Trees <sup>5006</sup>
- (19) Construction Hours <sup>9151</sup>

The reason for not granting consent, is :

Granting consent would be likely to have significant adverse visual impacts on Victoria Park, and adverse heritage impacts on the adjacent heritage item within the park.

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

Granting unconditional consent would be likely to affect existing streetscapes, including the adjacent heritage items.

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

Carried.

17.

**HOLDSWORTH STREET, NO. 2, NEWTOWN - NEW EXTENSION TO EXISTING TWO STOREY TERRACE INCLUDING NEW GARAGE WITH STUDIO ABOVE - DEVELOPMENT APPLICATION (U99-00876)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the development application submitted by Ms H Rewitzer, with the authority of Mrs R and Mr P Carter, for permission to erect a new extension to the existing two storey terrace including new garage with a studio above at 2 Holdsworth Street Newtown, be deferred to the next Planning and Development Committee meeting on 17 November 1999, to enable a legal opinion being sought on the appropriate mechanism by which the widening can be achieved.

Carried.

18.

**CROWN STREET, NO. 22, WOOLLOOMOOLOO - CHANGE OF USE FOR THE PURPOSES OF A BROTHEL (U99-00626)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority refuses to grant its consent to the development application submitted by Motivation Pty Ltd., with the authority of Pamela Burfield-Mills (Owner), for permission to change the use of the premises for the purpose of a brothel, for the following reasons, namely:-

- (1) That the development does not provide the requisite number of off-street parking facilities required in the South Sydney Draft Sex Industry Policy 1998 and South Sydney Development Control Plan No.11 - Transport Guidelines for Development 1996;
  - (2) That the hours of operation for the development and its use would adversely impact on the amenity of adjoining residential properties and the quality of the environment;
  - (3) That the number of sex workers on site is an intensive use that is not compatible with the generally residential character of the area after normal business hours;
  - (4) That the developer does not satisfy the health and sanitary requirements for brothels detailed in South Sydney Draft Sex Industry Policy 1998;
  - (5) That the proposal does not provide adequate safety and security for sex workers on site, as required and detailed in South Sydney Draft Sex Industry Policy 1998;
- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

It was moved as an amendment by Councillor Fenton, seconded by Councillor Fowler that the whole of the resolution be deleted to allow the applicant deferment of the application in order that she may be able to speak at the Committee Meeting of 17 November 1999.

Amendment negatived.

Motion carried.

**19.**

**CLISDELL STREET, NOS. 7 - 9 AND BRUMBY STREET, NOS. 16 - 22,  
SURRY HILLS - DEMOLISH 2 TERRACES AND REAR SECTION OF 4  
TERRACES AND ERECT RESIDENTIAL FLAT BUILDING - DEVELOPMENT  
APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00724)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Robert Creed, with the authority of Mrs Z Sophias for permission to demolish 2 terraces at Clisdell Street, and the rear section of terraces at Brumby Street, and to erect a residential flat building on the subject site, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details of the following matters which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate;
    - (a) Submission of further privacy screen details in accordance with Condition (5);
    - (b) Details of materials and colours in accordance with Condition (4);
    - (c) Dilapidation Report in accordance with Condition (26);
    - (d) Details of solar hot water heating or heat pump system in accordance with Conditions (6) and (7);
    - (e) Submission of payment to Council for public art project in accordance with Condition (10);
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$9000 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 \$2000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

(4) That further details shall be submitted, including materials proposed and colours of the same to Council in respect of the following aspects of the proposal:-

- (a) External finishes to walls
- (b) Roofing finishes
- (c) Balcony balustrade treatment

-and that the materials and colours shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;

(5) That appropriate privacy screening shall be established on the site so as to minimise impacts on neighbouring properties. Further details of the proposed privacy screens (including landscape screening) shall be lodged with Council which appropriately detail height, form, materials and location of the screening prior to the approval of the Construction Certificate. The details shall be to the satisfaction of the Director of Planning and Building;

(6) That a solar hot water system or heat pump system shall be established on site and shall accommodate all the hot water requirements of the residential population of the approved residential flat building. Details of which, including capacity of the system and location shall be lodged with Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;

(7) That details of the hot water system required by Condition (6) and submitted to Council shall be accompanied by a Statement by an accredited energy adviser that the proposed system is appropriate in terms of location and capacity and is able to serve the needs of the residential occupancy of the approved building;

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$ 2,296	2E97001.BGY0
Open Space/Townscape/Public		

Domain	\$11,540	2E97002.BGY0
Accessibility And Transport	\$ 69	2E97006.BGY0
Management	\$ 190	2E97007.BGY0

**Total** **\$14,095**

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the March Quarter 97/98 (Amend as applicable)

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

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



and will require security in the form of a bank guarantee for all approved works.

