

**240<sup>th</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
94582

**Wednesday, 24 November 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.43 pm on Wednesday, 24 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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## **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.

## **Leave of Absence - The Mayor, Councillor Vic Smith**

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A request was received from the Mayor, Councillor Vic Smith for leave of absence from the Planning and Development Committee meeting on 1 December 1999.

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

That leave of absence be granted to the Mayor, Councillor Vic Smith from the Planning and Development Committee meeting on 1 December 1999.

Carried.

## **MINUTE BY THE MAYOR**

24 November 1999

### **AWARDS - 1999 LOCAL GOVERNMENT - ACTIVE AUSTRALIA AWARDS (2022362)**

During June 1999 Council received an invitation from Active Australia to submit applications for their 1999 Awards Program.

Subsequently, Council's "Walking for Pleasure " Program was entered for this award. On 9 November 1999 Active Australia Project Officer, Heather Reid, notified Council that its entry had been judged as a finalist in the 1999 Active Australia Awards - Local Government category. Active Australia have invited two representatives from Council to attend the Active Australia Awards presentation function to be held on Thursday 2 December, 1999 at Parliament House in Canberra. The Australian Sports Commission will cover costs of one representative from Council to attend the presentation function and has requested that Council cover the cost of the other.

"Walking for Pleasure" is an initiative of the Healthy Older People Program (HOPP) Committee, chaired by Cr. Fenton. It was instigated as a means of encouraging aged residents to walk on local streets, providing a safe and enjoyable means of improving confidence, mobility and health.

**Recommendation:**

It is recommended that approval be given for Council's Healthy Older People Program Worker and the Aged and Disability Services Manager to attend the Active Australia Awards Presentation to be held at Parliament House, Canberra on 2 December 1999, for which funds are available in the 1999/2000 Budget (KEV.66AO).

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

In relation to this matter, Councillor Fenton congratulated Council's Aged and Disabilities Services Manager on his initiative with respect to the above program.

**MINUTE BY THE MAYOR**

24 November 1999

**PUBLIC RELATIONS - DEATH OF JIM SLATTERY -  
FORMER MAYOR OF BOTANY COUNCIL (2004380)**

It is with regret that I inform Council of the recent death of Jim Slattery, former Mayor of Botany Council.

From 1960 until 1975, Jim Slattery served as an Alderman of the then Botany Council. He was Mayor in 1967, 1968 and 1970 and Deputy Mayor in 1971.

As Mayor, he began the work that eventually led to creation of Botany Council's municipal libraries and those at Mascot and Eastgardens bear testimony to Jim's forward thinking. He also oversaw development of Astrolabe Park, which Jim thought was his greatest achievement.

He was tireless in his work for the community and to provide a better way of life for residents.

The name Slattery lives on in the working of the Council of the City of Botany Bay through his daughter, Anne, a member of their current Council. He also was a member of the ALP for 25 years.

It is recommended that a letter under the signature of the Mayor be sent to Jim Slattery's family expressing the condolences of Council.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

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

16 November, 1999

### **MANAGEMENT REVIEW COMMITTEE MANAGEMENT PLAN 1999/2000 - QUARTER ENDED 30 SEPTEMBER, 1999 REVIEW (2019941)**

The subject Committee met on 15 November, 1999, between 5.40 p.m. to 6.37 p.m.  
Attendees consisted of the following:

Councillor Vic Smith (Mayor)  
Councillor Jill Lay (Deputy Mayor)  
Councillor John Fowler  
Councillor Christine Harcourt  
John Bourke (General Manager)  
Peter Chaffe (Director Organisational Development)  
Grahame Dearsley (Director of Health & Community Services)  
Michael Duffy (Director of Finance)  
James Harrison (Director of Planning & Building)  
Tony Rolls (A/Director of Corporate Services)  
Ron Wilcoxon (Director of Public Works & Services)

#### **Apologies:**

Councillor John Bush  
Councillor Margaret Deftereos  
Councillor Sonia Fenton  
Councillor Sean Macken  
Councillor Greg Waters

The Management Plan was reviewed in terms of the five Principal Activities and the related objectives, key performance indicators, and financial details.

**RECOMMENDATION:**

Council receives and notes the report on the Management Plan 1999/2000 for the quarter ended 30 September, 1999. (GM Minute 16.11.19)

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

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minute by the General Manager, be received and noted.

Carried.

**MINUTE BY THE GENERAL MANAGER**

18 November 1999

**PERSONNEL - DIRECTOR OF PUBLIC WORKS AND SERVICES (2005999)**

Clause 3.1 of the employment contract of the Director of Public Works and Services, Mr. Ron Wilcoxon, requires that:-

"At least nine months before 27 August 2000, the employee shall advise the Council in writing if the employee is seeking re-appointment to the position".

By letter dated 17 November 1999, (attached) Mr. Wilcoxon advises the General Manager that he seeks re-appointment to the abovementioned position.

The matter is referred to Council for consideration.

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

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

18 November, 1999

**REQUEST FOR FREE USE OF REDFERN TOWN HALL - PEOPLE WITH DISABILITIES (NSW) INC. - 6 DECEMBER, 1999 (P56-00410)****Applicant:** People with Disabilities (NSW) Inc.**Event:** Board Planning Day & Christmas Party**Date:** Monday, 6 December, 1999**Time:** 9 am - Midnight**Venue:** Redfern Town Hall**Benefits to Residents of South Sydney**

Non-profit advocacy organisation for people with disabilities providing support, a complaint service and protection against discrimination state wide.

**Historical/Other support received from Council**

Have not received any previous support from Council.

**Costs:****Loss of come**

Hall hire	\$900
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**Out of Pocket Expenses**

Cleaning	\$100
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Set up of tables & chairs NIL

Salaries/Staffing \$256

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**RECOMMENDATION**

Council support People With Disabilities (NSW) Inc. by forgoing \$900 in income, subject to People With Disabilities (NSW) Inc. meeting the expenses of \$356. Under the provisions of Section 356, this approval will allow People With Disabilities (NSW) Inc. free use of Redfern Town Hall on Monday, 6 December, 1999, to conduct a Board planning meeting and Christmas party.

J. W. Bourke (SGD)

**General Manager**

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

## MINUTE BY THE GENERAL MANAGER

24 November 1999

### COMPUTERISATION - MUNICS REPLACEMENT PROJECT (2020931)

Council called for tenders for a MUNICS replacement system in October 1998, because of questions over the Y2K compliance of the existing system and because MUNICS is not GST compliant. Further, Datamation have stated that they would no longer support and maintain MUNICS.

In all, 12 companies made submissions on the tender. A panel of key staff members was established to evaluate the submissions and the PricewaterhouseCoopers tender was considered, by the majority of staff involved in the evaluation, to be the superior solution.

Accordingly, in June 1999 Council passed the following resolution, namely:

“In view of the report Council accepts the following recommendations:-

1. The submission from PricewaterhouseCoopers in the sum of \$2,110,619.00 for the replacement of Council's Core Computer System as per Tender S4034/98.
2. Accepts the submission of Frontier Software in the sum of \$234,915.00 for the supply and installation the Chris complete Payroll and Human Resources System as per Tender S4034/98 with PricewaterhouseCoopers as our prime Contractor.
3. The purchase of the Infomaster GIS System under the terms of the State Government Contract at an estimated cost of \$320,100.00 with PricewaterhouseCoopers as our prime Contractor.
4. Approval be given to call for Tenders or purchase through the State Government Contract for the supply and installation of Hardware to support the replacement of our Core Computer *System at an estimated cost of \$400,000.00.*“

#### Hardware (Item 4)

Council has purchased the hardware, a Sun Solaris 3500 Server at a total cost of \$ 337,500, and redeployed the imaging server. The choice of hardware was common to both the shortlisted tenderers, and would be required regardless of the final adopted solution.

Total Costings :	Budget	\$ 400,000.00	
	Amount Spent to Date	\$ 337,500.00	(84%)
	Amount to be Spent	\$ 0.00	
	Savings	\$ 62,500.00	

### **Infomaster GIS System (Item 3)**

Infomaster was chosen as the preferred mapping (GIS) system because of its advanced functionality and because it is already web based allowing easy porting to council's Internet site. It was the system of choice regardless of the preferred tenderer for the whole of council system. Of all the systems to be replaced, the mapping system was the most urgent as the licensing was due to expire on 9 September 1999 (9/9/99). Accordingly, this project was commenced and has proceeded to plan and under budget. The surplus funds will be used to ensure that council has a fully integrated solution. The system is now operational, and is awaiting the remainder of the corporate system so that it can be fully integrated.

Total Costings:	Budget	\$ 320,100.00	
	Amount Spent to Date	\$ 205,379.00	(64%)
	Amount to be Spent	\$ 78,221.00	
	Expected Savings	\$ 36,500.00	

### **Chris Payroll and HR (Item 2)**

Chris is the industry standard software in this field and was chosen ahead of the PricewaterhouseCoopers offer because of its better functionality, its broader user base in NSW and because it is web based. It was the system of choice regardless of the preferred tenderer for the whole of council system. It is presently proceeding to plan and should meet the budget, and will be able to be integrated to council's chosen financial package when it comes on line.

Total Costings:	Budget	\$ 234,915.00	
	Amount Spent to Date	\$ 0.00	(0%)
	Amount to be Spent	\$ 234,915.00	
	Expected Savings	\$ 0.00	

### **Core computer system (Property, Financials, Document Management) (Item 1)**

PricewaterhouseCoopers (PwC) tendered to implement a selection of products including Oracle financials, Geac (formerly IBM Stowe) Pathway property system, ADI Dataworks document and records management and Maximo assets and work orders. Additionally Archibus was chosen for property management (ROC 8/9/99 – Fin Cttee No. 24 - Budget Ref 0.7461105 - \$100,000) and was included as a part of the PwC consortium.

The Dataworks product includes an integrated workflow / imaging system and complaint management system, that was originally tendered as part of the call centre system. Following extensive investigation, it was resolved to merge the current document management system (PC-Docs), the imaging / workflow system (Eastman Kodak) and the complaints system (Quetzal) into the one integrated package. To this end, Council re-voted the outstanding \$85,000 in complaint management software to ensure that there is only one system rather than a combination of several disparate systems.



In order to finalise contracts, a number of items needed to be included, namely, a full project plan and a complete scoping and interface specification document. The Director of Corporate Services decided, following advice from solicitors Abbott Tout, to do this work while contracts were being finalised because it would provide better security for council once that documentation was complete. It would also ensure that PwC met their obligation to provide an integrated solution.

In the meantime, PwC and council's solicitors began negotiation over the contract, primarily over what constituted compliance with the tender. At present, council is waiting final legal and counsel advice regarding the current offer from PwC.

Total Costings:

<b>Description</b>	<b>Budget</b>	<b>Amount Spent</b>	<b>(%)</b>
PwC Project Management	\$ 154,500	\$ 60,375	39 %
Oracle Database (required for all software)	\$ 283,800	\$ 0	0 %
Oracle Financials	\$ 556,857	\$ 72,300	13 %
Geac Pathway Property	\$ 538,750	\$ 27,117	5 %
ADI Dataworks Document Mgt. (including \$85,000 Customer Contact)	\$ 384,212	\$ 0	0 %
PSDI Maximo	\$ 277,500	\$ 6,154	2 %
PlusFM Archibus	\$ 100,000	\$ 0	0 %
<b>Total To Date</b>	<b>\$2,295,619</b>	<b>\$165,946</b>	<b>7 %</b>

The amount paid with respect to Oracle Financials (\$72,300) was used to rebuild the General Ledger and Chart of Accounts, an exercise that was required regardless of the choice of new system, and can be used on any new system.

