

**185TH Meeting****Erskineville Town Hall  
Erskineville****Wednesday, 14 May 1997**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.45 pm on Wednesday, 14 May 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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**Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 23 April 1997, be taken as read and confirmed.

Carried.

**MINUTE BY THE MAYOR**

14 May 1997

**PUBLIC RELATIONS - CAMPAIGN AGAINST  
AIRCRAFT NOISE IN SOUTH SYDNEY (5257042)**

I have recently received correspondence from the Mayor of Waverley, Councillor Barbara Armitage, regarding the ongoing debacle of the Federal Government's long term plans for Sydney Airport.

The Federal Government is to shortly announce its response to the Draft Long Term Operating Plan for Sydney Airport. In short, the draft plan is basically a redistribution of noise from areas to the north of the airport to those east and west of the airport.

One of the points raised by Mayor Armitage is that the body responsible for community consultation on the changes, the Sydney Airport Community Forum is far from representative of the populations who are most affected.

Mayor Armitage proposes that all councils affected by airport noise by party to an advertisement in the Sydney Morning Herald which will call on the Minister to:

1. ensure equal representation for all affected communities;
2. appoint and fund an independent community representative on the implementation committee to report to all councils; and
3. supply full and proper information (including a proper EIS) to all councils affected by aircraft noise.

The advertisement will cost each contributing council \$500.

**GENERAL MANAGER**

**Recommendation:**

That Council support and participate in the proposed advertisement in the Sydney Morning Herald which will call for changes to the Government's handling of the airport noise issue for which funds are available from Council's Airport Fighting Fund (EBN 7NNO).

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

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

6 May 1997

#### **COUNCILLORS - PAYMENT OF MAYOR/COUNCILLORS FEES AND DEPUTY MAYOR'S FEES (2004430)**

Council on 4 September, 1996, resolved to accept the maximum fee determined by the Local Government Remuneration Tribunal for the period 1 July 1996 to 30 June 1997, as set out hereunder:-

Councillor/Member Annual Fee	-\$12,500
Mayor/Chairperson	-\$30,000

Council also resolved that a fee of \$2,500 be paid to the Deputy Mayor, with such fee being deducted from the Mayor's annual fee.

The Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act, 1993 has now made a determination under Section 234 with respect to the annual remuneration fees payable to Mayors/Councillors of Local Councils for the period from 1 July 1997 to 30 June 1998.

Under the determinations of the Tribunal, South Sydney Council has been ranked in Category 1, along with 15 other Councils.

The fees allocated for Category 1 Councils are maximum and minimum figures and are as follows:-

**GENERAL MANAGER**

	Minimum	Maximum
Councillor/Member Annual Fees	\$ 7,500	\$13,150
Mayor/Chairperson	\$15,000	\$31,500

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

In keeping with Section 248 of the Local Government Act, a Council must pay each Councillor an annual fee in accordance with the Tribunal determination.

Council must pay the same fee for each Councillor.

A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Funds have been provided for the Mayor and Councillors fees in the 1997/1998 Estimates.

The question of the fixing of annual fees for the Mayor and Councillors for the period from 1 July 1997 to 30 June 1998, is submitted for the determination of Council.

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

Moved by Councillor Harcourt, seconded by Councillor Bush:-

That Council accepts the maximum fee as determined by the Local Government Remuneration Tribunal as follows, namely:-

Councillor/Member Annual Fees	\$13,150
Mayor/Chairperson	\$31,500

(The Mayor/Chairperson also must be paid the additional fees for Councillor/Member.)

- for which funds are available in the 1997/98 Revenue Estimates.

Carried.

## **MINUTE BY THE GENERAL MANAGER**

14 May 1997

### **PROPERTIES - ELIZABETH BAY ROAD, NOS. 1 - 7, KINGS CROSS, FOUNTAIN BISTRO - LEASE (2010528)**

A Minute by the General Manager dated 14 May 1997, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded from this Item, and further, access to the report be withheld because in the opinion of the Council, publicity of the proceedings of the Council 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 was because the General Manager's Minute related to a lease matter.

Moved by the Mayor, seconded by Councillor Harcourt:-

That the minute by the General Manager, be approved and adopted, subject to the acceptance of the conditions of Mr. Sleiman as detailed in the General Manager's minute.

Carried.

## **PETITIONS**

1. The Mayor tabled a petition received by the General Manager with approximately 11 signatures appended from the residents of Clement Street, Rushcutters Bay, requesting the saving of protected trees from Clement Street, Rushcutters Bay.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 18 signatures appended from residents of Crown Street, objecting to the Electronic Multi-Bay parking meters between Albion and Fitzroy Streets, Surry Hills.

