

179TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 12 February 1997

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.37 pm on Wednesday, 12 February 1997.

PRESENT

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

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

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GENERAL MANAGER

Welcome to the Gallery in Council Chamber

At this stage the Mayor welcomed the public sitting in the Council Chamber to the first meeting of Council of 12 February 1997 and expressed hope for another successful year.

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Waters:-

That the minutes of the Ordinary Meeting of Council of 11 December 1996, be taken as read and confirmed.

At the request of Councillor Deftereos, and by consent, the minutes were amended on page 1353, which refers to the Mayor's Minute on the Code of Conduct, relating to Councillor Deftereos, by:-

(A) the Declaration of Interest response from Councillor Margaret Deftereos, namely:-

1. I have declared an interest in the return of pecuniary interest on the 30th of September this year by stating my ownership of the house in Regent Street, a road that runs from Moore Park Road to Oxford Street. The house is over 100 metres from the site in Gordon Street of the proposed Development Application.
2. A reasonable person would conclude that I had stated my private interest in my annual declaration.
3. I have no relationship with the developer, or their agents, the applicant, nor any interest in the Paddington Markets except as a Councillor.
4. My submission to Council on the Uniting Church Development Application was objective to the proposal and the planning controls that exist on the site.
5. I have a public duty to those people who elected me.
6. Even assuming I had a private or personal interest in the Development Application, which according to my legal advise is not at all certain, I have not failed the test set out in clause 5.1 and 5.2 of the Code because there was not necessarily a conflict between such interest and my public duty as a Councillor.

I was representing the views of the majority of my constituents. These views had been made very clear to me and other Councillors at a well attended meeting on 29 July 1996.

7. A reasonable person whether they owned property in South Paddington or not, has to see my actions as without conflict and in fulfilment of my public duties as a Councillor.
- (B) the addition after the word "Carried." of the paragraph "That Councillors Bush, Deftereos and Fowler requested that their names be recorded as being opposed to the foregoing motion."
- (C) the addition on page 1389 at the end of Item 9 relating to the Mascon - Festival of the Moon Budget, of the paragraph "Councillor Deftereos requested that her name be recorded as being opposed to the foregoing motion".

Minutes, as amended by consent, were then confirmed.

MINUTE BY THE MAYOR

12 February 1997

HEALTH - WAVERLEY AND WOOLLAHRA COUNCIL'S APPEAL AGAINST THE CLOSURE OF THE WATERLOO INCINERATOR (2005000)

The Waverley and Woollahra Councils ("the joint councils") have appealed to the Land and Environment Court against the revocation by the Environmental Protection Authority ("the EPA") of their license to operate the Waverley/Woollahra Processing Plant at Waterloo. The proceedings are a statutory appeal under Section 317M of the Pollution Control Act 1970, and South Sydney Council is not a party to that appeal.

The joint councils served a subpoena on South Sydney which was very wide in its terms and embraced a large number of files the relevance of which to the present statutory appeal is difficult to see. This is particularly so when the subpoena is served on South Sydney Council, which is a third party and not a respondent to the appeal.

The matters of the subpoena and whether Council should be joined as a respondent to the appeal have been referred to Council's solicitors, Pike, Pike and Fenwick, who have filed two motions to the Land and Environment Court on Council's behalf.

The first motion seeks to set aside the subpoena principally because of the very wide and vague terms.

The second motion seeks leave for Council to be joined with the Environment Protection Authority as a second respondent.

Both motions will be decided upon this Friday, 14 February 1997.

GENERAL MANAGER

Notwithstanding the success or otherwise of the second motion, Council should offer full support in the defence of the revocation of the Incinerator's licence. This can best be achieved by my writing directly to the Minister for the Environment, the Hon Pam Allan MP, offering Council's full support to the Environmental Protection Authority.

Recommendation:

1. That Council endorse the actions of Pike, Pike and Fenwick who have filed two motions to the Land and Environment Court on Council's behalf; and
2. That a letter from the Mayor be prepared for the Minister for the Environment offering Council's full support to the Environmental Protection Authority in defence of the revocation of the Incinerator's licence.

Councillor Vic Smith (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

12 February 1997

**CAROLINE LANE, REDFERN
- PROPOSED CLOSURE AND SALE (2010907)**

We have received a request dated 30 January 1997 from six residents of Caroline Street, Redfern to purchase Caroline Lane, Redfern between Eveleigh Street and Abercrombie Street.

Council records show that 80 properties have a frontage to Caroline Lane including those of the six residents mentioned above.

On 12 June 1996 Council adopted a revised policy dealing with the proposed closure and sale of laneways which requires in part advertising the proposal in the local area and in a local newspaper as well as referring the matter to other Council Departments.

I recommend that the proposal should be processed as set out in the above policy.

GENERAL MANAGER

RECOMMENDATION:

That approval be given for advertising and action to be taken for the proposed closure and sale of Caroline Lane, Redfern between Eveleigh Street and Abercrombie Street as shown stippled on the attached locality sketch in accordance with the revised policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 12 June 1996.

John Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 77 signatures appended from residents of Paddington objecting to the application for extension of hours for the Rose Shamrock and Thistle Hotel at No. 57 Oxford Street, Paddington.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 14 signatures appended from residents of O'Connor and Dick Streets, Chippendale, requesting Council erect a gate at the Balfour Street entrance to the laneway running between O'Connor and Dick Streets, Chippendale to solve hygiene and security problems.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 285 signatures appended from residents of Surry Hills supporting the application for light entertainment at the Carrington Hotel at No. 563 Bourke Street, Surry Hills.

Received.

GENERAL MANAGER

4.

The Mayor tabled a petition received by the General Manager with approximately 21 signatures appended from residents of Elizabeth Street and surrounding streets, Redfern, opposing the extension of trading hours for the Surrey Club Hotel at No. 273 Cleveland Street, Redfern.

Received.

5.

The Mayor tabled a petition received by the General Manager with approximately 90 signatures appended from residents and business people of Kings Cross, Elizabeth Bay and Potts Point objecting to the proposed Fun and Games Centre at No. 66 Darlinghurst Road, Kings Cross.

Received.

6.

The Mayor tabled a petition received by the General Manager with approximately 70 signatures appended from residents of Ivy Street, Darlington, objecting to the pending construction of two raised thresholds in Ivy Street, Darlington.

Received.

7.

The Mayor tabled a petition received by the General Manager with approximately 19 signatures appended from residents of Nos. 52 - 54 Bay Street, Ultimo, supporting the change of name from Westend Lane to Bay Street Mews at Nos. 52 - 54 Bay Street, Ultimo.

Received.

8.

The Mayor tabled a petition received by the General Manager with approximately 49 signatures appended from residents of Clara Street, Erskineville, supporting the installation of traffic calming devices.

Received.

QUESTIONS WITHOUT NOTICE

1.

STREETS - FOOTPATH - CORNER VICTORIA STREET AND BURTON STREET, DARLINGHURST - LEVELLING OF PAVEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR WATERS (2014588)

Question:

Since the completion of the Garvan Institute on the corner of Victoria Street and Burton Street, Darlinghurst, the footpath has taken on a multi-level character. Does Council have plans for rectifying and levelling the pavement or instructing the developer to do so?

Answer by the Mayor:

I will ask the Director of Public Works and Services and Director of Planning and Building to prepare a joint report for the Councillors Information Service.

2.

PARKS - CONSTRUCTION OF AQUATIC CENTRE AT COOK AND PHILLIP PARKS - AFFECT ON LOCAL BUS SERVICES - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2009308, P52-00088)

Question:

Can the Mayor/General Manager assure residents of North Ward that their bus services, particularly the 311 and also the 324, 325, 327 and 200 will not be substantially affected by the proposed closure of Boomerang Street and Haig Avenue by Sydney City Council to construct an Aquatic Centre in Phillip and Cook Parks?

Answer by the Mayor:

In response to the first part of your question, I will write to the Minister of Transport. I can't give you any assurance about public transport or its direction or the routes that it takes. Secondly, I will take on board for you in discussions with the Lord Mayor his proposal for an Aquatic Centre in Cook and Phillip Parks.

GENERAL MANAGER

3.

TRANSPORT - MAJOR EVENTS IN THE SYDNEY CENTRAL BUSINESS DISTRICT - AFFECT ON BUS SERVICES FOR RESIDENTS OF WOOLLOOMOOLOO, POTTS POINT, ELIZABETH BAY AND DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2009308)

Question:

In view of the frequent disruption to the 311 service, including cancellation at short notice, can the Mayor consult with the Lord Mayor regarding the effect of "major" events in the Sydney Central Business District on the thousands of residents of Woolloomooloo, Potts Point, Elizabeth Bay and Darlinghurst?

Answer by the Mayor:

I shall consult with him for you.

4.

DRIVER AVENUE, NO. 60A, MOORE PARK - SYDNEY FOOTBALL STADIUM - COMPLAINTS RE STADIUM LIGHTS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2005074)

Question:

Residents in South Paddington were again subjected to the lights of the Sydney Football Stadium being left on all night and through the early hours of the morning of 7 and 8 February 1997. I presume it was so the Sydney Football Stadium could be cleaned between matches.

Could Council, as a matter of urgency, write to the Sydney Football Stadium and the relevant Government Department asking that this practice cease immediately and if cleaning is required, then it should be carried out before 7.30 a.m.?

Answer by the Mayor:

I will ask the Director of Health and Community Services to prepare a letter for my signature to the Chairman of the Trust in relation to that matter.

5.

SIGNS - PADDINGTON TOWN HALL SIGNAGE AND REMOVAL OF TREES FOR MANSE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (S52-00217)**Question:**

In Leo Schofields column recently, he criticised the signage hanging on the building and the removal of trees from the old Manse on the corner of Moore Park Road and Oxford Street across from Centennial Park.

Mr. Schofield felt that this heritage listed building deserved more thoughtful and considerate treatment. He followed his criticism by stating in his column that this signage and tree removal had been done without Council knowledge and the Mayor, who agreed, now had the situation well in hand.

Does this same principle apply to the heritage listed community owned Paddington Town Hall of which is now enveloped in the same kind of signage?

Doesn't Paddington Town Hall, a stately building, demand the same consideration?

Answer by the Mayor:

I will ask the Director of Planning and Building to prepare a response for you in the Councillors Information Service.