**Legal Costs**

Legal Costs to date have been incurred in the preparation of the tender (\$ 3,952.50) and in the negotiation of the contracts with PwC (\$ 40,028.80). This amount is to be paid from Council's legal reserve and does not require additional council approval.

How much time commitment has been made by staff?

Con Liaros - full time for about three months  
 Finance - 2 full time equivalent staff for three months  
 O.D. - 2 full time equivalent staff for three months  
 PWS - 2 full time equivalent staff for one month  
 Other Depts. - 2 staff members for about one week.

**Conclusion**

There is no doubt amongst key staff that the solution proffered by PwC is the best solution for South Sydney. The issues raised by our solicitors are technical issues of possible non-compliance with the tender regulations, not issues of disagreement with regards to the conduct of the tender.

**Recommendation:**

That the General Manager prepare a report for the next Council meeting outlining the advice of the Solicitors with regard to the contract with PricewaterhouseCoopers and the MUNICS replacement project.

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

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

24 November 1999

**PUBLIC NOTICE FOR THE PRESENTATION AND INSPECTION OF COUNCIL'S  
FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 1999 (20000631)**

Council will tonight adopt its Financial Reports for the year ended 30 June 1999.

Section 419(1) of the Local Government Act 1993 requires Council to hold a public meeting to formally present its audited Financial Reports and Auditor's Reports.

Section 418 of the Local Government Act requires Council to give at least 7 days notice of that meeting.

Section 420 of the Local Government Act further advises that persons wishing to make submissions on these reports may do so, but that submissions must be in writing and lodged with Council within 7 days of the public meeting, this deadline being 15 December 1999.

**RECOMMENDATION:**

That Council notifies in accordance with the Local Government Act:-

- (1) that it will hold a public meeting on 8 December 1999, to present its audited Financial Reports and Auditor's Report for the year ended 30 June 1999;
- (2) that a Financial Summary in the approved format will be available for inspection at Council's Administrative Offices, Libraries and Town Halls from 25 November 1999. A full set of these reports will also be available at Council's

Administrative Offices located at Centennial Plaza, Tower B, 280 Elizabeth Street, Surry Hills;

- (3) that persons wishing to make submissions on these reports may do so, but that submissions must be in writing and lodged with Council within 7 days of the public meeting, this deadline being 15 December 1999.

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

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

## **PETITIONS**

1. At the last Planning and Development Committee of 17 November 1999, a petition was received with approximately 289 signatures appended from residents of Alexandria, objecting to the proposed design of the Development Application at Nos. 11-15 Powers Avenue, Alexandria.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 12 signatures appended from residents of Rockwall Crescent, Potts Point, objecting to the Development Application at No. 22 Rockwall Crescent, Potts Point.

Received.

## **QUESTIONS WITHOUT NOTICE**

1. **PERSONNEL - LEAVE ENTITLEMENTS - EMPLOYEES WHO HOLD OFFICE IN LOCAL GOVERNMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2022349)**

**Question:**

What is the Council's Policy on leave to carry out Councillor's Duties where an employee is a Councillor in another Council area?

**Answer by the Mayor:**

I will ask the General Manger to prepare a report for Committee in consultation with the Director of Organisational Development.

2.

**TRAFFIC - REQUEST FOR CLEAN UP AND MOWING OF TRIANGLE OF LAND AT INTERSECTION OF JOHNS AND ALBERT STREETS, ERSKINEVILLE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T02-00025)**

**Question:**

Could the small triangle of land at the intersection of Johns and Albert Streets, Erskineville please be mowed and tidied?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to attend to that matter tomorrow and have a report prepared for the Councillors Information Service this Friday on the works carried out.

3.

**MAYOR - DEATH OF MR MICHAEL RYHMAN - LETTER TO BE SENT TO HIS FAMILY EXPRESSING THE CONDOLENCES OF COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2004380)**

**Question:**

Can a letter under the signature of the Mayor be sent to the family of Mr. Michael Ryhman, a resident of South Sydney, expressing the condolences of Council in relation to his recent death?

**Answer by the Mayor:**

I certainly will Councillor Bush.

4.

**TREES - GREEN SQUARE RAILWAY STATION - WATERING OF TREES DURING HOT WEATHER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005362)**

**Question:**

Could the trees at Green Square Railway Station be watered after some recent hot weather, they have suffered? If something could be done to rescue them or contact those responsible for them.

**Answer by the Mayor:**

I will have the Director of Public Works and Services investigate the matter and have a report prepared for the Councillors Information Service this Friday.

5.

**CLEANING - INVESTIGATION INTO PROBLEM AREAS IN REGARDS TO COLLECTION OF RECYCLING BOXES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C56-00053)**

**Question:**

It has been brought to my attention that there is a problem with the collection of recycling boxes. Could we have a report detailing the specific problem areas that may identify whether or not it is the habit of the residents or habits of the collectors that are at fault?

**Answer by the Mayor:**

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

6.

**ANTI SOCIAL ACTIVITIES - ACTION TO BE TAKEN ON GANG OF YOUTHS TERRORISING THE COMMUNITIES OF WATERLOO, REDFERN AND ZETLAND - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A55-00050)**

**Question:**

The Communities of Waterloo, Redfern and Zetland are being terrorised by a gang of youths who call themselves "The Wellington Street Boys" and or the "2017 Boys".

Their activities include robbery, break-ins, standovers, vandalism and drug dealing.

I request that Council urgently takes the initiative to act against this gang. Actions such as lighting, graffiti, identification of the individuals in the gang?

**Answer by the Mayor:**

To answer the first part of the question, Council will investigate the lighting and graffiti in that area, but if the graffiti is on private property, there is very little Council can do.

The second part, the anti-social behaviour is a matter for the NSW Police Service and I will take the matter up with Superintendent Parsons at the Redfern Police Patrol.

**Question:**

The reason I mentioned the identification of those individual members of the gangs in my previous question, is that we have a Youth Centre which has been successful in catering for the youth in that area and some members are using our Council run facility there as a refuge from things that are happening in the area.

**Answer by the Mayor:**

You keep referring that it is a Council operated centre. It is not a Council operated centre, it is a centre properly owned by the Department of Housing, funded by the Department of Community Services. Nothing to do with Council. I will ask the Director of Health and community Services to take the matter up with Council's Youth Worker and discuss the problems indirectly associated with the centre, to see if some remedy can be formed.

7.

**PLANNING - DEVELOPMENT CONTROL PLAN - INFORMATION FROM SURROUNDING COUNCILS ON THEIR RETAIL POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021991)**

**Question:**

Council has not within its DCP any relevant retail policy. Can a Council Officer be requested to contact the Planning Officer of Leichhardt, Willoughby, North Sydney and Woollahra, to request relevant retail policy documents that are held by those Councils.

**Answer by the Mayor:**

I will ask the Director of Planning and Building to investigate that matter for you.

## REPORT OF THE FINANCE COMMITTEE

17 November 1999

### PRESENT

**Councillor Sean Macken (Chairperson)**

**The Mayor, Councillor Vic Smith and Councillors - Margaret Deftereos and Sonia Fenton**

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

The Mayor and Councillors - Deftereos, Fenton, and Macken

#### **Apology:**

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

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

That the Report of the Finance Committee of its meeting of 17 November 1999, be received and the recommendations set out below for Items 1 to 8, inclusive, 10 to 14, inclusive and 16, be adopted. The recommendations set out below for Items 9 and 15 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

#### **FINANCE - OUTSTANDING DEBTS - SUNDRY DEBTORS AS AT 30 SEPTEMBER 1999 (2021978)**

That the report by the Director of Finance dated 21 October 1999, detailing outstanding sundry debtors at 30 September 1999, be received and noted.

Carried.

2.

#### **MOTOR VEHICLES - COMMUNITY BUS SCHEME - QUARTERLY REPORT (M56-00008)**

That arising from a report by the Director of Health and Community Services dated 1 November 1999, confirmatory approval be given to the motor vehicles'

use costs, as listed in the abovementioned report, being treated as donations and charged against Section 356 of the Local Government Act, 1993.

Carried.

3.

**PROPERTIES - COMMERCIAL AND RESIDENTIAL PROPERTIES -  
QUARTERLY SUMMARY REPORT - PERIOD 1 JULY 1999 TO  
31 SEPTEMBER 1999 - INCOME, EXPENDITURE AND PROFITABILITY  
(P56-00385)**

That the Quarterly Report on Income, Expenditure and Profitability for the period 1 July 1999 to 30 September 1999, on Council's Commercial and Residential Properties, be received and noted.

(DCS Report 4.11.99)

Carried.

4.

**LEASING - LAND BOUNDED BY KELLETT STREET, ROSLYN STREET  
AND WARD AVENUE, KINGS CROSS - PROPOSED DEMOLITION OF  
STRUCTURE (L02-00354)**

That approval be given to the demolition of the existing structure on Council owned land bounded by Ward Avenue, Kellett and Roslyn Streets, Kings Cross (known as Area 2 - 54m<sup>2</sup>), which adjoins the Elisium Restaurant, Nos. 62 - 64 Kellett Street, Kings Cross, subject to the following terms and conditions, namely:-

- (1) That a Development Application be forwarded to Council's Planning and Building Department for approval to demolish the existing structure on Council land;
- (2) That Council's Landscape Section, Public Works and Services Department, prepares plans to landscape the above land in line with the remainder of the Reserve area, bounded by Ward Avenue, Kellett and Roslyn Streets, Kings Cross (known as Area 2 - 54m<sup>2</sup>);
- (3) That an additional \$20,000 be provided for the demolition of the existing structure.

(DCS Report 9.11.99)

Carried.



5.

**LIBRARIES - YEAR 2000 COMPLIANCE FOR THE COMPUTER SYSTEM'S  
- LEASED LINES AND MIGRATION OF THE GEAC COMPUTER SYSTEM  
TO THE ENTERPRISE SERVER EDITION OF UNIVERSE (2003201)**

That arising from a report by the Director of Health and Community Services dated 8 November 1999, approval be given for funds of \$65,340.25 being:

- (1) \$50,000 for the conversion of the Library's current leased lines to ISDN lines for Y2K compliance;
- (2) \$15,340.25 for the migration of the GEAC Library Computer System to the Enterprise Edition of Universe.

Carried.

6.

**FINANCE - ADOPTION OF 1998/1999 FINANCIAL REPORTS (2000631)**

That arising from a report by the Director of Finance dated 12 November 1999, and the External Auditors report accompanying the beforementioned report, Council adopts the Financial Reports for the year ending 30 June 1999.

Carried.

7.

**MEMBERSHIPS - SYDNEY COASTAL COUNCILS - CONTRIBUTION FOR  
FINANCIAL YEAR 1999/2000 (M54-00018)**

That Council maintains its membership of the Sydney Coastal Councils Group and approves the payment of its annual membership contribution for 1999/2000 in the amount of \$7,630 for which non-specific funds are available in the 1999/2000 Budget Estimates (account No. EBK.77W0).

DPWS report 8/11/99

Carried.

8.