- (9) 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	\$3430	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 / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (10) In addition to the Section 94 Levy, the applicant shall dedicate to Council a sum of \$3000 towards the proposed installation and upgrading of artwork on the Clisdell Street, retaining wall and shall also carry out the public domain improvements shown on the submitted plans, subject to conditions (11) and (12) below;
- (11) That the proposed paving and works to the public way are subject to the further approval by Council's Department of Public Works and Services and Traffic committee and that an application shall

be made to Council prior to the approval of the Construction Certificate, further detailing the proposed paved area and proposed materials prior to the approval of the Construction Certificate;

- (12) That all costs associated with works to the public way, including public domain improvements arising from the development shall be fully borne by the applicant;
- (13) That the existing lots shall be consolidated into one single lot prior to the issuing an Occupation Certificate;
- (14) That any external glazing shall have a reflectivity not exceeding 20%;
- (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 a maximum of 12 spaces off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (17) That bicycle storage facilities shall be provided on the site in accordance with the requirements of Development Control Plan NO. 11;
- (18) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;

- (19) 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;
- (20) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;
- (21) That the minimum soil depth for planting on any slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth for mulch and a suitable waterproofing and drainage layer;
- (22) That the developer shall submit with the landscape plan an annual maintenance programme for landscaping on the site, which is to be supplied to the body corporate or building owner for ongoing maintenance of the site;
- (23) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (24) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (25) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (26) That a dilapidation report for the residential properties which immediately neighbour the subject site shall be prepared by a qualified engineer and shall be submitted to Council prior to the approval of the Construction Certificate;
- (27) That an Environmental Site Assessment (Land Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No. 55 (SEPP55). The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. The environmental site assessment will be

required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

NOTE: Where remediation if required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning and Assessment Act, 1979 and SEPP55;

- (28) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building code of Australia, part F2;
- (29) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (30) That the storage and handling of garbage shall be in accordance with the requirements of the Director of Health and Community Services. Attention is drawn to requirements of Council's "Waste/ Minimisation Fact sheets";
- (31) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (32) 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);

- (33) That effective measures be taken to control noise, dust and water pollution run-off from the site;
- (34) That appropriate arrangements shall be made for the storage, removal and disposal of rubbish and excavation and building debris to the satisfaction of Council and the Environment Protection Authority;
- (35) That methods of sediment control to prevent waste matter falling, descending, being blown or washed into Council's stormwater gullies for the duration of demolition, excavation and construction;
- (36) That drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down.
- (37) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997;
- (38) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or accredited certifier for approval prior to the issue of a Construction or Occupation Certificate;
  - (i) all proposed/required mechanical ventilation systems;
  - (ii) the garbage room

-shall be submitted and approved by Council or an accredited certifier before a "Construction Certificate" is issued.

**NOTE:**

The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Protection of the Environment Operations Act, 1997 and if the applicant's employees, agents or sub-contractors cause,

permit or allow sediment, including soil, excavated material, building materials, wastes, or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system, or waterways. The applicant shall ensure the applicant's employees, agents and sub-contractors adequately provide and satisfactorily maintain approved sediment control measures;

- (39) That all relevant sections of the BCA shall be complied with;
- (40) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (41) That the requirements of the Work Cover Authority shall be complied with;
- (42) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (43) That in accordance with the requirements of Clause 34 of the Local Government (Approvals) Regulation, 1993, a person excavating below the level of the base of the footings of a building on an adjoining allotment of land (includes a public road and any other public place) must comply with the following:-
- (44) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
  - all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (45) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (46) That the demolition work shall comply with Australian Standard 2601-1991;

- (47) The applicant shall not that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulation;
- (48) That the roller door at Clisdell Street shall be setback a minimum of 6 metres from the eastern boundary of the site;
- (49) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (50) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (51) That the applicant shall make a separate application to the Director of Public Works and Services for any paving on the public way (for approval under the Roads Act 1993). The applicant/owner shall complete the work wholly in accordance with the requirements of the Director of Public Works and Services (including responsibility for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance);
- (52) 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;
- (53) 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);
- (54) That ground or rock anchors shall be placed no closer than 2 metres from the surface level and shall be the subject of a positive covenant, to the satisfaction of the Director of Public Works and Services, with the terms of the positive covenant being approved

by the Council prior to the release of the occupation certificate;

- (55) 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;
- (56) 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);
- (57) 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;
- (58) 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;
- (59) 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;
- (60) 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;
- (61) 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;



- (62) 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;
- (63) 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);
- (64) 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);
- (65) That all proposed work shall be wholly within the boundaries of the site;
- (66) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (67) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (68) That the minimum soil depth for planting on any slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass.

These dimensions shall include 75mm depth for mulch and a suitable waterproofing and drainage layer;

- (69) That the developer shall submit with the landscape plan an annual maintenance programme for landscaping on the site, which is to be supplied to the body corporate or building owner for ongoing maintenance of the site;
  - (70) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

20.