6.

TRAFFIC - SUPPORT BY SOUTH SYDNEY COUNCIL AND LEICHHARDT COUNCIL FOR A FEASIBILITY STUDY FOR CIVIC IMPROVEMENTS AND TRAFFIC MANAGEMENT OF BROADWAY/CITY ROAD THOROUGHFARE - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2001744)**Question:**

That Council in conjunction with Leichhardt Council support a feasibility study to look into civic improvements and traffic management of Broadway/City Road thoroughfare.

- That this study consider options for improving the pedestrian access, across and around the thoroughfare, including the option of undergrounding of vehicular traffic;
- Explore options to create continuous traffic flows;
- The likely costs and benefits for pedestrianising the intersection;
- And to explore options for funding any capital expenditure.

GENERAL MANAGER

-and further, that Council invite local property developers in the vicinity to contribute such funds as meet the full cost of the study.

Answer by the Mayor:

I will ask the Director of Planning and Building and Director of Public Works and Services to carry out an investigation and have a report prepared for Council's Committee.

7.

TRAFFIC - BUCKLAND STREET, CHIPPENDALE - INVESTIGATION OF TRAFFIC CALMING DEVICES - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2001744)

Question:

A number of residents have approached me in relation to the excessive speed of cars on the northern end of Buckland Street, Chippendale, especially in the vicinity of the Blackfriars Preschool.

Could Council Officers investigate traffic calming measures around the Preschool and as a matter of priority, could staff examine the location of street signs relating to the Preschool which I am informed are being obscured by over growing trees?

Answer by the Mayor:

In terms of the street signs and viewing of them, I will ask the Director of Public Works and Services to carry out urgent investigations tomorrow of that particular area and take immediate action. In relation to the traffic calming measures, I will ask for a report to be prepared for Council's Committee.

8.

PUBLIC RELATIONS - IMPLICATIONS FOR COUNCIL ON CHANGES ANNOUNCED BY MINISTER FOR PLANNING - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2012924)

Question:

Could the Director of Planning and Building provide a report to Councillors on the implications for Council of the recent changes announced today by the Minister for Planning?

Answer by the Mayor:

I will ask the Director of Planning and Building to prepare an urgent report in relation to that announcement for the Councillors Information Service.

9.

ALBION STREET, NOS. 71 AND 73, SURRY HILLS - OPERATION OF A BROTHEL WITHOUT CONSENT - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (U96-00333)

Question:

Last year Council refused an application for a brothel at No. 73 Albion Street, Surry Hills. I understand it is still operating as a brothel and has extended its operations to No. 71 Albion Street.

Could Council Officers please investigate?

Answer by the Mayor:

I will ask the Director of Planning and Building and Director of Health and Community Services to carry out immediate investigations of those premises and a report prepared for Council's Committee if there is action to be taken.

10.

ANTI-SOCIAL ACTIVITIES - BILL POSTING - COMPLAINT RE POSTER AT TAYLOR SQUARE, DARLINGHURST. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A55-00040)

Question:

A representative of the Parents' and Citizens' of Crown Street Public School has contacted me regarding what she described as an upsetting poster, advertising a 1900 number. Could you please investigate?

Answer by the Mayor:

I have investigated and I have given instructions to Council staff to have the sign removed. In fact the action was taken after discussions with the Deputy Mayor and the Director of Planning and Building where it was considered that the poster was in fact an advertisement and not art and therefore a Development Application and Building Application was required and that was the only reason action was taken to remove that poster.

11.

POLLUTION - DEPARTMENT OF ENVIRONMENT OF THE FEDERAL GOVERNMENT - OFFER OF GRANTS FOR AIR QUALITY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (H51-00005)

Question:

The Department of Environment of the Federal Government has offered substantial monies in the form of grants to investigate air quality and the effects of air quality on the living standards of Australians. Could the relevant Department report on the potential of gaining such a grant?

Answer by the Mayor:

I will ask the Director of Health and Community Services to investigate that matter and if there is an urgent need to make application for grants if they are considered necessary by the Department. I will ask for an application to be made to the relevant Department of the Federal Government and then seek confirmation of Council.

12.

PROPERTIES - RENTAL CHARGED TO LOCAL NON-PROFIT GROUPS FOR USE OF COUNCIL PROPERTIES - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P56-00126, D53-00025)

Question:

My question concerns the amount of rental being charged by some 377 Committees and others who manage properties on Council's behalf. For example, one small local non-profit group has complained to me that they have been asked to pay \$30 (\$15 per hour) by Metropolitan Community Church to conduct their regular meetings at Heffron Hall, this fee is beyond their means to pay. I understand that at least one other of my fellow Councillors has encountered similar problems with the Surry Hills Neighbourhood Centre.

Could the Director of Health and Community Services be requested to prepare a report suggesting a set of guidelines to be used by organisations which sub-let Council's properties to local non-profit groups? Further, does Council's policy of free use for Neighbourhood Watch and the Safe House Scheme apply to the abovementioned facilities and finally, could the report contain a complete list of the properties concerned?

Answer by the Mayor:

I will ask the Director of Health and Community Services to prepare a detailed report in response to that question for the relevant Committee.

13.

PUBLIC RELATIONS - LETTER OF CONGRATULATION TO SONIA GIDLEY-KING ON BEING AWARDED ORDER OF AUSTRALIA MEDAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2000734)

Question:

Could the Mayor write under the Seal of Council to local resident, Sonia Gidley-King offering our congratulations on being awarded the Order of Australia Medal on Australia Day?

Mrs Gidley-King who lives in Woolloomooloo is the driving force behind "Wrap with Love" a volunteer group which during the past four years has knitted and distributed over 20,000 rugs world wide.

People in countries such as Armenia, Bosnia, Burma, Croatia, Fiji, Greece/Bulgarian border, Herzegovina, Mozambique, Papua New Guinea Highlands, Philippines, Russia, St. Petersburg, Romania, Rwanda, Tanzania, Thailand, Uganda, Ukraine, Vanuatu and Zimbabwe. From April to October last year 800 rugs were distributed to needy people in Australia. We are proud to have such a person living in South Sydney.

Answer by the Mayor:

I will put that to Council with the recommendation being endorsed and I will write congratulating the recipient on her award. And further, as Councillors would be aware, some members of staff are travelling to Parkes this weekend as part of the Local Government Touch Football Association and both Councillor Bush and myself will accompany the staff to Parkes and I have been advised that the Mayor of Parkes was also honoured in the Australia Day Awards for services to the community. I would ask the endorsement of Council for a letter of congratulations being given to the Mayor on our visit to Parkes. Also bearing in mind that we have requested the City of Parkes to enter into a Sister City relationship with South Sydney Council.

It was thereupon moved by the Mayor, seconded by Councillor Harcourt:-

PUBLIC RELATIONS - LETTERS OF CONGRATULATION TO MAYOR OF PARKES AND MRS SONIA GIDLEY-KING REGARDING OAM

That letters of congratulations be sent to the Mayor of Parkes, Councillor Robert Wilson and Mrs Sonia Gidley-King on receiving the Order of Australia Medal on Australia Day.

Carried.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

11 February 1997

PRESENT

At the commencement of business at 5.40 pm those present were -

GENERAL MANAGER

The Mayor and Councillors - Bush, Deftereos, Fenton, Harcourt, Lay, Macken and Waters.

Apology:

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

The Committee **recommended** the following:-

ADMINISTRATION - MANAGEMENT PLAN 1996/1999 - REPORT FOR PERIOD ENDING 31 DECEMBER 1996 (2009137)

Council receives and notes the report by the General Manager dated 6 February 1997, on the Management Plan 1996/1999 for the period 31 December 1996.

Carried.

REPORT OF THE FINANCE COMMITTEE

5 February, 1997

PRESENT

Councillor Christine Harcourt (Chairperson)

Councillors - Margaret Deftereos, Sonia Fenton, Greg Waters.

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

Councillors - Deftereos, Fenton, Macken, Waters.

The Committee resolved that the press and the public be excluded from the meeting of the Finance Committee during consideration of Items 15, 21 and 22, and further, access to correspondence and reports be withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

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

Items 15 and 21 - Personnel Matters.

Item 22 - Confidential Matter.

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

GENERAL MANAGER

That the Report of the Finance Committee of its meeting of 5 February 1997, be received and the recommendations set out below for Items 1 to 6 inclusive, 8,10 to 11 inclusive 13 to 20 inclusive and 23 to be adopted. The recommendations set out below for Items 7,9,12,21,22, 24 and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ADMINISTRATION - DELEGATED AUTHORITY - INSURANCE CLAIMS SETTLEMENTS (2002668)

That Council delegates authority to the General Manager to settle insurance claims for Public Liability and Professional Indemnity to an amount of \$20,000 and \$50,000 respectively.

(DCS Report 16.12.96)

Carried.

2.

ADMINISTRATION - PRODUCTION OF CORPORATE VIDEO (2014313)

That approval be given to the production of two separate corporate videos:-

- (a) one to be used for staff induction and internal training programmes;
- (b) one to be used to highlight Council's services in the "One Stop Shop" area and for use by Council's representatives at public meetings, exhibitions and local festivals;

- (c) as no provision has been made in this year's budget for this expenditure, funding to \$30,000 be voted to meet this cost.

(DOD and MCLM Joint Report 7.2.97)

Carried.

3.

**MEMBERSHIP - BOTANY BAY BUSINESS ENTERPRISE CENTRE (BEC)
(M54-00040)**

That arising from a report by the Civic Affairs Manager/Public Officer dated 18 December 1996, approval be given to Council renewing its membership as a Level 1 Corporate Member of the Botany Bay Business Enterprise Centre and to the payment of the annual membership subscription fee in the sum of \$2,000 for the 1996/97 period, for which funds are available in the 1996/97 Revenue Estimates.

Carried.

4.

**COMMUNITY SERVICES - COMMUNITY BUS SCHEME - QUARTERLY
REPORT (M56-00008)**

That arising from a report by the Director Health and Community Services dated 10 January, 1997, confirmatory approval be given to the motor vehicles' use costs, as listed in the Director's report above, being treated as donations and charged against Section 356 of the Local Government Act (1993).

Carried.

5.