**LEASING - OXFORD STREET, NO.98, DARLINGHURST, BASEMENT AND  
GROUND FLOOR SHOPFRONT - PROPOSED RENEWAL OF LEASE TO  
RAQUEL BLANCO T/AS RAQUEL'S SPANISH RESTAURANT (L52-00067)**

That approval be given to Raquel Blanco T/as Raquel's Spanish Restaurant to lease Council premises Basement and Ground Shopfront, No. 98 Oxford Street, Darlinghurst, commencing on 1 June 1999 for a term of 10 years at an initial rental of \$89,080 per annum gross, under the same terms and conditions of the

existing Lease and subject to the following conditions, namely:-

- (1) That the Lessee is to provide a Bank Guarantee, Security Deposit or Bond equivalent to three (3) months revised rental;
- (2) That the Lessee to provide a Personal Guarantee for the term of the Lease;
- (3) That the rent is to be increased annually by 3% for the term of the lease;
- (4) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than **Ten Million Dollars** indemnifying both the Council and the Lessee against any claims that may arise during the term of the Lease;
- (5) That any proposed alterations to the leased premises, including refurbishments, fit-outs, etc. by the Lessee during the term of the lease period, must be submitted to the Property Branch Manager prior to any submission of plans etc. to Council's Planning and Building Department for Statutory approvals;
- (6) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessee;
- (7) That all relevant documents are to be executed by Council's Attorney, if required;
- (8) That this approval lapses three (3) months from the date of approval to the granting of the lease, if the Lessee has failed to provide the Security Deposit and/or Public Risk Insurance as required, or failed to execute the Lease document.

(A/DCS Report 11.11.99)

Carried.

## 9.

### **LEASING - DOMAIN PARKING STATION - SERVICE STATION - RENEWAL OF LEASE KEYSIL PTY LTD. (L52-00239)**

That approval be given to grant a fresh Lease of Council premises known as Domain Car Wash and Service Station, Sir John Young Crescent, Woolloomooloo to Keysil Pty Limited commencing on 1 February 2000, for a term of 4 years with an Option for a further term of 4 years at a commencement rental of \$75,000 per annum, plus the existing proportion of outgoings and subject to the existing Sub-Lease, Council's standard leasehold provisions and the following terms and conditions, namely:-

- (1) That the Sub-Lease is subject to the approval of the Royal Botanic Gardens and Domain Trust;
- (2) That the Sub-Lease is subject to a 6 month Breaking Clause;
- (3) That the Sub-Lessee is required to undertake the above mentioned repairs and maintenance within 3 months of signing the Sub-Lease with such costs to be borne by the Sub-Lessee;
- (4) That the Sub-Lessee is required to undertake the above mentioned security installations within 3 months of signing the Sub-Lease with such costs to be borne by the Sub-Lessee;
- (5) That the rent to be reviewed annually in accordance with the Consumer Price Index (All Ordinaries) Sydney;
- (6) That the rent to be reviewed to market at the commencement of the option period (if exercised);
- (7) That the Sub-Lessee is to provide a personal guarantee for the term of the Sub- Lease;
- (8) That the Sub-Lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the Sub-Lessee for their respective rights and interests against any claims that may arise during the term of the Lease;
- (9) That all legal costs associated with the preparation and execution of the necessary Sub-Lease documents by Council's Legal Officer are to borne by the Sub-Lessee;
- (10) That all relevant documents are to be executed by Council's Attorney, if required.

(A/DCS Report 11.11.99)

At the request of Councillor Macken, and by consent, the motion was amended by the addition of the following words after the word "clause" in Clause No. 2 of the recommendation, namely, "In the event of any party other than South Sydney City Council requiring a portion or the whole of the leased area".

Motion, as amended by consent, carried.

10.

**LEASING - REDFERN OVAL - RENEWAL (L02-00085)**

That further to resolution of Council dated 25 August 1999, and arising from reports by the Director of Public Works and Services dated 16 August and 11 November 1999, it be resolved that:-

- (1) Council endorse the commencement of a lease document which is conditioned to reflect the aims and recommendations of the adopted Plan of Management for Redfern Park and Oval;
- (2) Council endorse the commencement of an open tender process for the lease of Redfern Oval for a term of ten years.

Carried.

11.

**HEALTH - COMMUNITY AID ABROAD'S TASTE OF THE NATION, KINGS CROSS 1999 (2015944)**

That further to resolution of Council dated 11 August 1999, and arising from a report by the Director of Health and Community Services dated 15 November 1999, it be resolved that Council grants its approval to cover the costs of inspection of food stalls in the sum of \$1,800 as a donation under Section 356 and that the money be added to the budget, to Community Aid Abroad as part of the Taste of the Nation, Kings Cross food festival, and further that Community Aid Abroad be encouraged to make an application under Council's Community Grants Program.

Carried.

12.

**DONATIONS - REDFERN TOWN HALL - REQUEST FOR FREE USE - STREETWIZE COMICS - FOR 15 YEAR ANNIVERSARY CELEBRATION, 7 DECEMBER 1999 (2022121)**

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

- (A) That approval be given for the free use of Redfern Town Hall on 7 December 1999, to Streetwize Comics and the amount of \$1,500 being donated to the Organisation for their 15<sup>th</sup> Anniversary Celebration, and further that Council waive the hiring and cleaning fees.

- (B) That Streetwize Comics be also encouraged to make an application under Council's Community Grants Program (Small Grants) for a donation towards a specific project which would directly benefit young people in South Sydney.

(DHCS Report 11.11.99)

Carried.

**13.**

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

That approval be given to:-

- (1) the closure under Part 4 Division 1 of the Roads Act 1993 of part of Earl Street Potts Point as shown stippled on Plan No. S6-324/134 and its subsequent sale to the adjoining owners or their successors in title and subject to the conditions in the schedule accompanying the Director's report;
- (2) all public utility authorities being advised of Council's decision;
- (3) all relevant documents and plans being executed under the Common Seal of Council or by Council's Attorney;
- (4) all adjoining owners being advised of Council's decision.

(DPWS Report 12.11.99)

Carried.

**14.**

**LICENSING - FLINDERS STREET, NO.162, PADDINGTON - FOOTWAY LICENCE RENTAL REBATE (2002552)**

That approval be given to the granting of a 50% rebate of the weekly footway licence rental to Mr. Robert Capps proprietor of the Captain Cook Hotel Bistro at No.162, Flinders Street, Paddington as shown on Plan No. S4-130/548 for the period commencing 1 March 1999, until 19 December 1999.

(DPWS Report 11.11.99)

Carried.

15.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the matter be deferred to the next Finance Committee meeting to be held on 1 December 1999, and that the Minute by the General Manager dated 24 November 1999, which was dealt with earlier in the Council Meeting be submitted in conjunction with the report from the General Manager in respect of advice from Council's Solicitors regarding the Contract with Price Waterhouse Coopers and the MUNICS replacement project.

Carried.

16.

**COUNCIL - RECESS TO JUNE, 2000 (COUNCIL ELECTIONS) - ADOPTION  
OF SCHEDULE AND DELEGATION OF AUTHORITY TO MAYOR (C63-  
00019)**

That arising from a report by the Civic Affairs Manager/Public Officer dated 15 November 1999, it be resolved that:-

(a) approval be given to the attached schedule of Standing Committee meetings and Council meeting dates to 10 June 2000 (Council Elections);

(b) Council recess on the undermentioned dates namely:-

From midnight on Wednesday 12 April 2000 to Wednesday 3 May 2000;  
From midnight on Wednesday 24 May 2000 to Friday 9 June 2000  
(Local Government Elections on 10 June 2000)

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

(1) The Mayor its powers, authorities, duties and functions other than those reserved for the Council itself by Section 377, and other than any regulatory functions under Chapter 7 of the Local Government Act, 1993;

(2) The General Manager any regulatory functions under Chapter 7 of the Local Government Act. 1993 not previously delegated.

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

The Finance Committee Meeting terminated at 6.54 p.m.

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

**WEDNESDAY, 17 NOVEMBER 1999 AT 6.55 PM**

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

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

Item 1 - Personnel Matter

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

That the Report of the Finance Committee (Confidential Matter) of its meeting of 17 November 1999, be received and the recommendation set out below for Item 1, be adopted.

The Committee **recommended** the following:-

1.

### **DEPARTMENTS - GENERAL MANAGER'S UNIT - INTERNAL AUDIT - REVIEW**

(A) That approval be given to the cost of the Reviews by Mr. John Spencer of Spencer Steer for \$6,545 and that this money be voted for 1999/2000.

- (B) Transfer the responsibility for Internal Audit operations to the Corporate Planning Manager under the control of the General Manager, outsource the Internal Audit Program and offer Council employees in the Internal Audit Group, voluntary redundancy and/or provide training for redeployment under Council's redeployment programme;
- (C) That the General Manager seek legal advice from Council's Solicitors on the question of whether the Internal Audit report in relation to the cleaning contracts is in conflict with Council's Code of Conduct and that this information be submitted in a report prior to the Council Meeting.

(GM Minute 4.11.99)

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of the words "Director of Corporate Services" where appearing in the second and third lines of recommendation (B) and the insertion in lieu thereof of the words "General Manager" and the insertion of a new clause (2), namely:-

- (2) That the Corporate Planning Manager report to the Audit Committee quarterly.

Motion, as amended by consent, carried.

The Finance Committee (Confidential Matter) Meeting terminated at 6.55 p.m.

## **REPORT OF THE COMMUNITY SERVICES COMMITTEE**

17 November 1999

### **PRESENT**

**Councillor Sonia Fenton (Chairperson)**

**The Mayor, Councillor Vic Smith and Councillors - Margaret Deftereos and Sean Macken**

At the commencement of business at 6.57 pm those present were -

The Mayor and Councillors:- Deftereos, Fenton and Macken

### **Apology:**

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



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

That the Report of the Community Services Committee of its meeting of 17 November 1999, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**COMMITTEES - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 12 OCTOBER 1999 (2017377)**

That the report by the Director of Health and Community Services dated 25 October 1999, and the accompanying minutes of the Access Committee for People with Disabilities held on 12 October 1999, be received and that the undermentioned recommendations of the Committee be adopted, namely:-

That arising from the minutes of Council's Access Committee meeting of 12 October 1999, Council grant its approval to:-

- (1) supper being provided at a cost of \$1,150 to those attending the Forum Theatre, celebratory function of the International Day For Disabilities at the Edward Eager Lodge on 3 December 1999, for which funds are currently available (KEW.77FO);
- (2) the commencement of the installation of the Hearing Loop and a new sound system at Council's Waterloo Activity Club, as previously approved, at a cost of \$2,900 (LEA.55E).

Carried.

2.

**STREETS - FOOTPATH GARDENS POLICY - APPROVAL FOR ADOPTION AND IMPLEMENTATION (2004457)**

That arising from a report by the Director of Public Works and Services dated 12 November 1999, approval be given to:-

- (1) the adoption of the Footpath Gardens Policy for a trial period of 12 months;
- (2) a further report be submitted to Council documenting the outcomes of the 12 months trial period with recommendations on whether the Policy should be an ongoing program for Council;

- (3) the purchase of 100 planer boxes to implement the policy at a cost of \$11,300 for which funds are available in the 1999/2000 Parks Budget (FBA 55FO) refers and will be offset by funds generated by the Policy;
- (4) the promotion of the Footpath Gardens Policy in Inner City News and at Council's One Stop Shop and Libraries;
- (5) the advertising of the proposed fees and charges for public comment with a view to inclusion in Council's 1999-2000 Fees and charges Policy.

Carried.

**3.**

**COMMUNITY SERVICES - COMMENTS ON THE COUNCIL FOR RECONCILIATION'S DRAFT RECONCILIATION DOCUMENT (2013755)**

That for the reasons set out in the report by the Director of Health and Community Services dated 8 November 1999, Council endorse the submission on the Draft Reconciliation Document prepared by the Social Planning Co-ordinator and presented at the public meeting held on 30 October 1999, and that this be forwarded to the Council for Aboriginal Reconciliation with the Mayor's signature.