**CARILLON AVENUE, NO. 90, NEWTOWN - PROPOSED DEVELOPMENT OF 346 UNITS FOR STUDENT ACCOMMODATION INCLUDING 4039 SQUARE METRES OF NON-RESIDENTIAL USES AND 48 ON-SITE CAR PARKING SPACES (U99-00320)**

(At the Committee meeting Councillor Bush, requested that his name be recorded as voting against the decision of the Committee)

(At the Council meeting Councillor Macken declared an interest in the Item and did not take part in discussions or voting)

- (A) That the matter be submitted to Council without recommendation so that a set of conditions can be drafted by the Director of Planning and Building.
- (B) That in drafting the above conditions they be then referred to the North Newtown Resident Action Group prior to the Council Meeting of 10 November 1999.

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

That the application be deferred to the next Planning and Development Committee meeting on 17 November 1999, to:-

- (1) allow the North Newtown Resident Action Group adequate time to respond to the draft set of conditions;
- (2) clarify with the Minister for Planning and Urban Affairs, his position on the application following his meeting with some residents on Friday 5 November 1999.
- (3) a letter being forwarded to the Minister as soon as possible regarding the above for a response to the matter by the Committee Meeting of 17 November 1999.

Motion, as amended by consent, carried.

At the request of Councillors Bush and Lay the Mayor requested that the plans for the application be made available for viewing at the Committee Meeting.

21.

**DARLINGHURST ROAD, NOS. 34 - 36A, KINGS CROSS - ALTERATIONS AND ADDITIONS INCLUDING DEMOLITION OF GROUND FLOOR FAÇADE - DEVELOPMENT APPLICATION (U99-00668)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Glowpace Pty Ltd (Owners) for permission to demolish part of the façade for the purposes of 6 new shops, 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 \$5250 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 a construction certificate, 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 \$700, or first instalment (as applicable), can be paid to the Council;

- (3) That the development shall be generally in accordance with the plans labelled "DA01-A", "DA02-A", "DA03-A", and "DA04-A" and changed marked in red, dated August 1999, stamped approved by Council, and held in Council's File U99-00668, except as conditioned below;
- (4) That the window opening to Shop 5 located between the entry door at corner of Darlinghurst Road and Roslyn Street and the entry door facing Roslyn Street shall be deleted;
- (5) That the easternmost doorway to Shop 6 on the Roslyn Street façade shall be no wider than 1.4 metres;
- (6) That the shopfront for Shop 1 shall not be recessed from the foot-path along Darlinghurst Road;
- (7) That Shop 1 shall be used only for the purposes of an automatic teller machine or similar vending machine;
- (8) That separate development applications shall be lodged for the specific uses contained within Shop 2, Shop 3, Shop 4, Shop 5, and Shop 6;
- (9) That the awning shall be redesigned to accommodate the existing tree on Darlinghurst Road;
- (10) That the all the underawning lightboxes shall comply with the definitions for lightbox signs in DCP No.7. Particular attention is requested to ensure that the distance between these signs on this site and elsewhere comply with this definition;
- (11) That the outdoor seating area shown on the plans shall be deleted. A request for outdoor seating shall be the subject of a separate application to be made to the Director of Public Works and Services;
- (12) That, should the development require the removal of any soil, then an archaeological assessment shall be completed prior to the commencement of works. If the assessment recommends it as necessary, an excavation permit shall be obtained from the NSW Heritage Council prior to the commencement of works;
- (13) That the proposed development shall allow disabled persons to access all levels and provide disabled sanitary facilities in accordance with the requirements of the BCA and relevant Australian Standards;

- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2;
- (15) That the storage and handling of garbage shall comply with the requirements of Council's "Waste/Minimisation Fact Sheets".
- (16) That each shop identified on that approved plans shall be designed and constructed with materials that will not give rise to:-
- (a) transmission of "offensive noise" to any place of different occupancy and
  - (b) a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{A10, 15min}$  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 recommended maximum noise level as modified to account for the existing level of stationary noise at the received premises (NSW, EPA Draft Stationary Noise Source Policy);
- (17) That the garbage room be redesigned in size so as to adequately store all trade waste and recycling material generated from the premises.

That each shop identified on the approved plans shall be designed and constructed with materials that will not give rise to comply with Council's condition as it relates to Licenced Premises. This condition is as follows:-

- (18) 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;
  - (b) sanitary facilities;
  - (c) the garbage room or garbage receptacle storage area;

- (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;
- (19) That the door on the mezzanine level to the fire stair (identified as "Existing Fire Stair") shall be locked from the inside of the existing fire-isolated stairway enclosure (identified on the plans as "Existing Stairs" to prevent re-entry to any other part of the building. Egress from the stair shall only be via the ground floor discharge point.
- (20) That the fire isolated passageway identified on the plans shall be clean and kept free from garbage buns and other obstructive items. The passageway shall be illuminated and be provided with an uninterrupted path of egress;
- (21) That all relevant details of fire safety order reference no 2005492 dated 9 November 1998 shall be complied with;
- (22) That the existing sprinkler installations shall be properly maintained and any alterations shall comply with the requirements of Australian Standard, AS2118;
- (23) That ventilation shall be provided to all habitable areas to comply with the requirements of clause F4.5 of the BCA;
- (24) That all internal bathrooms shall be mechanically ventilated in accordance with the requirements of clause F4.5 of the BCA;
- (25) That a garbage room for sole use by Shop 6 shall be constructed. Details shall be provided with the Construction Certificate;
- (26) That the staircase identified on the plans shall be replaced with a ramp having a gradient of no more than 1.5;