**COMMUNITY FACILITIES - C.A.R.E.S. FACILITY IN SYDNEY PARK -
CONTRIBUTION BY MOTOR ACCIDENTS AUTHORITY (2006338)**

That the Council accept the Motor Accidents Authority offer of a contribution of \$75,000 towards the cost of the C.A.R.E.S. facility under the terms and conditions outlined in the letter dated 18 December 1996 and the amount of \$75,000 be credited into the C.A.R.E.S. Account (CWL 7751).

(DPWS Report 7.1.97)

Carried.

6.

LEASING - ALEXANDRIA TOWN HALL - LEASE OF ROOMS BY WOMENS LIBRARY INC. - APPLICATION FOR SUBSIDISED RENTAL (2003437)

That the Womens Library Inc. be offered a monthly holdover lease from 10 January, 1997, such lease to be in accordance with the recommendation of the Director of Corporate Services in the report dated 13 January 1997.

Carried.

7.

STREETS - FURNITURE - PROPOSAL FOR REPLACEMENT OF EXISTING FURNITURE WITH THE STATE OF THE ART TECHNOLOGY ITEMS IN A JOINT EFFORT WITH SYDNEY CITY AND OTHER COUNCILS (0533764/5)

That approval be given to:-

- (a) the representation of South Sydney City Council on the working party proposed by Sydney City Council for the development of a Tender Specification for the invitation of tenders for the supply and maintenance of street furniture to participating Councils for an economical workable period;
- (b) Manager Support Services being Council's representative on the working party and that the Lord Mayor of Sydney City Council be advised accordingly.

(ADPWS Report 14.1.97).

At the request of Councillor Macken and by consent the motion was amended by the addition of the following words "on the basis that the products are Australian made and owned" after the words "workable period" where appearing in the last line of clause (a) of the recommendation.

Motion as amended by consent, carried.

8.

DONATIONS - ASSISTANCE WITH LEGAL COSTS, KEMPSEY SHIRE COUNCIL (2002879)

That arising from the report by the Director of Corporate Services dated 16 January, 1997, approval be given for the payment of \$1,404, (Account Code AGA.77F0) as a contribution toward the legal costs incurred by Kempsey

Shire Council appealing a decision of the Supreme Court, for which funds are available in the 1996/97 Revenue Estimates.

Carried.

9.

DONATIONS - APPLICATION FROM THE SOCIETY OF ST. VINCENT DE PAUL - FREE USE OF PADDINGTON TOWN HALL (P56-00416)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the application be deferred for further information on the details regarding the conference including the agenda.

Carried.

10.

STREETS - BROWN STREET, CAMPERDOWN - PROPOSED CLOSURE AND SALE OF PART (2013990)

That approval be given for advertising and action to be taken for the proposed closure and sale of Brown Street, Camperdown between Fitzgerald Street and Carillon Avenue as shown stippled on Plan No. S6-326/276 in accordance with the revised policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 12 June 1996.

(ADPWS Report 22.1.97)

Carried.

11.

DONATIONS - APPLICATION FOR FREE USE - PADDINGTON TOWN HALL/PADDINGTON PUBLIC SCHOOL (2010531)

That approval be given under the provision of Section 356 of the Local Government Act 1993 to the payment of a subsidy to the Paddington Public School in the amount of \$900 toward the cost of hiring the Paddington Town Hall on Thursday 11 December, 1997, between the hours of 12noon-3pm. and

that the expenditure involved be provided for in the 1997/1998 Revenue Estimates.

(DCS Report 22.1.97)

Carried.

12.

STREETS - LEASING POLICY - LEASE OF PART OF THE FOOTPATH BY SHOPKEEPERS (S56-02171)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

- (A) That arising from consideration of the report by the Director of Public Works and Services dated 24 January 1997 outlining policies regarding advertising and displays on the footpath be received and that a further comprehensive report making specific recommendations regarding the placing of advertising, displays and other obstructions be submitted for Council's consideration as soon as possible but within six weeks.

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

- (B) That the subsequent report include details of:-
- (a) locations of applications received;
 - (b) how any applications for leases integrate with Council's objectives for streetscape improvements;
 - (c) and costs for such applications from traders.

Motion as amended by consent, carried.

13.

FINANCE - ABC - TRANSFORMING OUR WORKPLACE (2011974)

That arising from consideration of the joint report by the Director of Finance, Director of Corporate Services and the Director of Organisational Development dated 29 January 1997 it be resolved that:-

- (1) Council adopts the *Transforming Our Workplace* Report and its recommendations;

- (2) National recognition for this project be sought by forwarding a submission to the National Office of Local Government's 10th National Awards for Innovation in Local Government;
- (3) Letters of congratulation signed by the Mayor and the General Manager be forwarded to Peter McCulloch, Geoff Burton and Christine Ryan for a job well done.

Carried.

14.

PROPERTIES - WATERLOO TOWN HALL - LIBRARY REFURBISHMENT OF THE COMMUNITY SERVICES OFFICES, LIBRARY MANAGER'S OFFICES, STAFF OFFICE AND COMPACTORS ROOM, 770 ELIZABETH STREET, WATERLOO (P56-00257)

That approval be given to:-

- (1) for additional funding of \$29,370 being made available in the 1996/1997 Health and Community Services Libraries Works Programme, so that essential refurbishment of the Community Services, Library Manager's and Staff Offices, and the Compactors Room within Waterloo Town Hall, can be carried out;
- (2) calling of quotations for the refurbishment of these areas.

(DHCS and DCS. Joint Report 30/1/97)

Carried.

15.

PERSONNEL - NINE DAY FORTNIGHT - PROPOSED IMPLEMENTATION FOR SECTIONS OF WAGES DIVISION (2009363)

That approval be given to:-

- (1) the staff employed in the sections listed in this report and the report dated 30th January, 1997, by the Director of Employment Services, participating in a trial nine day fortnight scheme for 12 months, in accordance with the draft procedures attached to the report dated 30th January, 1997, and such procedures being adopted in principle;

GENERAL MANAGER

- (2) negotiations continuing with other areas of Council, not currently included in the trial, to determine their suitability to participate.

(DES Reports 30.1.97 and 5.2.97)

Carried.

16.

**PROPERTIES - EXTERNAL PAINTING AND MAINTENANCE OF
WATERLOO TOWN HALL (2014118)**

That approval be given to:-

- (1) accepting the Tender of Gardner Perrott (Alternative B) to carry out the external painting of the Waterloo Town Hall at No.770 Elizabeth Street, Waterloo, for the sum of \$119,000;
- (2) a contingency for variations in the amount of \$11,900 being allowed;
- (3) calling quotations for restoration of existing stained glass windows.

-for which funds are available from the 1996/1997 Health and Community Services Work Programme.

(DCS. Report 30/1/97)

Carried.

17.

**DONATIONS - QUARTERLY REPORT - OCTOBER TO DECEMBER 1996
(2003030)**

That approval be given under the provisions of Section 356 of the Local Government Act 1993 to donations in the form of plants, fertilizer, mulch, plant hire and mowing operations to the value of \$1,000 to the various local bodies as detailed in the report for the three month period ending 31 December 1996 and that the expenditure involved be added to the current Revenue Estimates (Account Code LFN).

(DPWS Report 9.1.97).

Carried.

18.

**SYDNEY PARK - PROPOSED EXTENSION OF WORKS PROGRAMME
(2010780)**

That approval be given to:-

- (a) the funding of additional works in Sydney Park comprising the Sydney Park Rd car park, Mitchell Rd entry, Kiln area car park, Stage 1 Lakes/Wetland system, pathway/cycleway completion and playground. at an estimated cost of \$1,030,000;
- (b) the provision of additional funding from pre 1993 section 94 funds (\$265,000) and Sydney Park Reserve (\$265,000),
- (c) the appointment of a temporary Landscape Architect/Civil Engineer for a period of four months to complete design work on the Sydney Park car parks and Mitchell Rd entry at an estimated cost of \$17,000, for which funds are available in the current Revenue Estimates of this Department.

(DPWS Report 3.2.97)

Carried.

19.

**CLEANSING - LOCAL GOVERNMENT RECYCLING CO-OPERATIVE - ACI
GLASS PRICE REDUCTION (2001676)**

That arising from consideration of a report by the Director of Public Works and Services dated 30 January 1997 South Sydney Council forward letters to ACI Glass, The Minister for the Environment and Minister for Local Government supporting the Local Government Recycling Co-operative with regard to the ACI Glass proposed price adjustment.

Carried.

20.

**CLEANSING - ADDITIONAL RUBBISH COLLECTION FOR 'THE BLOCK' IN
REDFERN (C56-00032)**

That arising from a report from the Director of Public Works and Services dated 3 February 1997 it be resolved that Council fund CDEP \$15,467 to continue rubbish removal from households and public areas in "The Block"

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Redfern, for which funds can be made available from 1996/97 Revenue Estimates. (DCA refers).

Carried.

21.

PERSONNEL - SALARIED AWARD - PROPOSED AWARD VARIATION TO IMPLEMENT NEW SALARY SYSTEM (2006534, 2012740)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

- (A) That in light of the Union's decision at their meeting of 11 February 1997, Council resolves to take no action at this time on the matter and the Director of Employment Services is to provide a report to Council detailing any key areas in Council that may be in receipt of a salary less than the equivalent position in the Local Government State Award.
- (B) That Council advise the Municipal Employees' Union that it is prepared to enter into immediate negotiations in an endeavor to resolve the matter, together with Consultant, Mr. Peter Bell.

Carried.

22.

PROPERTIES - NEW COUNCIL ADMINISTRATION BUILDING (2009994)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Finance dated 4 February 1997, regarding information supplied to the Management Plan Workshop of 1 and 2 of February 1997, it be resolved that:-

- (1) the depot upgrades and relocation proceed as previously proposed;
- (2) as a matter of urgency, a Civic Administration Building Task Force consisting of Councillors, Directors and Staff be established to review the following options;
 - (a) Major refurbishment of current buildings;
 - (b) Joint Venture options.
- (3) the Task Force established in (2) above be chaired by the Director of Organisational Development;

- (4) the Councillors on the Task Force be the Mayor, the Deputy Mayor and the Chairman of the Finance Committee, and that any interested Councillors be invited to attend;
- (5) the staff members of the committee be the salaried members of the Joint Consultative Committee;
- (6) the Mayor and General Manager meet with the Joint Consultative Committee and the staff to advise them of the options being reviewed;
- (7) the Director General's letter regarding a new administration building be circulated to all staff;
- (8) Provision be made in the current year's budget for:-
 - (a) improved staff recreation facilities;
 - (b) the refurbishing of the current building incorporating current technology needs.