Carried.

The Community Services Committee Meeting terminated at 7.03 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

17 November 1999

**PRESENT**

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

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

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

Councillors - Bush, Fowler, Harcourt and Lay

**Apology:**

An apology for non-attendance at the meeting was received from the Mayor, Councillor Vic Smith.

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

That the Report of the Planning and Development Committee of its meeting of 17 November 1999, be received and the recommendations set out below for Items 3 to 6, inclusive, 11, 14, 16 to 18, inclusive, 20, 23, 26, 28 and 29, be adopted. The recommendations for Items 1, 2, 7 to 10, inclusive, 12, 13, 15, 19, 21, 22, 24, 25, 27, and 30 to 32, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**DARLINGHURST ROAD FOOTWAY, KINGS CROSS - INSTALLATION OF FRUIT KIOSK - DEVELOPMENT APPLICATION (U99-00910)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by South Sydney City Council, for permission to relocate an existing fruit kiosk to the widened footway area of Darlinghurst Road outside the entrance to Kings Cross Railway Station, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non-expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That the development shall be generally in accordance with the application and the accompanying, unnumbered and undated plan received by Council on 19 August 1999;
  - (3) That a maximum of two general advertising panels shall be incorporated in the fruit kiosk;
  - (4) That the maximum number of general advertising panels referred to in condition (3) may be increased to three subject to a corresponding reduction in the number of general advertising panels in other street furniture items within the City of South

Sydney, and the approval of the Director of Planning and Building;

- (5) That a minimum of two metres clearance shall be provided at all times along the footway of Darlinghurst Road;
- (6) That a physical barrier in the form of a railing, or similar device satisfactory to the Director of Planning and Building, be installed around the widened footway area and near the kerb edge;
- (7) That the barrier referred to in condition (6) shall be detailed and constructed to prevent pedestrians crossing Darlinghurst Road from the widened footway area, and be of materials and finishes to match those used in the fruit kiosk or the nearby light standards;
- (8) That the handling and storage of fruit complies with the Food (General) Regulation, 1997;
- (9) That the hours of operation shall be restricted to between 7.00am to 10.00pm daily;
- (10) That the applicant adheres to the "Rules and Regulations" which are displayed within the fruit kiosk;
- (11) That all wastes be placed in receptacles with a tight-fitting lid and collected for disposal on a regular basis so that no nuisance is created;
- (12) That noise from the use and operation of the fruit kiosk shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997;
- (13) That during demolition, excavation and building work, the public way (other than the widened footway area upon which the fruit kiosk is to be installed) shall not be obstructed by building materials or materials from the site in any way;

-and the following adopted standard conditions:

- (14) Lapse after 2 years <sup>101</sup>
- (15) Works on Public Way Cost <sup>1002</sup>
- (16) Paving <sup>1003</sup>
- (17) Alteration of Public Services <sup>1006</sup>
- (18) Limits on Signage <sup>2005</sup>

- (19) Loading/Parking kept clear <sup>3016</sup>
- (20) Road Opening Permit <sup>3025</sup>
- (21) Delivery of Construction Materials <sup>3032</sup>
- (22) Clean Water Discharge <sup>4002</sup>
- (23) Preserve Existing Trees <sup>5006</sup>
- (24) Construction Hours <sup>9151</sup>

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

Granting unconditional consent would be likely to adversely affect pedestrian movement and safety.

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

Carried.

## 2.

### **SOUTH DOWLING STREET, NO. 563, SURRY HILLS - CONSTRUCTION OF ADDITIONAL LEVEL AND ROOFTOP TERRACE AT REAR OF EXISTING BUILDING - DEVELOPMENT APPLICATION (U99-00133)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mrs June Hordern, for permission to construct an additional level on the existing building, subject to the following conditions, namely:-
  - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That the development shall be generally in accordance with plans numbered 1A to 4A, dated June, 1999 as amended by the sketch plan showing a curved roof extension submitted to Council on the 22 November, 1999;

- (3) That a balustrade shall be constructed on the western side of the rooftop terrace which shall be set back a minimum of one metre from the edge of the rooftop;
- (4) That the outer edge of the eaves on the northern side of the proposed new addition shall be set back 500mm from the outer face of the parapet wall;
- (5) 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;
- (6) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (7) 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;
- (8) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) 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;
- (13) 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);

- (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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (17) 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;
- (18) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (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 minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (22) 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;
- (23) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;

- (24) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (25) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (26) 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;
- (27) 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;
- (28) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".

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.

**3.**

**HORDERN STREET, NO. 85, NEWTOWN - ADDITION OF ATTIC AND REAR DECK TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U99-00559)**

- (A) That pursuant to Section 79(C) of the Environmental Planning and Assessment Act and Regulations, Council refuses its consent to the application for the following reasons, namely:-
  - (1) That the proposed development does not comply with the requirements of Councils DCP in respect to height, rear decks and FSR;
  - (2) That the proposed development will have an adverse impact on the privacy and amenity of surrounding neighbours;



- (3) That the development does not provide a satisfactory relationship with the properties to the north;
  - (4) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

**BOTANY ROAD, NO. 580, ALEXANDRIA - DEMOLISH EXISTING WAREHOUSE AND CONSTRUCT NEW RESIDENTIAL/COMMERCIAL DEVELOPMENT - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00819)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Lay:-

That the application be deferred to seek comment from the South Sydney Development Co-op in relation to:-

- (a) social mix;
- (b) design for sustainability.

Carried.

5.

**VICTORIA STREET, NO. 163, POTTS POINT - USE PREMISES AS A RESTAURANT - DEVELOPMENT APPLICATION (U99-00837)**

(A) That the Council as the responsible authority refuses its consent to the application submitted by Bruce Litchfield of Litchfield Design, for permission to use the existing building as a restaurant, including extensions to the rear and proposed operating hours of 12pm to 12am daily, for the following reasons, namely:-

- (1) That the proposal does not comply with the objectives of the 10-Mixed Uses Zone under Local Environmental Plan 1998;
- (2) That the proposal does not comply with Clause 37 of Local Environmental Plan 1998;
- (3) That the proposal does not comply with the proposed amendments to the Transitional Mixed Use precinct under Part F of Development Control Plan 1997;

- (4) That the proposal exceeds the Floor Space Ratio for the site as stipulated under Development Control Plan 1997;
  - (5) That the proposal would result in considerable privacy, noise and overshadowing impacts to the adjacent properties;
  - (6) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**6.**

**MACKEY STREET, NO. 48, SURRY HILLS - DEMOLITION OF EXISTING DWELLING - DEVELOPMENT APPLICATION (U99-00949)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Architectural Projects Pty Ltd, for permission to demolish the existing single storey dwelling and fences, for the following reasons, namely:-
- (1) That the proposal is not consistent with the objectives of the zone under LEP 1998;
  - (2) That the proposal breaches Clause 22 of Local Environmental Plan 1998;
  - (3) That the proposed demolition is not in accordance with the principles of the Heritage Development Control Plan 1998;
  - (4) That the proposed demolition of the building will impact negatively upon the conservation area and the streetscape;
  - (5) That the existing building contributes to the character of the conservation area;
  - (6) That the character of the precinct is to be retained;
  - (7) That granting consent to the application will 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.

7.

**WATERLOO STREET, NO. 6, SURRY HILLS - TWO STOREY UNIT  
ADDITION TO AN EXISTING TWO STOREY WORKSHOP/UNIT -  
DEVELOPMENT APPLICATION (U99-00817)**

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by Tele 2000 for a two storey unit addition to an existing two storey workshop and unit for the following reasons, namely:-
- (1) That pursuant to Part E, Clause 2.3, the proposal does not comply with the 6m maximum height limit as defined within Development Control Plan 1997 – Urban Design;
  - (2) That pursuant to Part F, Clause 2.4.1 of Development Control Plan 1997, the proposal is unacceptable on the grounds of privacy and overlooking when taking into consideration adjoining properties;
  - (3) That pursuant to Part E, Clause 2.2, the proposal exceeds the maximum permissible floor space ratio for the subject site as indicated on the floor space ratio map of Development Control Plan 1997;
  - (4) That the proposal is excessive in terms of bulk and scale and is contrary to the predominant height and scale of adjoining buildings;
  - (5) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

8.

**MOORE PARK ROAD, NO. 308, PADDINGTON - ALTERATIONS AND  
ADDITIONS TO EXISTING HOTEL - DEVELOPMENT APPLICATION -  
CONTRIBUTION INCLUDED IN CONSENT (U99-00718)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Amberlane Holdings Pty Ltd and Bonvale Holdings Pty Ltd, for permission to carry out alterations and additions to the existing hotel building to provide additional hotel accommodation rooms, internal alterations to the ground floor and new timber doors and

windows on the ground floor, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$7,950 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 \$1300, 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	\$ 1,651	2E97003.BGY0
Open Space: New Parks	\$ 8,316	2E97009.BGY0
Accessibility And Transport	\$ 49	2E97006.BGY0
Management	\$ 136	2E97007.BGY0
<b>Total</b>	<b>\$10,152</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 approved building plans / before the release of the construction certificate / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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

#### Part B

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

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

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

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

completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

- (4) That the development shall be generally in accordance with the plans numbered DA9806.01 to DA9806.09, dated July 1999 received with this development application and modified by conditions contained in this consent;
- (5) That the ground floor external tiling shall be retained and conserved;
- (6) That details of the proposed alterations to the openings on the ground floor level shall be submitted prior to the issue of a Construction Certificate;
- (7) That the northernmost proposed new doorway from Regent Street to the Bar Area shall be permanently fixed and non-openable;
- (8) That the "plantroom" and "hotel room 9" as shown on the submitted plans shall be redesigned and deleted respectively so that the new floor level does not extend beyond the alignment of the building below. This will result in eight new hotel rooms and an enlarged plantroom;
- (9) That the proposed work shall be carried out in accordance with the Heritage Assessment Report prepared by Design 5 Architects dated July 1999;
- (10) That the proposed bicycle parking shall be located wholly within the subject property, shall not encroach upon the right of way and shall be designed in accordance with Development Control Plan No. 11 - Transport Guidelines for Development;
- (11) That all ground level doors and windows to the hotel along Moore Park Road and Regent Street shall be kept closed at all times after 10.00pm, except to allow patrons to enter and leave the premises.

- (12) That the hours of operation of the ground floor shall be between 10.00am and 11.00pm Mondays to Fridays, 10.00am and 12.00 midnight on Saturdays and 10.00 am and 10.00pm Sundays;
- (13) That no live entertainment shall be provided on the premises;
- (14) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
  - (i) external finishes to walls;
  - (ii) roofing;
  - (iii) balcony treatment;
  - (iv) proposed fences;
  - (v) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (15) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (16) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
- (17) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
- (18) 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;
- (19) 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;
- (20) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (21) 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);

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

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

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

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

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

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

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited, and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;

- (22) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:



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

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

In this condition:

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

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

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

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

- (23) 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);
- (24) That all proposed work shall be wholly within the boundaries of the site;

- (25) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2;
- (26) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (27) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (28) That the construction, fitout and finishes of the bar and hotel food and beverages areas shall comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (29) 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;
- (30) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (31) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (32) 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 a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:
  - (i) all required mechanical ventilation systems;
  - (ii) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all proposed bars;
  - (iii) the garbage room.
- (33) That the use of the premises shall not give rise to:-
  - (a) transmission of 'offensive noise' to any place of different occupancy

## 7028A - Noise from Licensed Premises (Amplified Music)

That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

That the LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

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

- (34) The use and operation of mechanical plant and equipment associated with the premises shall be designed and installed having regard to the acoustic assessment criteria outlined below:
- Transmission of 'offensive noise' to anyplace of different occupancy, and,
  - 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, and,
  - 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 effected 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).