-and the following standard conditions:

- (27) Separate Application for Signs <sup>2001</sup>
- (28) Obstruction of Public Way <sup>3029</sup>
- (29) Delivery of Construction Materials <sup>3032</sup>
- (30) Refuse Skips <sup>6002</sup>
- (31) Storage/Garbage <sup>6009</sup>

- (32) Construction Noise <sup>7008</sup>
- (33) Sanitary Facilities <sup>7016</sup>
- (34) Fitout of Food Premises <sup>7020</sup>
- (35) Exhaust for Food <sup>7021</sup>
- (36) Air Handling – Food <sup>7022</sup>
- (37) Ventilation <sup>7023</sup>
- (38) Noise and Vibration <sup>7026</sup>
- (39) Filtered Mechanical Exhausts <sup>7032</sup>
- (40) Trade Waste <sup>7065</sup>
- (41) Number of toilets to be provided <sup>9608</sup>
- (42) Construction Hours <sup>9151</sup>
- (43) Works Within Boundary <sup>9152</sup>
- (44) Type of Construction <sup>9319</sup>
- (45) Glazing Provisions <sup>9330</sup>
- (46) Width of Stairs and Vertical Clearance <sup>9418</sup>
- (47) Exit Doors Installed in a Path of Travel to an Exit <sup>9421</sup>
- (48) Maintaining Unobstructed Access to Exits <sup>9426</sup>
- (49) Construction Certificate Required <sup>9155</sup>
- (50) Portable Fire Extinguishers be Installed <sup>9501</sup>
- (51) Smoke Control <sup>9512</sup>
- (52) Exit Signs <sup>9519</sup>
- (53) Directional Signs <sup>9520</sup>
- (54) Protection of walls and floors in wet areas <sup>9601</sup>

(55) Number of toilets to be provided <sup>9608</sup>

(56) Ceiling Heights <sup>9612</sup>

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

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

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

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

That the application be deferred to the next Planning and Development Committee on the matters raised regarding the tenancy of the building.

Amendment, negatived.

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

That the Development Application for the Backpackers on the site be submitted to Council.

Motion as amended by Councillor Fenton, carried.

Councillor Deftereos requested that her name be recorded as voting against the foregoing motion.

**22.**

**GORDON STREET, NO. 44, PADDINGTON - SECTION 96 MODIFICATION - EXTENSION AT REAR OF DWELLING - DEVELOPMENT APPLICATION (U98-01310)**

(A) That the Council, as responsible authority, grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Archivision, with the authority of S and A Matheson, for permission to vary the consent to "Demolish most of the building and erect a new two storey dwelling plus attic and construct a



pool, garage and roof garden” by “altering the height and length of a garage, increasing the width of a Juliet balcony, install skylights, and modify a dormer window” subject, inter alia, to the following conditions, namely:-

- (7) That the front dormer shall be redesigned to comply fully with DCP 1997 with vertical proportions of 1.5:1. Details shall be submitted with the Construction Certificate;
- (13) That the proposed garage shall be reduced in total length by 1.5m and the height of the boundary shall be reduced to a maximum of 2.4m above the natural ground level;
- (14) That the rear balconies shall be deleted from the proposal. One non-trafficable Juliet balcony extending no more than 300mm from the rear wall will be acceptable as a replacement at first floor level. Details shall be submitted with the Construction Certificate;

-arising from consideration of the application submitted by Archivision, it has been decided, pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, to modify the consent of 12 May 1999 only insofar as will provide for the following, namely:-

- (a) deletion of condition (13) and (14) and the insertion in lieu thereof of the following new conditions, namely:-
  - (13) That the garage shall be generally in accordance with the plans labelled A8367-AB, dated 9 October 1998, and stamped endorsed plans by Council;
  - (14) That the rear balconies shall be deleted from the proposal. Only one Juliet balcony shall extend no more than 900mm from the rear wall of the first floor level as shown in the plans labelled A8367-AB, dated 9 October 1998, and stamped endorsed plans by Council. Side privacy screens shall be extend along the balcony on the first floor level Juliet balcony to a height of 1.8 metres when measured from the balcony's deck;
- (b) the insertion of the following new condition, namely:-
  - (15) That the skylights shown on the plans labelled A8367-AB, dated 9 October 1998, and stamped endorsed plans by Council shall comply with the relevant sections of the Building Code of Australia;

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

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

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

Carried.