Carried.

23.

**CONFERENCES - WASTE MANAGEMENT CONFERENCE THEME
"WASTE MANAGEMENT - COMMERCIAL REALITIES" - ATTENDANCE BY
COUNCIL'S REPRESENTATIVES (2014582)**

That arising from the report by the Director of Public Works and Services dated 5 February 1997, approval be given for the Mayor or his nominee and the Manager Waste Services, Mr A Johnston to attend the three day Waste Management Conference on 5-7 March 1997 at Brisbane and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in traveling be borne by Council, for which funds are available in the 1996/97 Revenue Estimates (DTTEXTI 77 RO refers).

Carried.

24.

**DONATIONS - RAGE (ROAD ACTION GROUP EAST) - APPLICATION FOR
DONATION TOWARDS PRINTING COSTS (2012505)**

At the Council meeting, Councillor Bush and Fowler declared an interest in the Item and did not take part in discussions or voting in the matter.

That Council provide additional assistance to RAGE by providing \$1,220.70 towards the cost of printing and design, which would constitute a donation under Section 356 of the Local Government Act (1993), and that such funds be added to the 1996/97 Revenue Estimates.

GENERAL MANAGER

(CAM/PO Report 5.2.97)

Carried.

25.

PROPERTIES - PROPOSAL TO REDEVELOP BURLAND HALL AND IMPLICATIONS FOR COMMUNITY FACILITIES/USES (P56-00374)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That arising from a joint report by the Director of Health and Community Services and the Acting Director of Corporate Services dated 4 February, 1997 approval be given to the proposal to redevelop Burland Hall and that:-

- (1) the premises at the rear of the library in Brown Street, Newtown (3 Watkin Lane) be retained for community uses and not sold as originally intended;
- (2) a feasibility study (including costings) to refurbish Council's Watkin Lane premises to provide multipurpose community spaces (incl. meeting rooms and public facilities) be undertaken by the Properties Section, and that a further report be submitted to Council, as a matter of urgency, to enable works to proceed as soon as possible;
- (3) Council commencing negotiations with the Women's Library about their possible relocation to the upper floors of the Watkin Lane premises, under a lease agreement, once the property has been refurbished;
- (4) Council upgrading Alexandria Town Hall and promoting its availability for casual use by community based groups/organisations together with Erskineville Town Hall;
- (5) the revenue from Burland Hall be directed for the provision and maintenance of Community Facilities;
- (6) the building be not sold.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

5 February 1997

GENERAL MANAGER

PRESENT**Councillor Sonia Fenton (Chairperson)**

Councillors - Margaret Deftereos, Sean Macken, Greg Waters.

At the commencement of business at 7.25 pm those present were -

Councillors - Deftereos, Fenton, Macken, Waters.

That the Report of the Community Services Committee of its meeting of 5 February 1997, be received and the recommendations set out below for Items 1 and 2, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES - MOORE PARK ACTIVITY CLUB - CHANGE OF OPERATIONS - LEASE TO THE RED CROSS (C59-00106)

That arising from a report by the Director of Health and Community Services dated 23 January, 1997, approval be given to:-

- (a) the Australian Red Cross being offered a one year lease (with a one year option to renew) of the top floor of the Moore Park Activity Club, Cnr Phelps and South Dowling Streets, Surry Hills, at \$24,375, per annum with a review after that period should the lease be continued beyond two years;
- (b) a 25% subsidy off all rents for the period of the lease, under Section 356 of the Local Government Act 1993, (\$8,125 per year), for the top floor of the Moore Park Activity Club;
- (c) the 1996/97 budget allocation of \$20,000 (KEB 0001.66EO - KW97001.66EO) for the renovation of Moore Park Kitchen be used in part (say \$3,000) to reasonably prepare the facility for lease, at the discretion of the Director of Health and Community Services and in consultation with the Red Cross;
- (d) the remainder of the allocation (up to \$17,000) referred to in Item 3 (above) be used to purchase tables chairs and blinds at the Kings Cross Activity Club as part of the relocation of Moore Park members to that Club;

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- (e) all legal costs associated with the necessary legal documents being borne by the Lessee;
- (f) all relevant documents to be executed, if required, under the Common Seal of Council or by Council's Attorney.

Carried.

2.

NSW EPA WASTE REDUCTION GRANT PROGRAM (2014520)

That confirmatory approval be given:-

- (a) for application for grant funding under the Waste Board Program Funds for the projects listed as 1,2 and 3 detailed in the joint report, by the Director of Public Works and Services and the Director of Health and Community Services, subject to written endorsement from the Southern Sydney Waste Planning and Management Board;
- (b) for use of office facilities, access to stationery issue, telephone, photocopying and facsimile facilities and occasional use of Council motor vehicles for projects 1,2 and 3, as listed above;
- (c) for providing letters of support to the applicants for the projects listed as 4,5 and 6 detailed in the joint report.

(DPWS and DHCS Joint Report 31.1.97)

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

5 February, 1997

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

At the commencement of business at 6.42 pm, those present were -

The Mayor and Councillors - Bush, Fowler, Harcourt.

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 5 February 1997, be received and the recommendations set out below for Items 1 to 3, inclusive, 5, 6, 8, 9, 11 to 18, inclusive, 20 and 22 to 25, inclusive, be adopted. The recommendations for Items 4, 7, 10, 19 and 21 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

HUGO STREET, NO. 68, CHIPPENDALE - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U96-00944)

- (A) That the Council resolves it is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to floor space ratio of 1:1 in Clause 10(2) of Local Environmental Plan No. 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

That the proposed additional floor space does not result in any adverse streetscape impacts or amenity impacts.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Ms M E Gillespie for permission to rebuild the ground floor kitchen and bathroom, add rear first floor balcony and

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convert attic to bedroom with front and rear dormers, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans dated June 1996 and numbered AO1 except as modified by the conditions below;
- (2) That the front and rear dormers shall be centrally located within the existing roof plane and shall have a height to width ratio of 1.5:1;
- (3) That the front dormer window shall be rectangular in shape;
- (4) That the proposed front and rear dormer window shall be constructed in timber joinery and the roof materials shall match the existing to the satisfaction of the Director of Planning and Building;
- (5) That the rear first floor deck shall have a maximum width of 900mm. Details to be submitted with the BA to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:

- (6) LDA376 - Hours of building work;
- (7) LDA377 - Construction noise regulation;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips;
- (10) LDA396 - Works within boundaries;
- (11) LDA389 - Stormwater disposal requirements;
- (12) HSC800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

2.

LIVERPOOL STREET, NO. 341, DARLINGHURST - ERECT NEW GARAGE - DEVELOPMENT APPLICATION (U96-00701)

(A) That the Council as the responsible authority refuses the application submitted by Stewart Allen Townsend, on behalf of Mrs B Dutton, to erect a single storey garage to the rear of the premises, including partial demolition of the existing sandstone wall to the rear of the premises, for the following reasons, namely:-

- (1) That the proposal would have an unacceptable impact on the Item of Environmental Heritage and Heritage Conservation Area;
- (2) That the proposal would cause adverse impacts on traffic;
- (3) That the proposal would be detrimental to the existing and future amenity of the area;

and accordingly the granting of consent would not be in the public interest.

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

Carried.

3.

TRAFFIC - ALEXANDRIA AREA - LIGHT TRAFFIC ROUTES (T52-00103)

That in accordance with Section 116 of the Roads Act 1993, Council adopts the decision of the Traffic Committee and authorises a 3 Tonne Gross Weight limit each day between 7.00pm and 6.00am on:

Bridge Street, Erskineville (Swanson Street to Railway Parade)
 Railway Parade, Erskineville (Bridge Street to Henderson Road)
 Henderson Road, Alexandria (Railway Parade to Wyndham Street)
 Mitchell Road, Alexandria (Sydney Park Road to Copeland Street)
 Mitchell Road, Alexandria (Fountain Street to Henderson Road)

subject to specific exemptions in the following situations:

1. Heavy vehicles with either an origin or a destination in these streets;
2. Where there is no other alternative vehicular access for heavy vehicles;
3. Motor buses on an approved bus route.

(DPWS Minute 17/1/97)

GENERAL MANAGER

Carried.

4.

CLEVELAND STREET, NO. 273, REDFERN - PERMANENT CONSENT OF VARIATION OF TRADING HOURS - SURRY CLUB HOTEL - DEVELOPMENT APPLICATION (U96-01007)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr D Coppleson to obtain permanent trading hours for the abovementioned hotel, subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted to between 7.00am to 12.00 midnight Monday to Wednesday 7.00am to 1.00am Thursday, Friday and Saturday 10.00am to 12.00 midnight Sunday;
 - (2) That no entertainment shall be provided on the premises without prior consent from Council;
 - (3) 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;

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.

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

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That consideration of the application submitted by Mr D Coppleson to obtain permanent trading hours for the abovementioned hotel, be deferred as requested by Binnie Fiatarone Pty Limited, acting on behalf of the Licensee in fax dated 12 February 1997.

Motion, as amended by consent, carried.

5.

PROSPECT STREET, NOS. 12-26, ERSKINEVILLE - MODIFY VEHICLE ACCESS TO BASEMENT TO PROVIDE INGRESS AND EGRESS FOR 8 STRATA TITLE DWELLINGS - DEVELOPMENT APPLICATION (U96-01043)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Travis McEwen Group Pty Ltd, with the authority of the Registered Proprietors Strata Plan 53117, for permission to revise the basement parking area to allow separate ingress and egress for each strata title dwelling, for the following reasons, namely:-
- (1) That the proposal will give rise to increased on-street parking congestion in the precinct and will adversely impact on traffic flows in Morrissey Road;
 - (2) That the proposal does not comply with DCP No.11 - Transport Guidelines for Developments;
 - (3) That the proposal will be detrimental to the streetscape and to pedestrian amenity;
 - (4) That the proposal makes inadequate provision for vehicular movement within the development;
 - (5) That the proposal will impact on the traffic management devices, reduce the safety and amenity of the area;
 - (6) That given the circumstances of the case, the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

6.