Prior to the operational commissioning of the mechanical plant and equipment an acoustic validation assessment shall be undertaken demonstrating compliance with Council's acoustic requirements and a report submitted to Council from a suitably qualified acoustic consultant.

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

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

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

Carried.

9.

**BUCKNELL STREET, NO. 31, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U98-00802)**

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

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by DTB Architects Pty Ltd, with the authority of the owners Mr P and Mrs J Lay, for permission to carry out alterations to the existing dwelling, including a kitchen alcove extension, reinstatement of the two sash windows in the ground floor (eastern elevation), deletion of the rear chimney and continuation of the balcony on the first floor of the rear elevation, as approved in the 1987 development consent (reference DA 44/87/0078), and the erection of a rainwater tank and stand in the rear yard, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans numbered 01 Revision D, dated 9 August 1999, except where amended by conditions of consent;
  - (2) 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;

- (3) If the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;

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

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

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

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

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

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

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

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

- (6) That all relevant sections of the BCA shall be complied with;
- (7) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall

be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (8) That 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)
- (9) That an amended plan shall be submitted showing the reinstatement of the front sash windows, within the front (eastern) elevation. The windows shall be vertically proportioned and to the satisfaction of the certifying authority prior to release of the construction certificate.

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

Carried.

## 10.

### **BURREN STREET, NO. 70, ERSKINEVILLE - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 STOREY DWELLING - DEVELOPMENT APPLICATION (U99-00611)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ross Sampson to demolish the existing dwelling and construct a bedroom 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 \$750 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with amended plans dated 7 September, 1999;
- (4) That all relevant sections of the BCA shall be complied with;
- (5) 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;
- (6) That the requirements of the Work Cover Authority shall be complied with;
- (7) 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;
- (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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (10) 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;
- (11) 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;



- (12) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (13) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (14) That the demolition work shall comply with Australian Standard 2601-1991;
- (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 noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (17) 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;
- (18) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (19) 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;
- (20) 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);
- (21) 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;
- (22) 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;

- (23) 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);
- (24) 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);
- (25) That all proposed work shall be wholly within the boundaries of the site;

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

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

Carried.

## 11.

### **WYNDHAM STREET, NOS. 172 - 174, ALEXANDRIA - CONSTRUCTION OF 2 X 2 STOREY TERRACE HOUSES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00867)**

- (A) That pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, Council as the responsible authority grants its consent to the application, 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 \$3900 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 \$520 first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered 1-3 dated 19 August, 1999;
- (4) That all construction and associated works are to be carried out wholly within the site and at not time shall the driveway/walkway at the northern side of the site be used for scaffolding, hoarding or any other construction related activity without the permission of the legal owner of such walkway/driveway;
- (5) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$7,446	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$2,299	2E97002.BGY0
Accessibility And Transport	\$ 29	2E97006.BGY0
Management	\$ 114	2E97007.BGY0
<b>Total</b>	<b>\$9,888</b>	

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

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

where:

C is the original contribution amount as shown above;

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1,747	E97008.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)

- (7) 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);
- (8) 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;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and

7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);

- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (16) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (17) That the requirements of the Work Cover Authority shall be complied with;
- (18) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (19) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (20) The subject development is to have a flat roof and a parapet fronting Wyndham Street.

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 decision.

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

That the matter be deferred to the next Planning and Development Committee Meeting on the configuration for two dwellings for car parking.

Amendment negatived.

Motion, amended by consent, carried.

## 12.

### **CLEVELAND STREET, NOS. 422 - 424, SURRY HILLS - USE FORMER CHURCH AS THEATRE - DEVELOPMENT APPLICATION (U99-00812)**

- (A) That pursuant to the provisions of the Environmental Planning and Assessment (amendment) Act 1979, Council, as the responsible authority grants its consent to the development application submitted by Pyrafount Pty Ltd for permission to use the premises for public entertainment (theatre), subject to the following conditions, namely:-
- (1) That the use shall cease after a period of 12 months from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
  - (2) 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.
  - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$100 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) That the development shall be generally in accordance with plans numbered DA01 to DA03, dated 2 August 1999;
- (5) That the hours of the public performances on the site shall be restricted to between 6.00pm to 12midnight, Wednesday to Sunday;
- (6) That the hours of operation of the premises for rehearsals and teaching space shall be between 10.00am and 6.00pm, Monday to Saturday;
- (7) That the maximum capacity of the premises during public performances shall be 100 persons;
- (8) That maximum capacity of the premises during rehearsals and classes shall be 20 persons;
- (9) That with regard to noise from patron activities external to the premises (i.e. patrons arriving, leaving and congregating), it is essential that suitable site management practices be adopted by the proprietor to control noise and ensure that surrounding residential amenity is not reduced or impacted. The applicant shall therefore submit to Council a detailed Plan of Management within 3 months of the date of this consent which shall include (but not necessarily be limited to) the following undertakings with details of how each is to be achieved:-
  - (a) Ensure that noise arising from any queues outside the premises is minimised, and shall employ door staff to ensure appropriate queue management;
  - (b) Ensure that all patrons access or egress the toilets at the rear quietly;
  - (c) That the rear open space on the site shall not be used as a public waiting area, and shall provide access and egress to the toilet facilities by patrons only;
  - (d) That noise arising from the use of the internal of the building shall not be audible in any surrounding residential premises;
  - (e) That doors and windows shall be kept closed during shows and rehearsal times (and the premises shall comply fully with the BCA and Council's Ventilation Code);
  - (f) That the internal lobby shall be made available as a public waiting area prior to the commencement of the shows and during intermissions;



- (g) That the recommendations of the acoustic engineer in the Statement of Environmental Effects shall be adopted and works implemented prior to the use commencing;
  - (h) That further acoustic testing shall be undertaken after the completion of the works and operation of the premises and that details of the testing shall be accompanied by a report from an acoustic engineer which gives an overview of the testing method and results, and shall be lodged with Council within three months of the operation of the premises. The acoustic testing procedure and report shall be to the satisfaction of the Director of Planning and Building;
  - (i) If it is shown that the use does not comply with conditions (12) and (13) of the consent, further works shall be undertaken on the site within three months of the testing required by Condition (10)(h) so as to ensure compliance with the conditions of consent, and the further works shall be to the satisfaction of the Director of Planning and Building;
- (10) That public access and egress shall be provided from Cleveland Street only;
  - (11) That no Public Address System shall be installed outside the premises;
  - (12) The  $L_{A10}$  noise level emitted from the premises shall not exceed 5dB(A) above the background ( $L_{A90}$ ) noise level in any Octave Band Centre Frequency (31.5Hz to 8Hz inclusive) when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises;
  - (13) That notwithstanding compliance with the above clause, the noise from the premises shall not be audible within any habitable room in any residential premises;
  - (14) That the use of the premises shall not give rise to transmission of vibration to any place of different occupancy;
  - (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
  - (16) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an approved air handling system shall be installed;

- (17) That all air handling, evaporative cooling, hotwater, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health Regulations 1991;
- (18) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (19) That a maximum of 2 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;
- (20) That the proprietor shall advise patrons on advertising material and on tickets that the site is in close proximity to bus services, and that utilisation of public transport is encouraged;
- (21) That the proprietor shall advise patrons on advertising material and tickets that the site is within a restricted resident parking area, and that parking is not available in residential streets nearby the site;
- (22) 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 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	\$ 286	2E97003.BGY0
Open Space: New Parks	\$1,220	2E97009.BGY0
Accessibility And Transport Management	\$ 8	2E97006.BGY0
	\$ 40	2E97007.BGY0
<b>Total</b>	<b>\$1,554</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.

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

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

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

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;

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;

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);

That all proposed work shall be wholly within the boundaries of the site;

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;

- (23) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2;
- (24) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2. Details to be submitted showing compliance with BCA prior to issuing a Construction Certificate;
- (25) That the construction, fitout and finishes of the premises shall comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (26) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (27) That the storage and handling of garbage shall comply with the requirements of Council's "Waste/Minimisation Fact Sheets";
- (28) 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 an accredited certifier for approval prior to the issue of a Construction or Occupation Certificate:
  - (a) the garbage area;
  - (b) all proposed and altered mechanical ventilation systems;
  - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas.
- (29) That a validation certificate be submitted by an accredited acoustic engineer to the principal certifying authority certifying that conditions of consent have been complied with prior to issuing an occupation certificate;
- (30) 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);

- (31) That all proposed work shall be wholly within the boundaries of the site;
- (32) 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;
- (33) That a copy of the approval for the place of public entertainment shall be conspicuously displayed in the place of public entertainment, in accordance with the requirements of Schedule 2 of Local Government (Approvals) Regulation 1993;
- (34) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
- (35) That the premises, and its site, shall be maintained in a clean and hygienic condition, clear of all undergrowth, rubbish, flammable or noxious material, and other material likely to constitute a fire or health hazard;
- (36) That the promoter shall ensure that fire safety officers are on duty at all times while the place of public entertainment is open to the public for a stage performance in accordance with the requirements of Schedule 2 of the Local Government (Approvals) Regulation 1993;
- (37) 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;
- (38) That the openings in the external walls shall be protected in accordance with the requirements of C3.2-4 of the BCA;
- (39) That the projection suites shall comply with the requirements of Clauses H101.17(1-3) of the BCA;
- (40) That the electric mains installation shall comply with the requirements of Clause H101.19 of the BCA;
- (41) That the fabric used in any part of a place of public entertainment shall comply with the requirements of specification C1.10.4 of the BCA;

- (42) That the entertainment area shall be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60;
  - (43) That details of stage construction shall be submitted to Council for consideration prior to construction;
  - (44) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (45) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
  - (46) 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;
  - (47) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
  - (48) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
  - (49) 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 F1.7
  - (50) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
  - (51) That sanitary facilities shall be provided in accordance with the requirements of Part F2.3 of the BCA;
  - (52) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

**MOORE PARK ROAD, NO. 352, PADDINGTON - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U98-00502)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ascot Industries Pty Ltd (Owner) for permission to undertake alterations and additions to the existing building, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of 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 \$560, 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 dated 17 August, 1999 and numbered 0502/98 as varied by the drawings "proposal (Section A-A)" and "amended proposal" on plan 23/P.E.99 dated 22 November, 1999;
  - (4) That the proposed third level balconies at the western elevation associated with the unit closest to Leinster Street shall be juliet style balconies with a maximum depth of 200mm, as shown on the Council endorsed plans, details of which shall be submitted with the Construction Certificate;
  - (5) That the eastern and northern masonry walls of the rear building shall be no higher than the present wall heights and the western wall shall not be more than 100mm above the height of the present western wall, nominated on plan 23/P.E/99 as RL 54.94m;

- (6) That the window in the eastern boundary wall shall be deleted and the wall made good;
- (7) That the development shall be wholly contained within the boundaries of the site;
- (8) That privacy screens with a minimum height of 1500mm shall be located at the eastern and western edges of the balcony at the Leinster Street elevation;
- (9) That the proposed ground level windows at the Moore Park Road elevation shall be redesigned so that they are generally consistent with the ground level window treatment at No. 350 Moore Park Road. Details shall be submitted with the Construction Certificate;
- (10) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (11) That the proposed roof structures shall comply fully with the requirements of Specification C1.1 of the BCA;
- (12) That the applicant is advised that this consent does not approve subdivision of the property, a separate application shall be lodged and will be assessed against the provisions of State Environmental Planning Policy No. 10 for any subdivision of the site;

-and the following adopted standard conditions:

- (13) Stormwater Connection Fee<sup>5</sup>
- (14) Noise<sup>7028</sup>
- (15) Recycling<sup>6007</sup>
- (16) Storage/Garbage<sup>6009</sup>
- (17) Comply With BCA<sup>9104</sup>
- (18) Construction Certificate Required<sup>9155</sup>
- (19) Commencement of Structural Works<sup>9202</sup>
- (20) Protection of External Walls<sup>9323</sup>
- (21) Glazing Provisions<sup>9330</sup>
- (22) Separation of Class One Walls<sup>9324</sup>



- (23) Structural Design Certificate<sup>9006</sup>
- (24) Drainage Details with Construction Certificate<sup>9013</sup>
- (25) Stairs and Balustrades<sup>9419</sup>
- (26) Smoke alarms<sup>9523</sup>
- (27) Protection of walls and floors in wet areas<sup>9602</sup>
- (28) Clothes washing, drying and cooking facilities<sup>9604</sup>
- (29) Damp and weather proofing<sup>9605</sup>
- (30) Ceiling heights of rooms<sup>9611</sup>
- (31) Natural light and ventilation<sup>9613</sup>
- (32) Construction Hours<sup>9151</sup>
- (33) Works Within Boundary<sup>9152</sup>
- (34) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (35) Comply With the WorkCover Authority<sup>9105</sup>
- (36) Soil and Sediment Prosecution Note<sup>7069</sup>
- (37) Recycling<sup>6007</sup>
- (38) Storage/Garbage<sup>6009</sup>

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

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

Carried.