**23.**

**PRIMROSE AVENUE, NO. 52, ROSEBERY - CONSTRUCT HIP TILE ROOF AND UNAUTHORISED PERGOLA AND PLANTING STRUCTURES - DEVELOPMENT APPLICATION (U99-00902)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr. And Mrs. Freitas (owners), to construct a hip tile roof on the rear of 52 Primrose Avenue Rosebery, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300.00 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That the development shall be generally in accordance with plans numbered "A01" by Council and date stamped 18 August;
  - (3) That Council allow the unauthorised pergola/planting structure for the vine to remain subject to the structure projecting beyond the rear building alignment of No.50. Primrose Avenue being demolished and a certificate from a Structural Engineer being submitted for the remaining works The structures shall be demolished prior to the issuing of a Construction Certificate and

any recommendations of the Structural Engineer shall be complied with within two months of the date of this consent.

-and that following adopted standard conditions:

- (4) Comply With BCA<sup>9104</sup>
- (5) Construction Certificate Required<sup>9155</sup>
- (6) Comply With the WorkCover Authority<sup>9105</sup>
- (7) Drainage Details with Construction Certificate<sup>9013</sup>
- (8) Structural Design Certificate<sup>9006</sup>
- (9) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (10) Commencement of Structural Works<sup>9202</sup>
- (11) Smoke alarms<sup>9523</sup>
- (12) Obstruction of Public Way<sup>3029</sup>
- (13) Delivery of Construction Materials<sup>3032</sup>
- (14) Construction Hours<sup>9151</sup>
- (15) Works Within Boundary<sup>9152</sup>

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

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

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

Carried.

24.

**GORDON STREET, NO. 42, PADDINGTON - SECTION 96 MODIFICATION - ALTERATIONS AND ADDITIONS TO RESIDENTIAL DWELLING - DEVELOPMENT APPLICATION (U99-00187)**

- (A) That the Council as responsible authority grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Folk Lichtman and Associates, with the authority of I Gordon and D Vanderhoek, for permission to demolish most of the building and erect a new two storey dwelling plus attic and construct a pool, garage and roof garden subject, inter alia, to the following conditions, namely:-
- (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;
  - (8) That the masonry wall, planter box and courtyard behind the palisade fence shall be deleted;
  - (9) That the front palisade fence shall match the style height and design of the adjoining property at 40 Gordon Street;
  - (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;
  - (15) That the roof terrace over the garage shall be deleted and replaced with a non-trafficable roof;
  - (16) 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 300 mm from the rear wall will be acceptable as a replacement at the first floor level. Details shall be submitted with the Construction Certificate;
  - (17) That the rear dormer shall be modified to comply with Council's requirement 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;

-and standard conditions 1116

-Arising from consideration of your application, it has been decided, pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, to modify the consent of 9 June 1999 only insofar as will provide for the following:-

- (a) deletion of condition 18;
- (b) deletion of conditions (3), (14), (15) and standard condition 1116 and the insertion in lieu thereof of the following new conditions, namely:-
- (3) That the development shall be generally in accordance with the plans numbered DA01 and DA02, dated July 1999, DA01a dated April 1999, and DA03 dated July 1999, stamped approved by Council, and held in Council's file U99-00187, except as conditioned below;
- (14) That the roof deck above the garage shall be made non-trafficable except for a maintenance passage no wider than 1 metre and no deeper than 4 metres from the southern exterior wall face of the garage. The remainder of the garage roof shall consist of planter boxes;
- (15) That the rear first floor balcony and attic Juliet balconies shown in DA01a, DA01, and DA02 shall be deleted from the proposal and replaced with the Juliet balcony identified in plan DA03;

-and standard condition 1116 shall be replaced by standard condition 1016;

- (c) the retention of the following conditions as they apply to the site, namely, conditions 4, 7, 8, 9, 10, and 17

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.

25.

**PLANNING - TAYLOR SQUARE URBAN DESIGN PROJECT -  
ENDORSEMENT OF TAYLOR SQUARE URBAN DESIGN PROJECT  
PROGRESS REPORT, CHARETTE REPORT AND INTERIM PRINCIPLES  
PLAN (2021576)**

- (A) That Council to enable the expedient in completion of the Concept Masterplan and Development Control Plan, Council endorse the findings of the Taylor Square Urban Design Project Progress Report, Charette Report and Taylor Square Interim Principles Plan.

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

- (B) That the Council pursue the rezoning of land on Bourke Street at Taylor Square to open space as part of its next review of LEP 1998.

Motion, as amended by consent, carried.

26.

**PLANNING - GREEN SQUARE LEP AND DCP STAGE 1 DEFERRED AREA  
- BLOCK BOUNDED BY O'DEA AVENUE, SOUTH DOWLING, LACHLAN  
AND BOURKE STREETS, WATERLOO (2021796)**

That Council:-

- (a) adopt the Draft South Sydney Local Environmental Plan 1998 (Amendment No.7) – Green Square included in Attachment 1, and that the plan be referred to the Secretary of the Department of Urban Affairs and Planning in accordance with Section 68 of the Environmental Planning and Assessment Act 1979;
- (b) adopt the amendments to Green Square Development Control Plan – Amendment to South Sydney DCP 1997: Urban Design included in Attachment 2, and give public notice of the amendment;
- (c) advise those persons who made submissions of Council's decision.

(DPB Report 28.10.99)

Carried.

27.