DARLINGHURST ROAD, NO.22, KINGS CROSS - PROVIDE LIVE ENTERTAINMENT TO GROUND FLOOR AND INTERNAL ALTERATIONS - DEVELOPMENT APPLICATION (U96-00905)

GENERAL MANAGER

- (A) That the Council as the responsible authority grants its consent to the application submitted by Marriott Restaurants, with the authority of Mr P & Mrs H Kafataris, for permission to carry out internal alterations and to extend the entertainment licence area into No.22 Darlinghurst Road, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans numbered 289/D1C dated September 1995;
 - (2) That no entertainment or amplifier speakers shall be provided to the footway seating;
 - (3) That no internal speakers shall be permitted within 3 metres of the facade of No.22 Darlinghurst Road;
 - (4) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy;
 - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
 - (d) an "offensive noise" as defined in the Noise Control Act, 1975;

- the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984;
 - (5) That noise levels shall continue to be recorded at the front and rear footpaths from midnight every 30 minutes and all records shall be available for inspection upon request at the reception desk;
 - (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the

Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation.

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.

7.

CROWN STREET, NOS.115-119, DARLINGHURST - USE GROUND FLOOR AS RESTAURANT - DEVELOPMENT APPLICATION (U96-00897)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fenton:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by G Sontag, with the authority of Y Sontag and N King, for permission to use the ground floor as a 126 seat restaurant, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance withdrawing number 1 dated 30 July 1996;
 - (2) That the hours of operation of the restaurant shall be restricted to between 7.00 am and 12 midnight daily;
 - (3) That a formal agreement shall be entered into with the parking station in Riley Street for the permanent leasing of 12 car spaces or a discount parking voucher system, to the satisfaction of the Director of Planning and Building and the availability of such parking shall be widely published on menus and in any promotional material or advertisements;
 - (4) That the restaurant shall cease trading if Condition (3) cannot be satisfied;
 - (5) That no live entertainment shall be provided and that any recorded music provided shall be background music only;

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- (6) That a separate Development Application shall be submitted for any signs;
- (7) That inverted stands for the parking of 4 bicycles shall be provided in the basement in accordance with Council's Development Control Plan No. 11 to the satisfaction of the Director of Planning and Building;
- (8) That no flashing, moving or bright lighting likely to disturb adjacent residents shall be installed;
- (9) That the construction of the premises shall comply with the requirements of the National Code for the construction and fit out of food premises;
- (10) That plans and specifications showing details of:-
 - i) all required mechanical ventilation systems;
 - ii) the garbage room; and
 - iii) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor;
 - iv) shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (11) HSC801 - Noise from premises;
 - (12) HSC500 - Premises to be ventilated;
 - (13) HSC301 - Cooking of food only if air handling system is provided;
 - (14) HSC101 - Not give rise to emissions into the environment;
 - (15) HSC111 - Liquid wastes to sewer;
 - (16) HSC705 - Construction of garbage room;
 - (17) LDA351 - Building Application required;
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical

clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;

- (2) 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;
 - (3) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (4) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
 - (5) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
 - (6) 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;
 - (7) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (8) That all relevant sections of the BCA shall be complied with.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

At the Council Meeting, Councillor Fowler requested that his name be recorded as being opposed to the foregoing motion.

8.

WATKIN STREET, NO.13, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING TERRACE - DEVELOPMENT APPLICATION (U96-00887)

- (A) That the Council supports the objection under State Environmental Planning Policy No.1 against the floor space ratio limit contained in Clause 10 of Local Environmental Plan No.107 in this instance for the following reasons, namely:-

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- (1) That the building will retain its character and comply with Council's Policy on Roof Utilisation and Extensions to Terrace Houses;
 - (2) That the proposal will not substantially increase the bulk of the existing building; and
 - (3) That the external impacts associated with the development, subject to conditions below, would be acceptable.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr D M Mackinnon, for permission to carry out alterations and additions to an existing terrace including an attic conversion to a habitable room, with front and rear dormers, rebuilding the rear ground floor and addition of a first floor bathroom, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plan numbered DA01 dated October 1996, held on Council file U96-00887;
 - (2) That there shall be only **one** front dormer window;
 - (3) That the front dormer window shall be centrally located within the existing roof plane and shall have a height to width ratio of 2:1 to be detailed in a building application and to the satisfaction of the Director of Planning and Building;
 - (4) That the new windows in the front elevation shall be constructed in timber joinery;
 - (5) That a rear side southern lightwell shall be provided at a minimum width of 0.9m from the boundary for the full height of the building;
 - (6) That the exposed southern rear wall shall be rendered or painted a light colour to maximise indirect light to the adjoining southern dwelling;
 - (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.30 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.30 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;

- (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (9) That the developer shall submit for the approval of the Director of Public Works and Services the details of the stormwater disposal and drainage for the development;
- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (11) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (12) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (13) That all relevant sections of the BCA shall be complied with;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (15) That plans and specifications showing details of required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (16) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975.

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.

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

- (D) That the Secretary of the Department of Urban Affairs and Planning be notified of Council's determination under SEPP No.1 in accordance with the Department's Circular No.117 of 9 December 1986.

Carried.

9.

**CLARA STREET, NO 28, ERSKINEVILLE - ALTERATIONS AND ADDITIONS
- DEVELOPMENT APPLICATION (U96-01085)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Jason Sambrook, for permission to erect ground floor additions and first floor attic including front and rear dormer windows, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans dated 24 September 1996 can held on Council's file U96-01085;
- (2) That the northern facing wall of the proposed extension shall be painted or rendered a light colour. Details to be provided with the BA to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:-

- (3) LDA156 - Dormer to be constructed of timber;
- (4) LDA351 - Building Application required;
- (5) LDA376 - Hours of building work;
- (6) LDA377 - Construction noise regulation;
- (7) LDA389 - Stormwater disposal requirements;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips;
- (10) LDA396 - Works within boundaries;
- (11) BC26 - Comply with BCA;
- (12) BC116 - New work not to encroach boundaries;
- (13) HSC500 - Premises to be ventilated;
- (14) HSC800 - Use of appliances emitting intrusive noise.

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The reason for Council's consent being granted subject to the above conditions, is as follows:-

That the granting of unrestricted consent would be likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise and vibration and the creation of a traffic hazard and traffic congestion and, further, would not be in the public interest.

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

Carried.

10.

GARDENERS ROAD, NO. 352, ROSEBERY - AMENDED BUILDING APPLICATION. (Q95-00662)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council advise the applicant that the pitched roof shown on Plan 96169 sheet 2 dated 19 November 1996, prepared by Michael Ell & Associates submitted to Council on the 19 December 1996 satisfies condition (1) of the building approval with the following amendment;

That a hip shall be provided to the western end of the garage from the western wall of the garage to a point approximately 3m in to intersect with the ridgeline and the eleventh roof frame from Primrose Avenue, as overdrawn in red on the plan and guttering be provided along the western side of the garage within the boundaries of the site.

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

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition after the word "site" of the words "the colourbond roof shall be of a light green, non reflective finish, no skylights, ventilators or other structures shall be incorporated on the roof plane without the prior approval of Council".

Motion, as amended by consent, carried.

11.

BROADWAY, NOS. 185-211, ULTIMO - ERECT AN ILLUMINATED ROOF SIGN - DEVELOPMENT APPLICATION (U96-01016)

That consideration of the application submitted by Broadway Australian Pty Ltd, to erect a roof top advertising sign on the former "Grace Bros" Building at Nos. 185-211 Broadway, Ultimo, be deferred to the meeting of the Planning and Development Committee to be held on 5 March 1997, as requested by the applicant by fax dated 5 February 1997.

Carried.

12.

KNOX STREET, NO. 3, CHIPPENDALE - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U96-00874)

- (A) That the Council as the responsible authority, refuses to grant its consent to the application submitted by James Bradbury with the authority of R Hinde for permission to convert the existing building for use as a commercial brothel operating 24 hours daily, for the following reasons, namely:-
- (1) That the proposed commercial use is inconsistent with the provisions applying in Local Environmental Plan No. 66 to the Residential 2(f) zone and to the proposed controls applying in Clause 39 of the draft Local Environmental Plan No. 1996;
 - (2) That the design of the building, its location, the access and parking provisions and the nature of the surrounding land uses are such that the proposed use will be detrimental to the existing and future amenity of the area; and accordingly the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

FLINDERS STREET, NO 54, SURRY HILLS - ENCLOSE EXISTING UPPER FLOOR BALCONY - DEVELOPMENT APPLICATION. (U96-01095)

That the Council as the responsible authority refuses its consent to the application submitted by Mr J R Baker, on behalf of Dougmal Holdings Pty. Ltd to enclose the first floor balcony facing Flinders Street for use in association with the commercial premises, for the following reasons, namely:-

- (1) That the proposal would have a detrimental impact on the character of the building and the Heritage Conservation Area;
- (2) That the proposed materials to be used would be incompatible with surrounding buildings and therefore fails to comply with clause 4.5.5 of Development Control Plan No. 1;
- (3) That the proposals fails to comply with Clause 5.5.1 of Development Control Plan No. 1, which requires existing verandahs to be preserved; and

(4) That the proposal would therefore not be in the public interest.

Carried.

14.

BOURKE STREET, NO.136, WOOLLOOMOOLOO - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U96-00575)

That consideration of the application submitted by Mr M Harley, with the authority of Mrs K Harley, for permission to use the premises as a brothel be deferred for further discussions between the applicant and the Director of Planning and Building.

Carried.

15.