14.

**KING STREET, NOS. 304 - 308, NEWTOWN - GAY LOUNGE AND ADULT BOOK SHOP - DEVELOPMENT APPLICATION (U98-00469)**

Deferred and that the matter be referred to the next Gay and Lesbian Committee Meeting for a comment on the conditions for the application. The matter to be then placed on Council's first committee meeting after the Gay and Lesbian Committee has met to discuss the issue.

Carried.

15.

**BROADWAY, NOS. 173-179, ULTIMO - PROPOSED INTERNAL SALE/ DISPLAY HOME UNIT AND EXTERIOR REPAINTING - DEVELOPMENT APPLICATION (U99-00723)**

- (A) That the Council as the responsible authority pursuant to Section 80(3) of the Environmental Planning and Assessment Act, grants consent to the development application submitted by the Walker Corporation, with the authority of South Sydney Council, for permission to redevelop the site being the land comprised in DP 5814, subject to the following conditions, namely:-
- (1) That prior to issuing of 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 Council for the return of the deposit;
  - (2) Prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$600 or first installment as practicable, can be paid to the Council;
  - (3) That a conservation plan is to be prepared to the satisfaction of the Director of Planning and Building prior to commencement of the use of the building for the purposes of a display unit;
  - (4) That all works the subject of, and arising from this approval, are to be reversible in terms of making good the fabric of the building, in order to ensure the protection of its heritage value;
  - (5) That the development shall be generally in accordance with the following submitted information:

- (a) plans numbered 00723/99 DBA00 to DBA08 dated 5 July 1999;
  - (b) sample board and coloured elevations submitted 21 October 1999, with the exception that all sills, stringlines and the sunrise motif surmounting the arched window in the 2nd floor level of the Broadway facade are to painted Indian Red;
- (6) That the developer is to reinstate any damaged kerb or gutter in materials similar to those existing;
  - (7) That all construction activity is to be contained within the site;
  - (8) That the premises are to be designed in accordance with the access provisions of the latest version of the Building Code of Australia and criteria set out in the Advisory Notes On Access To Premises by the Human Rights and Equal Opportunities Commission. Details of compliance with these references are to be submitted with the Building Application;

-and the following adopted standard conditions:

- (9) 7023 Ventilation
- (10) 8501 Compliance with BCA
- (11) 9101 Issue of Occupation Certificate
- (12) 9105 Comply with Workcover
- (13) 9151 Construction hours
- (14) 9156 Building/demolition noise control
- (15) 9157 Maintain existing building in stable condition
- (16) 9021 Section 121 warning
- (17) 9421 Exit Doors
- (18) 9501 Portable Fire Extinguishers
- (19) 9506 Hose reels
- (20) 9507 Hydrants
- (21) 9514 Maintenance of essential services
- (22) 9518 Emergency lighting
- (23) 9519 Exit signs

(24) 9520 Directional signs

(25) 9601 Protection of walls and floors in wet areas

(26) 9422 Altering exit door in direction

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

granting unconditional consent would be likely to adversely affect the amenity of the neighborhood, including adverse affects relating to streetscape qualities, heritage issues, traffic and parking congestion and would not be in the public interest.

**Note:**

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

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

At the request of Councillor Bush, 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 to clarify whether the application is for student accommodation or home units.

Motion, as amended by consent, carried.

**16.**

**ELIZABETH STREET, NOS. 457-459, SURRY HILLS - CHANGE OF HOURS TO RESTAURANT - DEVELOPMENT APPLICATION (U98-01267)**

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment (Amendment) Act, 1997 to the development application submitted by Pae Han, with the authority of Fadosu Pty Ltd, for permission to extend existing hours of operation subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with floor plans received 9 December 1998;
- (2) That the hours of operation shall be restricted to between 12 noon to 2.00 a.m. daily with the service of alcohol until 2.00 a.m.;
- (3) That the extension of hours shall be commenced within 6 months of the date of this consent and shall cease after a period of 12 months from the date of commencement. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed use (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period);
- (4) That no coaches shall drop off or pick up customers in any street other than Elizabeth Street;
- (5) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (6) That a sign shall be erected and maintained in a position clearly visible by all persons leaving the premises reminding customers to vacate the premises in a quiet and respectful manner;
- (7) That no garbage or trade waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (8) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (9) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (10) 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";
- (11) That no external stowage of any garbage, including recyclable material shall take place between the hours of 9.00 p.m. and 6.00 a.m. daily;
- (12) That no trade waste shall be collected from the premises between the hours of 11.00 p.m. and 7.00 a.m. any day;
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;

- (14) The  $L_{A90}$  noise level emitted from the licensed premises shall not exceed 5dB above the background ( $L_{A90}$ ) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00am to 12pm (midnight) when assessed at the nearest affected residential boundary. The background sound level shall be measured in the absence of noise emitted from the licensed premises;
- (15) The  $L_{A90}$  noise level emitted from the licensed premises shall not exceed the background ( $L_{A90}$ ) sound level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 12.00pm (midnight) to 7.00am when assessed at the nearest affected residential boundary. The background sound level shall be measured in the absence of noise emitted from the licensed premises;
- (16) That notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
- (17) That plans and specifications showing details of all proposed and altered mechanical ventilation systems and any proposed coolroom installation or proposed alterations to the food handling rooms of the premises shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced.

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

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

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

Carried.

17.

**VICTORIA STREET, NOS. 15-17, BEACONSFIELD - SECTION 96  
APPLICATION FOR EXTENSION OF HOURS CO-MASONIC MEETINGS -  
DEVELOPMENT APPLICATION (U99-00594)**

(A) That the Council as the responsible authority amend Condition 4 of the consent dated 11 August 1999, with respect to the Section 96 application for extension of hours at Co-Masonic Meetings, at the abovementioned premises to read as follows, namely:-

(1) That the use of the premises shall be restricted to the following hours:

Saturday (Day)	18 per year from 2.00pm – 7.00pm
Saturday (Evening)	10 per year from 6.30pm – 10.30pm
Sundays	3 per year from 10.00am – 12.00noon
Tuesdays	11 per year from 7.00pm – 10.30pm
Thursdays	4 per year from 6.00pm – 10.30pm
Weekly	1 meeting per week for two hours between 8.00am and 9.00pm

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

Carried.

18.

**LANG ROAD, NO. 104, CENTENNIAL PARK - PROPOSED ALTERATIONS  
AND ADDITION TO DWELLING - DEVELOPMENT APPLICATION (U99-  
01038)**

(A) That the Council as the responsible authority grants its consent to the application by Habitat Architects with the authority of L and B Lee, to make alterations and additions to an existing dwelling house and to construct a rear garage and games room subject to the following conditions, namely:-

(1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2,550 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 \$350, 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 DA01E, 02E and 04C dated 6 September 1999 and DA03A dated 30 August 1998;
- (4) That the bathroom window be so designed that the centre panel is fixed and the two outer panels so constructed that they hinge on their western side and open by not more than 45 degrees;
- (5) That the three bathroom window panels shall contain obscure glass to a height of not less than 1.5m above floor level;
- (6) That the wall of the garage on the western boundary of the site shall be retained if possible;
- (7) That the ridge height of the rear building shall not exceed 7.2m above natural ground level;
- (8) That the first floor of the rear building shall not be used as a residential flat;
- (9) That the building materials and colours shall match those of the existing dwelling;
- (10) 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;
- (11) 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;
- (12) 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;
- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) 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;



- (15) 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;
- (16) 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);
- (17) That all relevant sections of the BCA shall be complied with;
- (18) 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;
- (19) 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;
- (20) 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;
- (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 building/demolition work shall comply with Australian Standard 2436-1981 “Guide to Noise Control on Construction, Maintenance and Demolition Sites”;
- (23) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council’s approval;

- (24) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (25) 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;
- (26) 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;
- (27) That the demolition work shall comply with Australian Standard 2601-1991;
- (28) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;
- (29) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations.

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.

19.

**KELLETT STREET, NO.48, KINGS CROSS - SEEKING APPROVAL FOR EXISTING COMMERCIAL BROTHEL - DEVELOPMENT APPLICATION (U98-00846)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Michael James Soulos, with the authority of Bearsun Pty Ltd, for permission to use of the premises as a brothel, subject to the following conditions, namely:-
- (1) That this proposed use of the premises generally comply with the submitted Plans numbered DA02, DA03, and DA04, dated 7.6.1998 and the Plan of Management for 48 Kellett Street, Potts Point with covering letter dated 28 September 1999;
  - (2) That no alcohol is to be sold on the premises;
  - (3) That no more than 5 sex workers are to be on the premises at any one time;
  - (4) That the outside of the premises are to be kept in a clean and tidy condition at all times;
  - (5) That no solicitation in any way with the premises shall occur on the streets, or within the premises in view of the public;
  - (6) That clients are not to loiter outside the premises and all clients shall be required to wait within the designated reception area / waiting room;
  - (7) That the use of the courtyard for staff shall be restricted to between 8.00am and 6.00pm on any given day;
  - (8) That the Courtyard access from Kellett Way only be used for emergency access/ egress, and for the collection of trade and clinical waste (if and when required);
  - (9) That clients and staff access the premises only from the Kellett Street entrance;
  - (10) That at no time shall retail sale of sex paraphernalia be made from the premises;
  - (11) That the red light displayed on the front façade of the premises be replaced with a clear lamp;
  - (12) That a clearly visible street number be fixed on the front of the premises;

- (13) That AAA rated water saver shower heads be installed in all showers in the premises;
- (14) That the paint be removed from the rear window facing Kellett Way, and that a suitable privacy device (such as a venetian blind) be installed;
- (15) That no waste from the premises be disposed of in Council's residential waste services;
- (16) That a suitable smoke/fire alarm system shall be installed throughout the premises;
- (17) That doorways to all bedrooms, staff room, office and laundry shall be protected by self-closing solid core doors;
- (18) 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;
- (19) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (20) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2;
- (21) That all contaminated waste, including syringes, be stored in suitable containers with tight fitting lids;
- (22) That a garbage storage area be provided within the site;
- (23) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgement of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. The certificate of performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of ventilation;
- (24) 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 an accredited certifier for approval prior to the issue of a Construction Certificate:
  - (a) all proposed and required mechanical ventilation systems;

- (b) the garbage area;
- (c) the location of exhaust and intake vents.