**RENWICK STREET, NOS. 25 - 31, REDFERN - CONVERT COMMERCIAL BUILDING TO RESIDENTIAL UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00494)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Woodhouse & Danks Pty Ltd, with the authority of Pyramid Pacific and Arongi Pty Ltd (owners) to undertake alterations and additions to the existing building for use as a residential flat building containing five open-plan units subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$5,160 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 \$688, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the proposal is generally in accordance with the approved plans contained on file marked "9936-DA01B", dated May 1999 and June 1999 and submitted to Council on 19 October 1999 and 22 October 1999, except as modified by the following conditions of consent;
  - (4) That the developer demonstrates that the proposed dwellings would not receive noise in excess of noise levels specified in Australian Standard 2107 originating from the nearby railway line prior to any Construction Certificate for the proposed development being granted;

## (5) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space: LGA Works Programme	\$1,709	2E97003.BGY0
Open Space: New Parks	\$8,753	2E97009.BGY0
Accessibility And Transport	\$ 51	2E97006.BGY0
Management	\$ 128	2E97007.BGY0
<b>Total</b>	<b>\$10,641</b>	

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.

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - September Quarter 1999.

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.

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

1979, and South Sydney City Council Section 94 Contributions Plan – 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	\$2,879	2E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

- (7) That the location of the proposed garbage rooms is amended so that it is to the rear of the off-street car parking spaces;
- (8) That all relevant sections of the BCA shall be complied with;
- (9) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (10) That the requirements of the Work Cover Authority shall be complied with;

- (11) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (12) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (15) 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;
- (16) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (17) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (18) 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;
- (19) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (20) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (21) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (22) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

- (23) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
- (24) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (25) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (26) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (27) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (28) 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 F1.4 of the BCA;
- (29) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (30) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (31) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (32) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (33) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;

- (34) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (35) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (36) 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;
- (37) That the doorway to the garage from the entry gallery shall be protected by a self closing -/60/30 fire door;
- (38) That specific attention is directed to "type A" construction and protection of openings in external walls as required under Part C of the Building Code of Australia;
- (39) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the Building Code of Australia;
- (40) 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;
- (41) 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;
- (42) 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;
- (43) 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;

- (44) 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;
- (45) 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;
- (46) 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);
- (47) 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);
- (48) That all proposed work shall be wholly within the boundaries of the site;
- (49) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (50) That an Environmental Site Assessment (Land Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No. 55 (SEPP55). The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. The environmental site assessment will be

required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

NOTE: Where remediation if required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning and Assessment Act, 1979 and SEPP55;

- (51) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (52) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (53) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (54) That the storage and handling of waste shall be generally in accordance with Council's Waste Minimisation Fact Sheets;
- (55) 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);

- (55) That effective measures are taken to control noise, dust and water pollution run off from the site;
- (56) That appropriate arrangements are made for the storage, removal and disposal of rubbish and excavation and building debris to the satisfaction of Council and the Environmental Protection Authority;
- (57) Methods of sediment control to prevent waste matter falling, descending, being blown or washed into Council's stormwater drainage system being provided, installed and maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them from sediment. Matter is not to be washed down;
- (58) That all driveways of the premises being effectively bunded within the premises to prevent the runoff of surface water to Council's stormwater system.

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

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

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

Carried.

28.

**RIDGE STREET, NO. 5, SURRY HILLS - ALTERATIONS AND ADDITIONS TO RESIDENTIAL TERRACE - SECTION 96 MODIFICATION (U99-00104)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council as the responsible authority grants its consent to the Section 96 Modification submitted by Mr. Fernando Espinos for



permission to vary the consent dated 9 August 1999, for alterations and additions to the residential terrace subject, inter alia, subject to the following conditions, namely:-

- (5) That the form of the roof to the rear wing shall be maintained including its overall height and angle of pitch. Details in this regard shall be submitted with the Construction Certificate.
- (6) That the proposed first floor balcony at the rear shall be deleted and may be replaced with a Juliet balcony no more than 500mm in width and 1.6m in length, and either inward opening French doors or a pair of outward opening bi-fold doors.

Only insofar as will provide for the deletion of the abovementioned conditions and the insertion in lieu thereof of the following new condition:-

- (5) That the north-south pitch of the roof of the proposed rear addition shall be amended so as to slope in an east-west direction with a height and pitch to match the existing rear extension. Details to be indicated on plans submitted with the Construction Certificate.
- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

**29.**

**CHARLES STREET, NO. 80, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO A TERRACE DWELLING - DEVELOPMENT APPLICATION (U99-00740)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr Phillip Raymond Diment (Architect), for permission to demolish the existing rear skillion section and erection of a two storey addition at the rear of the existing semi-detached dwelling house and erection of a carport at 80 Charles 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 \$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 \$260 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 9908, 01, 02, dated June 1999 and as amended in red to reflect the following alterations:
  - Reduce the rear first floor balcony length by 0.5 metre from the northern boundary and provide a side privacy screen on the northern elevation
  - Delete the side windows from the attic room and redesign the attic roof from a curved design to a traditional flat skillion roof
  - Alter the location of the carport to be in line with the front wall of the terrace
  - Alter the materials of the carport so that the framework and posts be timber with a colourbond roof
  - Alter the front ground floor window to match the twin vertical proportioned windows of the adjoining terrace at No. 82 Charles Street
- (4) That the exposed external walls shall be rendered, bagged or painted, and shall be detailed in the application for a construction certificate (and work done prior to issuing an Occupation Certificate);
- (5) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 0.8:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;
- (6) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;