REGENT STREET, NOS. 197 - 209, REDFERN - CONVERT BUILDING INTO RESIDENTIAL UNITS AND RETAIL AREA - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT /(U96-00913)

(A) That the Council as the responsible authority grants its consent to the application submitted by Messrs Revay and Moore, with the authority of Tropina Pty Ltd, for permission to carry out alterations to the building so as to convert the building into 111 residential units and 1272 square metres of retail space with parking for 70 vehicles, subject to the following conditions, namely:

- (1) That the development shall be generally in accordance with plans drawing Nos.DA-A1-A to A6-A dated 18 October 1996;
- (2) As a consequence of this development, Council has identified an additional demand for public facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Contributions Plan 1993, the following monetary contributions towards the cost of providing facilities are required:

FACILITY	AMOUNT	ACCOUNT
Civic Improvement, Open Space and Recreation	\$ 75,042	2 EJ-BGY 0
Child Care	\$ 3,466	2 EK-BGY 0
Community Facilities	\$ 1,431	2 EL-BGY 0
Transport and Access	\$ 5,268	2 EM-BGY 0
Environmental Improvements	\$ 2,698	2 EN-BGY 0
TOTAL:	\$ 87,705	

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

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

Applications for the payment of contributions by dedicating land or carrying out works-in-kind will be considered on their merits. In the case of works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Security in the form of a bank guarantee for the full contribution amount is to be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council and future management agreed.

Applicants are advised to contact the Council as soon as possible concerning any particular proposal.

- (3) That a minimum of 65 non-stacked and 2 stacked-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, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (4) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (5) That parking spaces Nos.1 to 4 shall be deleted to provide a manoeuvring area for the loading dock;
- (6) That car spaces 6 to 9 inclusive shall be allocated to retail tenants;
- (7) That car spaces 5, 31 and 32 shall be deleted;
- (8) That car spaces 35A and 36A shall be re-orientated 90° and be used and designated as "small car spaces";
- (9) That spaces 39, 41 and 55 shall be designated as small car spaces and marked accordingly;
- (10) That car park ramp shall be redesigned such that the ramp has maximum gradients of 1 in 10 for the first 4 metres from the street, 1 in 5 for the next 10 metres and then a 1 in 10 transition to loading dock floor;
- (11) That the parking shall be redesigned so as to eliminate the need for spaces from the ramp;

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- (12) That 37 Class 1 bicycle facilities (AS 2890-3) and 11 visitor stands (Class 3 facilities) shall be provided, details to be submitted with the building application;
- (13) That all two way aisles shall have a minimum width of 5.8 metres;
- (14) That car spaces 37 and 37A and spaces 38 and 38A shall be allocated in pairs to two of the 3 bedroom residential units;
- (15) That the parking shall be allocated on the basis of 48 spaces for residents and 15 spaces for visitors/shoppers with the spaces marked accordingly and access to the resident spaces appropriately restricted to the satisfaction of the Director of Planning and Building;
- (16) That the facade shall be enhanced by the introduction of variable balustrade design and that protruding sun control devices or similar be provided to improve the appearance of the building and provide improved solar amenity and that details of such shall be submitted for approval at or prior to the time of lodgment of the building application;
- (17) That a separate application shall be submitted at the appropriate time for the specific use of the retail areas (though the applicant/owner is advised that a restaurant use is not considered acceptable) ;
- (18) That plans and specifications showing details of:-
 - i) all required mechanical ventilation systems;
 - ii) the recycling storage area;
 - iii) the garbage storage area;
 - iv) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (19) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (20) That due to traffic safety, the rooftop tennis court shall be deleted;

- (21) The car park being ventilated in accordance with Australian Standard 1668 - 1991.1 Specification 7 and Australian Standard 1668.2 Section 4.

and the following adopted standard conditions:

- (22) HSC103 - Environmental site assessment being carried out;
- (23) LDA44 - Driving in forward direction only;
- (24) LDA47 - Loading, parking and access to be kept clear;
- (25) LDA36 - Loading only within confines of the site;
- (26) LDA101 - Provide landscaping plan;
- (27) LDA351 - Building Application required;
- (28) LDA153 - Reflectivity of external glazing;
- (29) LDA161 - Provide common television aerial;
- (30) LDA165 - Provide garbage room on-site;
- (31) HSC018 - Sanitary facilities;
- (32) HSC300 - Air handling systems for future food premises;
- (33) HSC500 - Premises to be ventilated;
- (34) HSC555 - Bathroom ventilation;
- (35) HSC700 - Compliance with code for Garbage Handling System;
- (36) HSC705 - Construction of garbage room;
- (37) HSC706 - Storage of recyclables;
- (38) HSC711 - Commercial contract (trade waste);
- (39) HSC013 - Swimming pool test;
- (40) LDA367 - Timing device on alarms;
- (41) LDA368 - Display of street numbers;
- (42) LDA376 - Hours of building work;
- (43) LDA377 - Construction noise regulation;

- (44) LDA388 - Stormwater disposal details;
- (45) LDA391 - Builder's Hoarding Permits;
- (46) LDA393 - Delivery of refuse skips.

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 traffic and parking congestion, and would not be in the public interest.

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That all relevant sections of the BCA shall be complied with;
 - (2) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-() of the BCA;
 - (3) That an additional exit shall be provided to the roof and upper roof levels which shall comply fully with the requirements of Part D of the BCA;
 - (4) That all essential services and requirements for a building over 25 metres in height shall be provided and comply fully with the requirements of the BCA;
 - (5) That exit travel distances shall comply fully with the requirements of Clause D.1.4 of the BCA.
- (C) That the applicant shall be advised that:
 - (1) Council would not support the use of the retail areas for restaurant type uses due to the low level of parking provision and the conflicting night time demands for the customer/visitor parking between residential visitors and restaurant customers;
 - (2) Council requires that the developer actively seek supermarket or similar fresh food outlet tenants for the retail areas.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

16.

PLANNING - DRAFT SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN NO. 138 - NOS. 82-84 ABERCROMBIE STREET, CHIPPENDALE (2010278)

That Council:-

- (a) notes the contents of the report.
- (b) adopt Draft South Sydney Local Environmental Plan No. 138, and approve the forwarding of the plan as exhibited to the Secretary, Department of Urban and Affairs and Planning, in accordance with Section 68(4) of the Environmental Planning and Assessment Act.

(DPB 29.1.97)

Carried.

17.

BAYSWATER ROAD, NOS. 86-88, RUSHCUTTERS BAY - ALTERATIONS AND ADDITIONS TO EXISTING CAFE/RESTAURANT - DEVELOPMENT APPLICATION (U96-00996)

- (A) That the Council as the responsible authority grants its consent to an application by Ashwin Lyons with the authority of R Schwamberg, S Gyarfias and others, for permission to renovate the existing coffee shop and extension of hours, subject to the following conditions, namely:-
 - (1) That development shall be generally in accordance with plans 25/01-1 to 6 dated 11 November 1996;
 - (2) That the hours of operation of the coffee shop shall not extend beyond 7.00 am to 12 midnight seven days a week for 12 months from the date of this resolution and thereafter revert to 7.00 am to 10.00 pm unless a further Development Application is lodged and consent granted;
 - (3) That no live or recorded music (other than background music) shall be provided;
 - (4) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;

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- (5) That adequate and conveniently situated toilet and dressing room accommodation shall be provided for male and female staff during business hours.
- (6) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2.
- (7) That the construction of the premises shall comply with the requirements of National Code for the Construction and Fit out of Food Premises.
- (8) That a system of filtered mechanical exhaust ventilation shall be provided to the servery/kitchen with hoods over all proposed cooking appliances.
- (9) That a garbage room shall be provided and constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems.
- (10) That the applicant shall enter into a commercial contract for the removal of trade waste.
- (11) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water Corporation Ltd.
- (12) That plans and specifications showing details of:-
 - i) all required mechanical ventilation systems;
 - ii) the garbage room;
 - iii) the recycling storage area;
 - iv) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced.
- (13) That application shall be made to the Director of Public Works and Services for approval to the extensions of the outdoor seating on the public footpath area.
- (14) 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.

The reason for Council's consent being granted subject to the above conditions, is as follows:-

That the granting of unrestricted consent would be likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise and vibration and the creation of a traffic hazard and traffic congestion and, further, would not be in the public interest.

- (B) That the applicant shall be advised that the questions of footpath seating paving and landscaping will be considered in conjunction with the footpath license application referred to in Condition (13).
- (C) That the persons who made recommendations in respect of the proposal be advised of Council's decision.

Carried.

18.

OXFORD STREET, NO.57, PADDINGTON - EXTEND TRADING HOURS OF THE GROUND FLOOR OF HOTEL ROSE, SHAMROCK AND THISTLE - DEVELOPMENT APPLICATION (U96-00999)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Sherilyn Pty Ltd, for permission to extend the trading hours of the Rose Shamrock & Thistle Hotel, subject to the following conditions, namely:-
- (1) That the extended hours of operation shall cease after a period of 6 months from the date of this consent.
- (The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the extended hours).
- (2) That the hours of operation shall be restricted to between 7.00 am to 12 midnight Monday to Wednesday, 7.00 am to 1.00 am Thursday to Saturday , and 10.00 am to 12 midnight Sunday;
- (3) That the use of the premises shall not give rise to:-
- (a) transmission of vibration to any place of different occupancy;

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- (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
- (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
- (d) an "offensive noise" as defined in the Noise Control Act, 1975;
 - the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984;
- (4) That the applicant shall submit a report by an acoustic expert to show how it is proposed to comply with Council's Noise Regulation within 28 days prior to commencement of the trial operating hours;
- (5) That the doors on the Rosebud Lane side of the hotel shall be closed after 9.00 pm daily;
- (6) That two licensed security officers shall be engaged to constantly patrol the area in the vicinity of the premises to ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood; such patrols to commence at 11.00 pm and to continue until the last patrons have left the premises and the vicinity;
- (7) That the hotel use be confined to the ground floor of the premises, and that the upper levels be used for residential accommodation only;

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.

19.