-and the following adopted standard conditions:

- (24) Issue of Occupation Certificate<sup>9101</sup>
- (25) Comply With BCA<sup>9104</sup>
- (26) Protection of Openings<sup>9307</sup>
- (27) Type of Construction<sup>9319</sup>
- (28) Multiple Station Smoke Alarm System<sup>9814</sup>
- (29) Construction Certificate Required<sup>9155</sup>
- (30) Portable Fire Extinguishers be Installed<sup>9501</sup>
- (31) Emergency lighting<sup>9518</sup>
- (32) Exit signs<sup>9519</sup>
- (33) Storage Cupboards Under Required Non-Fire Isolated Stairs<sup>9415</sup>
- (34) Good Housekeeping<sup>9851</sup>
- (35) Egress Paths to be Kept Clear<sup>9852</sup>
- (36) Certification of Electrical Installation<sup>9853</sup>
- (37) Inspection of Gas Installation<sup>9854</sup>
- (38) Noise<sup>7028</sup>
- (39) Sex Industry<sup>7043</sup>
- (40) Sex Industry<sup>7044</sup>
- (41) Sex Industry<sup>7045</sup>
- (42) Sex Industry<sup>7046</sup>
- (43) Sex Industry<sup>7047</sup>
- (44) Sex Industry<sup>7048</sup>
- (45) Sex Industry<sup>7050</sup>
- (46) Sex Industry<sup>7051</sup>

(47) Sex Industry<sup>7054</sup>

(48) Sex Industry<sup>7055</sup>

(49) Sex Industry<sup>7056</sup>

(50) Sex Industry<sup>7057</sup>

(51) Sewer Discharge<sup>8004</sup>

(52) Trade Waste (Daily Removal)<sup>7064</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.

20.

**PINE STREET, NOS. 1-35, CHIPPENDALE - AMENDMENT TO DEVELOPMENT APPLICATION TO ERECT 55 RESIDENTIAL UNITS (U97-00217)**

That Council raise no objection in submission to the Land and Environment Court to the modification of the development consent granted to Cityscape Group Pty Ltd for permission to make minor alterations to the proposal to erect 55 units at Nos. 1-35 Pine Street, Chippendale.

(DPB Report 12.10.99)

Carried.

21.

**ROSE STREET, NO.8, CHIPPENDALE - ALTERATIONS AND EXTENSIONS TO EXISTING RESIDENCE - DEVELOPMENT APPLICATION (U99-00508)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr G Stokes for alterations and additions to an existing dwelling and use of part of the building as an art gallery for the following reasons, namely:-
- (1) That the proposed development has an adverse impact on the amenity of adjoining properties as a result of its excessive bulk and form (Height and nil setback);
  - (2) That the proposed roof terrace by virtue of its size and design will lead to privacy impacts on other residential properties in the area;
  - (3) That the provision of off-street car parking adds to the unacceptable bulk of the proposed development as well as reducing on-street car parking in an area where demand for on-street car parking is in high demand;
  - (4) That the proposal is not considered to be in the public interest.
- (B) That the applicant be advised that Council would be prepared to consider a new Development Application for a building of reduced bulk and floor space without off-street car parking and which maintains adequate privacy.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

## 22.

### **PLANNING - DEVELOPMENT CONTROL PLAN NOTIFYING APPLICATIONS (D52-00159)**

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council resolve to:-

- (a) prepare a Draft Development Control Plan in accordance with Section 72(1)(c) of the Environmental Planning and Assessment Act relating to the notification procedures for Development Applications;
- (b) place the Draft DCP on public exhibition in accordance with Clause 17 of the Environmental Planning and Assessment Act Regulation;
- (c) prepare a report for consideration by Council following the public exhibition period.

(DPB Report 12.11.99)

Carried.

23.

**ELIZABETH STREET, NOS. 830-838, WATERLOO (FORMER CHUBB SITE)  
- MASTER PLAN REFINEMENT (2015654)**

- (A) That Council adopt the Masterplan refinements for the former Chubb site at Nos. 830 - 838 Elizabeth Street, Waterloo, as shown in the Revised Masterplan Report prepared by LFA (aust) Pty Ltd dated 21/10/99 and the Conservation Plan - Luke Muras Building, October 1999, prepared by Wendy Thorp, Cultural Resources Management.
- (B) That the through-site link connecting Powell and Short Street and located alongside the Luke Murras Building be opened to the sky to encourage its use by the general public.
- (C) That public access through the site links be secured through the imposition of covenants.
- (D) That Council endorse the total value of public domain works for the refined Masterplan and that its component elements currently proposed by the applicant be endorsed in-principle subject to the following amendments:
  - (5) The value placed on restoration of heritage components of the development be re-allocated to embellishment of Waterloo Park;
  - (6) The potential for a water feature in and footpath extensions around the pocket park at Powell and Hunter Street be further investigated;
  - (7) An agreed palette of materials, planting and furniture, design details and value of works shall be determined for footpaths around and through the site, with any surplus being allocated to embellishment of Waterloo Park;
  - (8) A mechanism for establishing the value and integrated implementation of works in Short Street be established.
- (E) That further discussions take place between the applicant and the Green Square Project Team to refine the public domain improvements proposed in return for floorspace bonus on the site, and that these improvements be included in a Memorandum of Understanding between the applicant and Council.
- (F) That the design of buildings in the central residential part of the site, Stage 3, be designed in accordance with the Conservation Plan - Luke Muras Building, October 1999 by Wendy Thorp, and specifically:



- (1) A minimum of 2 bays (including aisles and nave) of the significant truss system to the Former Luke Muras Building are to be retained and conserved;
- (2) Infil buildings on Powell and Short Streets are to be of contemporary robust, functional and industrial character of sympathetic form, bulk, scale and materials to complement the adjoining significant Former Chubb Building;
- (3) Development Applications for the new infil buildings shall include a heritage impact statement which addresses the above issues.

(DPB Report 12.11.99)

Carried.

## 24.

### **POWER AVENUE, NOS. 11-15, ALEXANDRIA - DEMOLITION OF EXISTING BUILDING AND ERECTION OF FOUR MIXED USE BUILDINGS COMPRISING OF 121 RESIDENTIAL UNITS AND GROUND LEVEL COMMERCIAL AND CAFÉ, ABOVE BASEMENT CAR PARKING - DEVELOPMENT APPLICATION (U99-00663)**

That the matter go to Council without Recommendation and it is the Committee's view that this development does not provide sufficient public domain improvements to warrant the full .5% bonus and that the applicants should address the reduction of the FSR by .25 with the focus being on the number of one bed/bedsit units and/or further benefits to the public domain more in line with Green Square requirements.

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

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Pipheron Pty Ltd, with the authority of the owner R & A Dalley & Co. Pty Ltd, to demolish the existing buildings on the site and to erect four separate buildings containing 121 residential units, a café and some ground level commercial floor space above basement car parking, for the following reasons, namely:-
  - (1) That the proposal exceeds the maximum permissible Floor Space Ratio specified in Development Control Plan 1997 - Urban Design (DCP 1997);
  - (2) That the proposal exceeds the maximum permissible height specified in DCP 1997;
  - (3) That the proposal fails to address the streetscape level of the

buildings in respect to the impact on the streetscape and pedestrian safety and security;

- (4) That the proposal does not provide sufficient public domain improvements to warrant a bonus floor space incentive above 0.25:1;
- (5) That the proposal falls outside the area of Green Square currently governed by Council's statutory planning instruments, (Local Environmental Plan 1998 (Amendment No.2) Green Square, DCP 1997 (Amendment) Stage 1 Green Square, and the South Sydney Section 94 Contributions Plan 1998 (including Green Square), and as such, the proposal seeks to obtain the benefits and opportunities of developing in Green Square, but fails to contribute to the framework of the area in respect to Section 94 contributions, and the provision of affordable housing;
- (6) That approval of the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Motion, as amended by Councillor Lay, carried.

## 25.

### **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)**

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the matter be deferred for Counsel advice being obtained to clarify whether the application is a Crown Application.

Carried.

26.

**MACLEAY STREET, NO.87, POTTS POINT - CHANGES USE TO  
BACKPACKERS HOSTEL - DEVELOPMENT APPLICATION -  
CONTRIBUTION INCLUDED IN CONSENT (U99-00161)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Savvides Holdings Pty Ltd (owner) for permission to use the premises as a backpacker's hostel, subject to the following conditions, namely:-
- (1) 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 \$180, or first instalment (as applicable), can be paid to the Council;
  - (2) 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;
  - (3) That the development shall be generally in accordance with plans 1401/99-01B dated 20 July 1999;
  - (4) That the development shall operate strictly in accordance with the submitted Plan of Management, and any change to management procedures shall be submitted in writing to the Council and the Council's concurrence obtained, prior to any change in procedures;
  - (5) That an on-site manager in accordance with the Plan of Management shall be employed in association with the proposed backpackers hostel and shall be available on-site 24 hours, 7 days per week, and shall ensure the appropriate management of noise, security and good housekeeping;
  - (6) That the ground floor "Managers room" shown on the plan shall be only available to the on-site Manager/s and shall not be used for the purposes of backpacker's accommodation;
  - (7) That no more than 58 beds (including mattresses) shall be located on the first floor and that no more than 1 bed (including mattresses) for the Manager shall be located on the ground level of the premises;

- (8) That the external open space shall not be used by the hostel patrons between 9.00pm and 8.00am, 7 days per week and that management procedures to ensure compliance with this condition shall be detailed in the Plan of Management;
- (9) That landscape works shall be carried out in accordance with the Landscape Plan 99/56CC dated June 1999 and thereafter maintained in accordance with that plan;
- (10) That secure storage facilities for a minimum of 10 bicycles shall be established on the site and shall be for the use of hostel patrons and staff;
- (11) That plans and specifications showing details of:-
- (a) All proposed mechanical ventilation systems;
  - (b) The garbage room;
  - (c) The recycling storage area;
  - (d) The layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas shall be submitted to Council and shall be to the satisfaction of the Director of Health and Community Services prior to approval of the Construction Certificate;
- (12) Part A

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 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$11,969	E97003.BGY0
Open Space: New Parks	\$60,291	E97009.BGY0
Accessibility And Transport Management	\$ 356	E97006.BGY0
	<u>\$ 986</u>	E97007.BGY0
<b>Total</b>	<b>\$73,602</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.