- (7) That the new windows and doors in the rear elevation shall be constructed in timber joinery;
- (8) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) 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);
- (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 all proposed work shall be wholly within the boundaries of the site;

- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (16) 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;
- (17) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (18) That refrigerated chambers, strong rooms and vaults shall be provided with adequate safety measures to facilitate escape and for the alerting of persons outside the chamber or vault, and:
  - (a) in the case of refrigerated chambers:
    - (i) A door which can be opened at all times from inside without a key; and
    - (ii) An approved alarm device located outside, but controllable only from within the chamber.
  - (b) in the case of strong rooms, vaults etc:
    - (i) Internal lighting controllable only from within the room;
    - (ii) A pilot light located outside the room, but controllable only by the switch for the internal lighting referred to in Paragraph (a);
    - (iii) An approved alarm device located outside, but controllable only from within the room.
- (19) That all relevant sections of the BCA shall be complied with;
- (20) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (21) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;

- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) 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;
- (24) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (25) That all proposed work shall be wholly within the boundaries of the site;
- (26) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (27) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (28) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (29) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (30) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (31) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (32) That the demolition work shall comply with Australian Standard 2601-1991;
- (33) 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;

- (34) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (35) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
  - (a) Physical barriers in accordance with AS 1694
  - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (36) 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;
- (37) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (38) 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;
- (39) 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;
- (40) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (41) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (42) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (43) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;

- (44) 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;

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.

**30.**

**OXFORD STREET, NO. 1020, PADDINGTON - ERECTION OF TWO STOREY RETAIL BUILDING AND LAND SUBDIVISION - DEVELOPMENT APPLICATION (U99-00864)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council as the responsible authority grants its deferred commencement consent to the development application submitted by Contract Properties P/L, with the authority of Sydney Water, for permission to demolish the existing buildings, erect a two storey building for retail purposes and associated land subdivision, subject to the following conditions, namely:-

**Part 1**

- (1) That this deferred commencement consent, pursuant to S.80(3) of the Environmental Planning and Assessment Act, 1979, shall not operate until the following amendments have been made to the satisfaction of the Director of Planning and Building:
- (a) that the glazing of the central and corner elements on the first floor shall be vertically proportioned
  - (b) that the proposed colour scheme for the building shall be submitted.

This information shall be submitted within three (3) months of the endorsement date of this consent;

## Part 2

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$13,500 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 \$5,000, 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	\$1,752	2E97003.BGY0
Open Space: New Parks	\$7,473	2E97009.BGY0
Accessibility And Transport Management	\$ 50	2E97006.BGY0
	\$ 245	2E97007.BGY0
Total	\$9,520	

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.

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - September Quarter 1999.

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 the development shall be generally in accordance with plans numbered DA2E and 3E dated 8 November 1999, 6D dated 6 November 1999, 7C dated 19 October 1999 and DA5B dated 5 August 1999 and stamped "approved", as amended by conditions of this consent with such amendments being indicated in red on the approved plans;
- (5) That the recommendations of the Historical Archaeological Assessment, prepared by Damaris Bairstow dated July 1999, and the Geotechnical Report, prepared by Douglas Partners dated July 1999, relevant to the approved plans shall be complied with;
- (6) That a dilapidation survey shall be carried out on the adjacent Reservoir and submitted to Council;
- (7) That the hours of operation shall be restricted to between 8:30 a.m. and 7.00 p.m. Mondays to Wednesdays and Fridays to Sundays and 8.30 a.m. and 9.00 a.m. Thursdays;
- (8) That application shall be made to Council's Local Traffic Committee for the proposed on street loading zone with full costs to be borne by the applicant;

- (9) That the garbage room shall be constructed in accordance with Council's Waste/Minimisation Fact Sheet;
- (10) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
  - (a) all proposed mechanical ventilation systems
  - (b) the garbage room
- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2;

and the following adopted standard conditions: -

- (12) Street Number Application<sup>123</sup>
- (13) Works on Public Way Cost<sup>1002</sup>
- (14) Paving<sup>1003</sup>
- (15) Builders Hoarding Permit<sup>1008</sup>
- (16) Alignment Levels<sup>1016</sup>
- (17) Underground Support<sup>1017</sup>
- (18) Separate Application for Signs<sup>2001</sup>
- (19) Obstruction of Public Way<sup>3029</sup>
- (20) Obstruction of Public Way<sup>3029</sup>
- (21) Delivery of Construction Materials<sup>3032</sup>
- (22) Stormwater Standard<sup>4001</sup>
- (23) Clean Water Discharge<sup>4002</sup>
- (24) Connection to Council's Stormwater System<sup>4005</sup>
- (25) Landscape Plan<sup>5001</sup>
- (26) Tree Preservation Order<sup>5005</sup>