BELMONT STREET, NO. 329, ALEXANDRIA - ERECT TWO STOREY DWELLING - DEVELOPMENT APPLICATION (U96-00868)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council is satisfied that the State Environmental Planning Policy No. 1 objection the development standard relating to the maximum permissible floor space ratio in Clause 10d L.E.P. 107 is well founded and that compliance is unreasonable and unnecessary for the following reason:-
- (1) That the departure from the standard is numerically minor (3%) and does not result in any adverse impact on adjoining properties, provided the conditions of consent are complied with.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr G Gwyer, with the authority of Ms A Needle, for permission to demolish an existing single storey cottage and erect a two storey dwelling, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with the plan numbered 96045:1 dated 9 September 1996;
- (2) That the first floor rear bedroom shall be set back 0.9m from the northern side boundary to provide a light/ventilation well and the floor space lost replaced by an extension of 0.75m to the rear of the property, details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building.
- (3) That the front gabled parapet shall be replaced with a simply detailed horizontal parapet, detailed in a building application to the satisfaction of the Director of Planning and Building or his delegate;
- (4) That the building shall be setback 135mm from the southern side boundary to allow the continued encroachment of No.331 Belmont Street;
- (5) That, at the owner's expense, an existing side window at No.331 Belmont Street shall be bricked in and copper guttering to the side of the property shall be fixed;

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- (6) That any future provision for parking in the rear yard area shall be open and unroofed;
- (7) That the first floor rear window shall be replaced with two vertically proportioned windows, to be detailed in the building application to the satisfaction of the Director of Planning and Building or his delegate;
- (8) That the exposed northern and southern side walls shall be finished in a light colour to assist deflection of sunlight and indirect light;
- (9) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (10) LDA152 - Schedule of finishes;
- (11) LDA351 - Building Application required;
- (12) BC26 - Comply with BCA;
- (13) LDA367 - Timing device on alarms;
- (14) LDA368 - Display of street numbers;
- (15) LDA376 - Hours of building work;
- (16) LDA377 - Construction noise regulation;
- (17) LDA384 - New alignment levels;
- (18) LDA387 - Footway crossings;
- (19) LDA388 - Stormwater disposal details;
- (20) LDA392 - No obstruction to public way;
- (21) LDA393 - Delivery of refuse skips;
- (22) LDA396 - Works within boundaries;
- (23) HSC800 - Use of appliances emitting intrusive noise.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

20.

CHURCH STREET, NO. 45, CAMPERDOWN - ERECT HOUSE TO BE USED FOR COMPUTER MAINTENANCE - DEVELOPMENT APPLICATION (U96-01003)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Walter Martins to erect a commercial premises to be used for computer software maintenance with one caretakers unit, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with the plans numbered 9648/DA1/B dated 20 July, 1996;
 - (2) That the hours of operation shall be restricted to between 9.00a.m. and 5.00p.m. Mondays to Fridays;
 - (3) That the dwelling shall be used in conjunction with the commercial use of the premises at all times;
 - (4) That the section of roof facing Church Street shall match the setback and pitch of the roof of the northern adjoining building. Details to be provided with the Building Application to the satisfaction of the Director of Planning and Building;
 - (5) That the masonry fence on the southern boundary shall be 1.8 metres high when measured from the natural ground level of the southern adjoining property. Details to be provided with the BA to the satisfaction of the Director of Planning and Building;
 - (6) That the lower half of the two rear most first floor windows shall be fixed and constructed of obscure glazing. Details to be provided with the BA to the satisfaction of the Director of Planning and Building;
 - (7) That the common wall on the southern boundary shall be restricted to 9m in length as shown in the sketch plans dated 28 January 1997. Details to be provided with the BA to the satisfaction of the Director of Planning and Building;

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(8) That plans and specifications showing details of:-

- i) all proposed mechanical ventilation systems;
- ii) the garbage room or garbage receptacle storage area;

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

and the following adopted standard conditions:

- (9) LDA101 - Provide landscaping plan;
- (10) LDA153 - Reflectivity of external glazing;
- (11) LDA351 - Building Application required;
- (12) LDA367 - Timing device on alarms;
- (13) LDA368 - Display of street numbers;
- (14) LDA376 - Hours of building work;
- (15) LDA377 - Construction noise regulation;
- (16) LDA384 - New alignment levels;
- (17) LDA389 - Stormwater disposal requirements;
- (18) LDA392 - No obstruction to public way;
- (19) LDA393 - Delivery of refuse skips;
- (20) LDA396 - Works within boundaries;
- (21) HSC500 - Premises to be ventilated;
- (22) HSC018 - Sanitary facilities;
- (23) HSC700 - Compliance with code for Garbage Handling System;
- (24) HSC800 - Use of appliances emitting intrusive noise.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to overshadowing, privacy loss, streetscape qualities,

traffic and parking congestion, and would not be in the public interest.

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (2) That all relevant sections of the BCA shall be complied with;
 - (3) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Specification C1.9-4(b) of the BCA;
 - (4) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
 - (5) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (6) 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;
 - (7) 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;
 - (8) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
 - (9) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;

- (10) That the proposed stair shall be fire isolated in accordance with D1.3B of the BCA, alternatively an automatic sprinkler system shall be installed throughout the building.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

21.

CLEVELAND STREET, NOS. 146 - 152, CHIPPENDALE - ERECT A RESIDENTIAL FLAT BUILDING WITH SHOPS AND BASEMENT CAR PARKING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U96-00946)

(A) That the Council grants its consent to the submitted application by Drew Dickson and Partners P/L, with the authority of Meira Constructions Australia P/L, to demolish the existing building at No 146 Cleveland Street, Chippendale and erect a mixed development comprising basement parking, ground floor shops and 28 residential units, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans D/B-01 to D/B-05, D/C-01, D/C-02, D/D-01 and SK 04, dated September 1996 and 28 October 1996;
- (2) That the windows in the first, second and third (except unit 18) floor level in the eastern elevation shall be either;
 - (a) obscure glazing; or
 - (b) double hung windows with the lower halves obscure and fixed,

with details being submitted with the Building Application, to the satisfaction of the Director of Planning and Building;

- (3) That the same requirements outlined in Condition (2) above shall also apply to the "Bed 2" windows of Units 9,10,19 and 24;
- (4) That lattice privacy screens or the like, to a height of 1.8m above finished floor level, shall be provided along the eastern side of the balconies to Units 9, 10,19 and 24;
- (5) As a consequence of this development, Council has identified an additional demand for public facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Contributions Plan 1993, the following monetary contributions towards the cost of providing facilities are required:

FACILITY	AMOUNT	ACCOUNT
Civic Improvement, Open Space and Recreation	\$29,407	2 EJ-BGY 0
Child Care	\$ 1,531	2 EK-BGY 0
Community Facilities	\$ 1,464	2 EL-BGY 0
Transport and Access	\$ 5,476	2 EM-BGY 0
Environmental Improvements	\$ 589	2 EN-BGY 0
	\$38,467	

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.**

Applications for the payment of contributions by dedicating land or carrying out works-in-kind will be considered on their merits. In the case of works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Security in the form of a bank guarantee for the full contribution amount is to be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council and future management agreed. Applicants are advised to contact the Council as soon as possible concerning any particular proposal.

- (6) That the driveway ramp width shall be increased to 5.5m or else a system of lights and/or mirrors shall be installed;
- (7) That the ramp grade shall be in accordance with relevant Australian Standards;
- (8) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (9) That a maximum of 29 off-street car parking spaces shall be provided, allocated on the basis of 5 per visitors (close to the entry), 5 for the retail area and 19 for the units, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (10) That a plan for landscaping of the site, including suitable evergreen trees along the courtyards to Dangar Street to provide privacy between the buildings along Dangar Street, including

details of any subsoil drainage where landscaping is provided on a slab and any proposed security fencing shall be lodged with the Director of Planning and Building for approval and the site shall be landscaped in accordance with the plan as approved and be maintained at all times to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services.

- (11) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (12) That the parking areas shall be ventilated in accordance with the requirements of AS 1668.2-1991, Section 4;
- (13) That the construction of any food shops shall comply with the requirements of the National Code for the Construction and Fit out of Food Premises;
- (14) That separate Development Application(s) shall be made for the specific use of the retail shops and for the subdivision of the land;
- (15) That all relevant sections of the BCA shall be complied with;
- (16) That the developer shall liaise with Council's Cleansing Branch prior to formalising the location of the garbage room, prior to lodging the Building Application;
- (17) That all loading and unloading operations shall be carried out wholly within the confines of the site, at all times;
- (18) That at all times the loading dock and access driveway thereto shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (19) That the vehicular crossing shall be treated in such a manner as to provide a safe walking surface to the satisfaction of Council's officers;
- (20) That details shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and

Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -

- (i) external finishes to walls;
 - (ii) roofing finishes;
 - (iii) balcony balustrade treatment;
 - (iv) proposed fences;
 - (v) size and proportion of windows and doors;
- (21) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (22) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (23) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems;
- (24) That the street numbers shall be clearly displayed to the satisfaction of the Director of Planning and Building with such numbers being of a colour contrasting with the wall to which they are affixed;
- (25) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.30 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.30 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (26) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (27) That the developer shall make 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;

- (28) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (29) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (30) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (31) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (32) That all proposed work shall be wholly within the boundaries of the subject site;
- (33) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (34) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (35) 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";
- (36) 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;
- (37) That plans and specifications showing details of:-
 - i) all proposed mechanical ventilation systems;
 - ii) the garbage room;

- iii) the recycling storage area;
- iv) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

- (38) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' Standard Requirements.

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, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

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

At the request of Councillor Macken, and by consent, the motion was amended by the addition of the following three conditions, namely:-

- (39) That the amount of parking provided in the development for residents shall be reduced by two to 27 parking spaces to comply with Council's requirements;
- (40) That no planter boxes or other obstructions to pedestrian access shall be placed in the colonnade fronting Cleveland Street;

- (41) That as far as possible, any sandstone curbing and paving associated with site shall be retained.

Motion, as amended by consent, carried.

22.