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

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

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

## Part B

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

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

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

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

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

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

- (13) That natural light and ventilation shall comply fully with the requirements of Part F.4 of the BCA;

-and the following adopted standard conditions:

- (14) 2001- Separate Application for Signs;
- (15) 5005- Tree Preservation Order;
- (16) 5014- Maintenance of Landscaping;
- (17) 6003- Commercial Garbage Contract;
- (18) 6001- Garbage on Public Way;
- (19) 6002- Refuse Skips;
- (20) 6007- Recycling;
- (21) 6011- Garbage Room/ Receptacle;
- (22) 7004- Emissions;
- (23) 7010- Shared Accommodation;
- (24) 7016- Sanitary Facilities;
- (25) 7023- Ventilation;
- (26) 7026- Noise and Vibration;

- (27) 7028- Vibration and Noise;
- (28) 8004- Sewer Discharge;
- (29) 9006- Structural Design Certificate;
- (30) 9104- Comply with the BCA;
- (31) 9155- Construction Certificate Required;
- (32) 9151- Construction Hours;
- (33) 9105- Comply with the Workcover Authority;
- (34) 9156- Building/Demolition Noise Control;
- (35) 9201- Timber Framing to comply with Aust Standard or Certified;
- (36) 9202- Commencement of Structural Works;
- (37) 9307- Protection of Openings;
- (38) 9330- Glazing Provisions;
- (39) 9611- Ceiling Heights of Rooms;
- (40) 9608- Number of Toilets to be provided;
- (41) 9616- Mechanical Ventilation to Internal Bathrooms & Laundries;
- (42) 9316- Solid Core Doors to Sole Occupancy Units;
- (43) 9321- Protection of Roof Lights;
- (44) 9851- Good Housekeeping;
- (45) 9852- Egress Paths to be Kept Clear;
- (46) 9853- Certification of Electrical Installation;
- (47) 9854- Inspection of Gas Installation;
- (48) 9855- Cooking Facilities not permitted in Bedrooms;
- (49) 9863- Lining of Floors;
- (50) 9862- Non combustible Walls;
- (51) 9503- Fire Blanket to be Installed;

(52) 9501- Portable Fire Extinguishers to be Installed;

(53) 9518- Emergency Lighting;

(54) 9519- Exit Signs;

(55) 9522- Fire Detection and Alarm System;

(56) 9869- Sprinkler System;

(57) 9807- Construction of Switchboard;

(58) 9810- Fire Alarm Bells.

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

Carried.

27.

**SUPACENTA, SOUTH DOWLING STREET, MOORE PARK -  
CONSTRUCTION OF AN UNDERGROUND CAR PARK - DEVELOPMENT  
APPLICATION (U98-00440)**

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent in accordance with Section 81 of the Environmental Planning and Assessment Act, 1997, for the development application submitted by Supacenta Pty Ltd, with the authority of Centennial Park and Moore Park Trust, for permission to erect an underground car park in the Moore Park Golf Course, 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 \$18,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$8,000 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (3) That the development shall be generally in accordance with plans numbered DA-AR/100 & DA-AR101 dated March 1998;
- (4) That shade structures shall be erected on the roof top car park, with details submitted to be submitted with the construction certificate;
- (5) That traffic lights shall be erected at the Dacey Avenue exit at the applicants cost, to the satisfaction of the Roads and Traffic Authority;
- (6) That disabled parking shall be provided as per AS 2890.1 and AS 1428;
- (7) That the applicant shall submit a detailed landscape plan outlining the proposed treatment of the golf course endorsed by the Centennial Park and Moore Park Trust with the application for a construction certificate;
- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (9) The car park being ventilated in accordance with Australian Standard 1668 - 1991.1 Specification 7 and Australian Standard 1668.2 Section 4.
- (10) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (11) That the use of the premises shall not give rise to:-
  - (a) transmission of vibration to any place of different occupancy, or
  - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
  - (c) an "offensive noise" as defined in the Noise Control Act, 1975;

-and the following adopted standard conditions:

- (12) Details of Materials – Deferred Consent<sup>116</sup>
- (13) Construction of Widened Roadway – Costs<sup>1001</sup>
- (14) Works on Public Way Cost<sup>1002</sup>
- (15) Relocation of E.L.P<sup>1005</sup>
- (16) Alteration of Public Services<sup>1006</sup>
- (17) Builders Hoarding Permit<sup>1008</sup>
- (18) Shoring<sup>1012</sup>
- (19) Alignment Levels<sup>1016</sup>
- (20) Signal System<sup>3006</sup>
- (21) Vehicular Crossing<sup>3021</sup>
- (22) Signs at Egress<sup>3022</sup>
- (23) Cost of Signposting<sup>3026</sup>
- (24) Consequential Roadworks<sup>3027</sup>
- (25) Obstruction of Public Way<sup>3029</sup>
- (26) Construction Traffic<sup>3030</sup>
- (27) Traffic and Pedestrian Management<sup>3031</sup>
- (28) Delivery of Construction Materials<sup>3032</sup>
- (29) Stormwater Standard<sup>4001</sup>
- (30) Landscape Plan<sup>5001</sup>
- (31) Upgrade Landscape Areas<sup>5002</sup>
- (32) Tree Preservation Order<sup>5005</sup>
- (33) Vegetation Survey<sup>5009</sup>
- (34) Maintenance of Landscaping<sup>5014</sup>
- (35) Garbage on Public Way<sup>6001</sup>
- (36) Refuse Skips<sup>6002</sup>

- (37) Commercial Garbage Contract<sup>6003</sup>
- (38) Commercial Garbage Storage<sup>6004</sup>
- (39) Breakdown on material on site<sup>7001</sup>
- (40) Construction Noise<sup>7008</sup>
- (41) Car Park Ventilation<sup>7029</sup>
- (42) Structural Details with Construction Certificate<sup>9007</sup>
- (43) Drainage Design Certificate<sup>9011</sup>
- (44) Comply With BCA<sup>9104</sup>
- (45) Construction Hours<sup>9151</sup>
- (46) Hours of Work and Use of Cranes<sup>9153</sup>
- (47) Construction Certificate Required<sup>9155</sup>
- (48) Disabled entry<sup>3024</sup>

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

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

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

Carried.

28.

**BOURKE STREET, NOS. 782-822, WATERLOO - STAGE 1 REDEVELOPMENT (FORMER ACI SITE) MIXED USE DEVELOPMENT COMPRISING 342 RESIDENTIAL UNITS, COMMERCIAL/RETAIL SPACE AND ASSOCIATED PARKING - DEVELOPMENT APPLICATION (U99-00763)**

- (A) That Council defer the application pending the outcome of the Meriton appeal challenging the validity of the affordable housing provisions contained within LEP 1998 (Amendment 1) - Green Square.

- (B) The applicant be advised of the above, and of Council's position with respect to the required design amendments, as noted in Appendix 1 to this report.

(DPB Report 15.11.99)

Carried.

29.

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

- (A) That the Council as the responsible authority grants its consent to 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, subject to the following conditions, namely:-
- (1) That the garage/studio shall have a maximum height of 5.4m to the ridgeline to the satisfaction of the Director of Planning and Building;
  - (2) That the rear studio above the garage shall not be used as a separate dwelling;
  - (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3000.00 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;
  - (4) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalments 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 \$400.00, can be paid to the Council;
  - (5) That the development shall be generally in accordance with plans numbered No. DA100, DA110, DA111, DA120, DA121, DA130, DA140, DA141, DA142 dated August 1999;
  - (6) That the floor space ratio shall not exceed 1.02:1;

- (7) That the first floor terrace area of the main dwelling shall be reduced to a Juliet Balcony in accordance with the controls of page 121 of DCP 1997;

-and the following standard conditions:-

- (8) 4 – Certificate of Insurance to Undertake Residential Building Work
- (9) 117 – Matching Brickwork
- (10) 118 – Glazing Reflectivity less than 20%
- (11) 1016 – Alignment Levels
- (12) 3026 – Cost of Signposting
- (13) 3028 – Footway Crossing
- (14) 3029 -Obstruction of Public Way
- (15) 4001 – Stormwater Standard
- (16) 6002 - Refuse Skips
- (17) 7008 – Construction Noise
- (18) 9001 – Survey Certificate at Set Out Stage
- (19) 9002 – Survey Certificate at Completion
- (20) 9104 – Comply with BCA
- (21) 9151 – Construction Hours
- (22) 9152 – Works within Boundary
- (23) 9155 – Construction Certificate Required
- (24) 9105 -Comply with the Workcover Authority
- (25) 9156 – Building/Demolition Noise Control
- (26) 9157 – Maintain Existing Building in Stable Condition
- (27) 9201 – Timber Framing to Comply with Australian Standard or Certified
- (28) 9202 - Commencement of Structural Works

- (29) 9006 – Survey Certificate at Completion
  - (30) 9203 – Protection from Termites
  - (31) 9323 - Protection of the Underside of Timber Floors
  - (32) 9330 -Glazing Provision
  - (33) 9602 – Protection of Walls and Floors in Wet Areas
  - (34) 9523 – Smoke Alarms
  - (35) 9604 – Clothes Washing and Drying Facilities
  - (36) 9605 – Damp and Weather Proofing
  - (37) 9611 – Ceiling Heights of Rooms
  - (38) 9614 - Natural Ventilation
  - (39) 9624 – Construction of External Walls for Dampness
  - (40) 9013 – Drainage Details with Construction Certificate
  - (41) 9419 – Stairs and Balustrades
  - (42) 7023 – Ventilation
  - (43) 9613 – Natural light and Ventilation
  - (44) 7069 – Soil and Sediment Control
  - (45) 3032 – Delivery of Construction Materials
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**30.**

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

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority refuses to grant consent to 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, for the following reasons, namely:-
- (1) That the development is contrary to the objectives of South Sydney Development Control Plan No.11 - Transport Guidelines for Development 1996 by not providing an acceptable level of parking on site;
  - (2) That the development will create impacts on residential amenity due to additional vehicular movements in surrounding streets looking for kerb-side parking and is therefore contrary to the performance criteria in Clause 1.6 of Part E of the South Sydney Development Control Plan 1997 - Urban Design;
  - (3) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

### 31.

#### **STREETS - EASTERN DISTRIBUTOR - COMPLETION - PROPOSED LOCAL AREA IMPROVEMENT PLAN FOR LOCAL SURFACE STREETS - ADOPTION (T02-00172)**

This matter was submitted to Council without recommendation:-

Moved by Councillor Fowler, seconded by Councillor Lay:-

- (1) That Council receive and note the report by the Director of Public Works and Services dated 15 November 1999, on the development and recommendations in the reports by Arup and PPK for the Local Area Improvement program for the Eastern Distributor;
- (2) That Council approve implementation of measures including the potential provision of underground trenches of electricity cables recommended in those reports on roads in the South Sydney Council area, subject to adequate funding being available through the Roads and Traffic Authority for the implementation of those measures;
- (3) That Council press the Roads and Traffic Authority to extend the study process for the Whitlam Square area, in order to provide a satisfactory Traffic Management Treatment for local roads in that area;

- (4) That Council endorse the staged approach for Traffic Management Treatment in Oatley Road and nearby streets in South Paddington between Moore Park Road and Oxford Street;
- (5) That Council seek a firm commitment from the Roads and Traffic Authority to work with Council and the community to develop satisfactory remedies for any significant deficiencies that its traffic monitoring program reveals;
- (6) That the question of seeking additional funding from the State Government to implement the measures identified as Priority 4 items in the reports by the consultants be the subject of a further report by Council's Officers.

(DPWS Report 15.11.99)

Carried.

**32.**

**PLANNING - DELEGATIONS - DETERMINATION OF DEVELOPMENT MATTERS (5004716)**

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Macken:-

- (1) That Council delegate to the Planning and Development Committee the authority to determine those applications where members are unanimous in respect of the application;
- (2) That Council delegate to the General Manager, under Section 377 of the Local Government Act Authority to determine development applications and modification applications under Section 96 of the Act, where there are submissions from no more than five separate properties and provided that three or more Councillors have not, prior to determination, requested in writing that the matter go to committee;
- (3) That the delegations be reviewed in consultation with the Director of Planning and Building within six months to determine if the process is functioning to the satisfaction of the Department.

(DPB Report 17.11.99)

Carried.

The Planning and Development Committee Meeting terminated at 9.25 p.m.



The Council Meeting terminated at 7.52 p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**