- (27) Street Trees<sup>5008</sup>
- (28) Maintenance of Landscaping<sup>5014</sup>
- (29) Final Inspection<sup>5015</sup>
- (30) Refuse Skips<sup>6002</sup>
- (31) Commercial Garbage Contract<sup>6003</sup>
- (32) Construction Noise<sup>7008</sup>
- (33) Sanitary Facilities<sup>7016</sup>
- (34) Contamination Assessment<sup>7018</sup>
- (35) Noise<sup>7028</sup>
- (36) Hazardous and Industrial Waste<sup>7066</sup>
- (37) Drainage Design Certificate<sup>9011</sup>
- (38) Comply With BCA<sup>9104</sup>
- (39) Comply With the WorkCover Authority<sup>9105</sup>
- (40) Construction Hours<sup>9151</sup>
- (41) Works Within Boundary<sup>9152</sup>
- (42) Work on Public Way<sup>9154</sup>
- (43) Construction Certificate Required<sup>9155</sup>
- (44) Building/Demolition Noise Control<sup>9156</sup>
- (45) Excavating Below Base of Footings<sup>9158</sup>
- (46) Excavations and Backfilling<sup>9160</sup>
- (47) Excavations and Backfilling Safely<sup>9161</sup>
- (48) Guarding of Excavations<sup>9162</sup>
- (49) Demolition to Comply With Aust Standard<sup>9163</sup>

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That after deferred commencement the applicant submit with the incorporated plans the third tenancy of the block.

Carried.

**31.**

**KING STREET, NOS. 90 - 122, NEWTOWN - SECTION 96 APPLICATION - DEVELOPMENT APPLICATION (U98-00202)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council, as the responsible authority, refuses its consent to the application under Section 96 of the Environmental Planning and Assessment Act, submitted by Longworth Constructions, to amend the terms of the consent of 29 July 1998 so as to delete Conditions (2) and (3), for the following reason, namely:-

The deletion of the planter boxes, having regards to the size and elevation of the roof deck, creates the potential for unacceptable loss of visual and aural privacy to the detriment of the amenity of surrounding residential properties.

- (B) That the matter be referred to Pike, Pike and Fenwick for commencement of legal action on the breaches of the planning consent;
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) The applicant be advised that Council would be prepared not to enforce the provisions of conditions (2) and (3) of the consent provided the

applicant submits alternative privacy screening details satisfactory to both Council and the objectors.

Carried.

32.

**POWER AVENUE, NOS. 11 - 15, ALEXANDRIA - DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND ERECTION OF FOUR MULTI-UNIT RESIDENTIAL AND MIXED USE BUILDINGS WITH BASEMENT CAR PARKING - DEVELOPMENT APPLICATION (U99-00663)**

That the application deferred to the next meeting of the Planning and Development Committee to be held on 17 November 1999, for a further report to be drafted on the issues raised by residents at the Public Meeting held on 1 November 1999.

Carried.

33.

**ST. MARGARETS HOSPITAL, SURRY HILLS - REZONING - LEP 1998 DEFERRED MATTER - FINAL ADOPTION BY COUNCIL (2002545)**

- (A) That Council adopt South Sydney Draft Local Environmental Plan 1998 (Amendment 4) and refer the matter to the Secretary of the Department of Urban Affairs and Planning pursuant to 68(4) of the Environmental Planning & Assessment Act with a request that the Plan be made;
- (B) That the persons who make submissions in respect the draft LEP be advised of Council's decision.

(DPB Report 1.11.99)

Carried.

34.

**PLANNING - WILLIAM STREET REVITALISATION - CHARD STAIRS - FORBES STREET SQUARE - DEMONSTRATION PROJECT - JOINT PROJECT BETWEEN THE NSW GOVERNMENT AND SOUTH SYDNEY CITY COUNCIL (2013541)**

That Council approves:-

- (a) the commitment of \$500,000 listed in the Planning and Building Departments 1999/2000 budget towards improvements along William Street, including the construction of a new square at the Chard Stairs at Forbes Street, as the first principal project towards the long-term beautification of William Street.
- (b) the engagement of the Urban Design Advisory Service from Department of Urban Affairs and Planning to manage the detailed design, tender selection and construction of the project, with any administrative costs and consultancy fees to be included within the total budget of \$500,000.
- (c) the formation of a Steering Committee chaired by an officer or nominee of South Sydney City Council as identified in the Urban Design Advisory Service proposal, to oversee the design, tender selection and contract administration of the project;
- (d) the staged payment of \$500,000 to the Department of Urban Affairs and Planning in accordance with the Staging Plan prepared by the Urban Design Advisory Service.

(DPB Report 29.10.99)

Carried.

The Planning and Development Committee Meeting terminated at 10.10 p.m.

The Council Meeting terminated at 7.16 p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**