KEPOS STREET, NO. 51, REDFERN - ALTERATIONS AND ADDITIONS INVOLVING FIRST STOREY EXTENSION TO THE REAR OF EXISTING ROOF RIDGE - BUILDING APPLICATION (Q96-00748)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Larry Buttrose for permission to erect a first storey extension behind the existing roof ridge including a first floor Juliet balcony at the above premises, all in accordance with the submitted plans numbered 002/96 and 003/96 dated 26 September 1996 subject to the following conditions, namely:-
- (1)
 - (a) That the proposed roof shall be re-designed so that it pitches downwards from the existing ridge to the rear of the property;
 - (b) That the proposed external stairway shall be deleted;
 - (c) That the proposed rear balcony shall be re-designed so as to have dimensions no greater than 2.0m wide by 1.0m deep and shall also incorporate privacy screens on both sides to a minimum height of 1.8m;
 - (d) That the proposed south facing upper floor windows shall be double hung sliding sash windows with the lower pane fixed and obscured glazed;
 - (e) That the external finishes shall match the existing dwelling. Details to be provided to the satisfaction of the Director of Planning and Building;
 - (f) That amended plans addressing the above requirements shall be submitted for consideration and approval prior to commencement of building work.
 - (2) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (3) That compliance shall be given to all of the conditions shown on the approved plan;
 - (4) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall

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be informed in writing **prior to the commencement of work** of the following:-

- (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
- (b) the name and permit number of the owner-builder who intends to do the work;

and the Council shall be immediately informed in writing if:-

- (a) a contract is entered into for the work to be done by a different licensee;
or
 - (b) arrangements for the doing of the work are otherwise changed;
- (5) That the windows on the northern and eastern side of the building shall be of fixed obscure glass to a height of not less than 1.2 metres above floor level;
 - (6) That the stormwater and planter box water shall be disposed from the site in accordance with the Director of Public Works and Services' Standard Requirements.
 - (7) That the use of the premises shall remain as dwelling in single occupation only;
 - (8) 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;
 - (9) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
 - (10) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;
 - (11) That the hours and days during which building work may be carried out shall be restricted to between 7.30 am and 5.00 pm Mondays to Fridays and 7.30 am and 3.00 pm Saturdays with no work being carried out on Sundays or public holidays;

- (12) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (14) That new work shall not project beyond the street alignment or boundaries of the allotment;
- (15) That the demolition work shall comply with Australian Standard 2601-1991;
- (16) That any structural details shall be submitted for consideration and approved prior to the commencement of any structural work. You are advised that by a resolution of Council, all structural plans must be accompanied by a certificate from an **approved** practising Structural Engineer. Details of the procedure of Structural Certification are attached herewith;
- (17) That structural certification justifying the capacity of the existing structure to carry the proposed new loads shall be submitted from a practising structural engineer and approval granted prior to the commencement of work;
- (18) That a certificate shall be submitted at the completion of the proposed work from a registered structural engineer confirming that all structural work complies with the approved certified structural plans;
- (19) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (20) That this approval shall relate to permanent work only and does not include temporary work;
- (21) That no structural work shall be commenced until approval is granted by Council;
- (22) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Specification C1.9-4 of the BCA;

- (23) That any sarking-type material used in the roof of the building shall have a flammability index of not more than 5, in accordance with Specification C1.9-8 of the BCA;
- (24) That the rooflights or the like (in a class 1 and 10 building) shall comply with Specification C1.9-9 of the BCA;
- (25) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (26) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (27) That suitable smoke alarm systems shall be provided in accordance with the requirements of E1.7 of the BCA;
- (28) 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 of the BCA;
- (29) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (30) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (31) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
- (32) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (33) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (34) That the developer shall submit for the approval of the Director of Public Works and Services the details of the stormwater disposal and drainage for the development;
- (35) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;(PWS7)

- (36) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever; (PWS17);
 - (37) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;(PWS18);
 - (38) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;(PWS20);
 - (39) That the purpose of child safety, it is **recommended** that all new or replacement hot water systems shall be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;
 - (40) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (41) That plans and specifications showing details of all proposed air handling systems shall be submitted to the Planning and Building Department and approval obtained before the installation is commenced;
 - (42) That the bathroom shall be ventilated by means of an approved air handling system, exhausting at least 25 l/s per fixture;
 - (43) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
 - (44) That the study room shall be provided with a roof light of minimum 450mm by 450mm or similar area and shall comply with specification C1.9.9 of the BCA.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

KING STREET, NO. 109, NEWTOWN - APPLICATION FOR AN ENTERTAINMENT LICENCE - DEVELOPMENT APPLICATION (U96-01088)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr A Fernandez, with the authority of O & K & S & D Samolis, to use the premises for live entertainment from 12.00 noon to 3.00 am Monday to Sunday, subject to the following conditions, namely:-
- (1) That the proposal would adversely affect the amenity of nearby residents by extending the time during which they are affected by noise from persons arriving or departing from the premises and noise generated from the premises use;
 - (2) That the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Newtown Police be advised of Council's decision.
- (D) That the applicant be advised that failure to comply with the existing approved hours of operation will result in the matter being referred to Council's Solicitors.

Carried.

24.

YURONG STREET, NO. 60A, DARLINGHURST (A.K.A. NO. 1 HARGRAVE LANE) - REFURBISH EXISTING WORKSHOP AND CONVERT INTO NINE STRATA APARTMENTS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U96-01034)

- (A) That the Council, after consideration of an objection under State Environmental Planning Policy No. 1 against the necessity to comply with maximum floor space ratio and height standards in Local Environmental Plan No.101, agrees that compliance is unnecessary and unreasonable in that the buildings floor space ratio is not to increase, and the increase in height will be within the existing structure.
- (B) That the Council as the responsible authority grants its consent to an application submitted by Colin Ging and Partners Pty Ltd, with the authority of Gerome International Pty Ltd, to convert an existing industrial building to contain nine residential units, involving strata subdivision, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 1-3 dated 28 November 1996;

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- (2) That the external fire escape and its landings shall be removed;
- (3) That the area of 18 sqm designated as terrace adjoining the existing lift tower shall be incorporated in the common open space area;
- (4) That the juliet balconies shall not project beyond the face of the building;
- (5) That windows on the northern and eastern side of the building shall be of fixed obscure glass to a height of not less than 1.2 m above floor level;
- (6) That the stormwater and planter box water shall be disposed from the site in accordance with the Director of Public Works and Services' Standard Requirements;
- (7) As a consequence of this development, Council has identified an additional demand for public facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Contributions Plan 1993, the following monetary contributions towards the cost of providing facilities are required:

FACILITY	AMOUNT	ACCOUNT
Civic Improvement, Open Space and Recreation	\$9,553	2 EJ-BGY 0
Child Care	\$ 496	2 EK-BGY 0
Community Facilities	\$ 461	2 EL-BGY 0
Transport and Access	\$1,728	2 EM-BGY 0
Environmental Improvements	\$ 305	2 EN-BGY 0
TOTAL:	\$12,543	

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 or the premises are occupied whichever occurs first.**

Applications for the payment of contributions by dedicating land or carrying out works-in-kind will be considered on their merits. In the case of works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Security in the form of a bank guarantee for the full contribution amount is to be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council and future management agreed.

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Applicants are advised to contact the Council as soon as possible concerning any particular proposal.

- (8) That paving and cobblestone treatment of Hargraves Lane and Seale Lane shall be carried out at the applicant's expense, including definition of pedestrian and vehicle thresholds, to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (9) That street lighting adjoining the site shall be improved at the cost of the applicant to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (10) That plans and specifications for the works required in conditions (8) and (9) shall be submitted to and approved by the Council prior to the release of building plans;
- (11) That a minimum of six off-street parking spaces shall be provided, of the dimensions and in the locations shown in the approved plans;
- (12) That the parking spaces shall be so allocated that no unit has more than one space.
- (13) That the applicants shall make good the original wall signage above the splay to the satisfaction of the Director of Planning and Building.
- (14) That a bicycle storage area with a capacity of not fewer than 3 bicycles shall be provided located to the satisfaction of the Director of Planning and Building;
- (15) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (i) external walls;
 - (ii) windows and doors;
- (16) That the car park shall be ventilated in accordance with Australian Standard 1668-1991.1 Specification 7 and Australian Standard 1668.2 Section 4.
- (17) That plans and specifications showing details of:-
 - i) all required mechanical ventilation systems;
 - ii) the garbage room;

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

- (18) That the developer shall advise any purchase of a unit or tenant where units are not to be sold that it is Council's policy not to issue resident parking permits to residents of new residential flat development located in Resident Parking Scheme Areas;

and the following adopted standard conditions:-

- (19) LDA153 - Reflectivity of external glazing;
- (20) LDA161 - Provide common television aerial;
- (21) LDA261 - Washing down of trucks;
- (22) LDA351 - Building Application required;
- (23) LDA392 - No obstruction to public way;
- (24) LDA393 - Delivery of refuse skips;
- (25) LDA399 - Cost of consequential roadworks;
- (26) HSC500 - Premises to be ventilated;
- (27) HSC001 - Compliance to Director of Health and Community Services;
- (28) HSC101 - Not give rise to emissions into the environment;
- (29) HSC111 - Liquid wastes to sewer;
- (30) HSC700 - Compliance with code for Garbage Handling System;
- (31) HSC709 - Garbage room;
- (32) HSC800 - Use of appliances emitting intrusive noise;

Carried.

25.

BRUMBY STREET, NOS. 6 - 14, SURRY HILLS - ERECT NEW RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U96-00805)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Samadi Corporation, with the authority of Mr. W Liberman and Lion Pacific International Pty Ltd, for permission to erect

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a new residential flat building containing 41 units and basement level car parking for the following reasons, namely:-

- (1) That the proposal exceeds the maximum permissible floor space ratio of 3:1 pursuant to Local Environmental Plan 107 and the proposed floor space of 2:1 pursuant to Draft Development Control Plan 1996 and is an overdevelopment of the site;
 - (2) That the proposal exceeds the height control of 15 metres under Draft Development Control Plan 1996;
 - (3) That the proposal provides excessive car parking and will have an adverse impact on the amenity of the area in terms of traffic congestion and noise;
 - (4) That the overall scale, bulk, siting and design are out of character with the area and will create an adverse impact on the streetscape;
 - (5) That the proposal will be detrimental to the residential amenity of the area in terms of loss of outlook, privacy and solar access;
 - (6) That the proposal has insufficient setbacks from the Brumby Street alignment to allow for the required 1.49 metre road widening;
 - (7) That the proposed vehicular access is unsatisfactory;
 - (8) That the circumstances of the case are not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

At this stage it was moved by Councillor Bush, seconded by Councillor Lay, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, representation of South Ward Councillors on Green Square Steering Committee.

The motion to bring forward business without notice was carried.

The following motion was put and the decision indicated made:-

REPRESENTATION OF SOUTH WARD COUNCILLORS ON GREEN SQUARE STEERING COMMITTEE

That the Councillors, namely, Bush, Lay and Macken, representing the South Ward be included on the Green Square Steering Committee.

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Carried.

At 7.26 p.m. the meeting terminated.

Confirmed at a meeting of South Sydney City Council
held on 1997

CHAIRPERSON

GENERAL MANAGER

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