**GENERAL MANAGER**

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 52 signatures appended from the residents of Chippendale regarding the proposed development, on the corner of Myrtle and Wiley Street's, Chippendale, favouring the option of selling the site to private developers.

Received.

4.

Councillor Macken advised that he had received a petition with approximately 62 signatures appended from residents of Burren Street, Erskineville, protesting the unilateral rezoning of the street to Burren Street, Eveleigh, and stated that he would present the petition to the General Manager on Thursday, 15 May 1997.

### **QUESTIONS WITHOUT NOTICE**

1.

#### **COMMUNITY SERVICES - PUBLIC HOUSING RALLY AGAINST THE FEDERAL GOVERNMENT'S CHANGES TO FUNDING - EXPENDITURE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013955)**

##### **Question:**

Could the Director of Health and Community Services report on the \$47,000 expenditure for the Public Housing Rally against the Federal Government's changes to funding? The source of the \$36,000 revenue to be detailed. These figures were adopted in the Plan of Management dated 13 May 1997.

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

I will ask the Director of Health and Community Services to consult with the General Manager and have a report prepared for Committee.

2.

**LEASING - BROADWAY, 2ND FLOOR, NOS. 157 - 159, ULTIMO -  
NEGOTIATIONS ON ALTERNATIVE PREMISES FOR TENANT - QUESTION  
WITHOUT NOTICE BY COUNCILLOR HARCOURT (L52-00134)**

**Question:**

Two weeks ago I visited Mr. Tom Bass at his Sculpture School on Broadway. Could I please have a brief report on the progress of negotiations for the alternative premises he is to be offered? I believe there are some questions to be resolved about rent and natural lighting to the building.

Also is it possible for him to delay his removal until the end of this year as it would be far more convenient for the school to relocate during the summer holiday period?

**Answer by the Mayor:**

I will ask the Director of Corporate Services to prepare a report for the first Committee of June outlining a response in detail to those questions raised by you.

3.

**STREETS - TAYLOR SQUARE, DARLINGHURST - COMPLAINTS  
REGARDING SLIPPERY PAVEMENT - QUESTION WITHOUT NOTICE BY  
COUNCILLOR HARCOURT (2010147)**

**Question:**

A resident of Surry Hills has complained that the new paving around Taylor Square became very slippery during the recent wet weather and posed a hazard for pedestrians. Could Officers please investigate whether there has been other complaints?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter and if it is a continuing problem then I will ask him to have discussions with the Roads and Traffic Authority as to how we might resolve it.

4.

**WELFARE - COMMUNITY NOTICE BOARDS - PRODUCTION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (W51-00004)****Question:**

Could I please have a report on progress with the production of community notice boards? Also is it intended to place pamphlet holders similar to those in the One Stop Shop ,in libraries and Activity and Leisure Centres?

**Answer by the Mayor:**

In regards to the second part of your question, discussions have already taken place with the Director of Health and Community Services to have those stands located at Council's Libraries, but I certainly will request him now to investigate the possibility of them being in Council's Activity Clubs and Leisure Centres.

As to where those notice boards are currently, I will ask the Director of Corporate Services to provide that information in the Councillors Information Service for you.

5.

**ANTI-SOCIAL ACTIVITY - CODE OF CONDUCT FOR OFF-LICENCE BOTTLE SHOP PREMISES - INTRODUCTION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2002560)****Question:**

It has been noted from the Director of Public Prosecutions in N.S.W. that the problems with crime involving alcohol can best be solved with more responsible codes of serving and consumption of alcohol.

Council already requires licensed premises to employ security guards to maintain residential amenity. The N.S.W. Police has a Code of Conduct for late night licensed premises. Considering this and the problems that the consumption of alcohol in public places can cause, could Council Officers report on:

- (a) any codes of conduct that might be employed with off-licence bottle shop premises;
- (b) the location of these premises in relation to recorded locations of alcohol abuse.

**Answer by the Mayor:**

I will ask the Director of Health and Community Services to investigate that matter and have a report prepared for Committee. In gaining this information, could I ask the Director of Health and Community Services to speak to all the Patrol Commanders within the South Sydney area to establish what they have in terms of code of practices for off-line liquor outlets?

6.

**FLINDERS STREET, NOS. 11 - 21, SURRY HILLS - DEVELOPMENT APPLICATION - BREACH OF CONDITIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (Q97-00026)****Question:**

The approved development at Nos. 11 - 21 Flinders Street, Darlinghurst, did not include the demolition of the 1930's industrial building. While I understand that this matter has been placed with Council's Solicitor, could a report be made that states whether the previous approval will be amended, or if this approval is to be voided as the developer has not met the conditions of the approval, and if a new Development Application will be necessary for the site?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to respond to that question through the Councillors Information Service.

7.

**PARKS - FITZROY GARDENS, KINGS CROSS - ERECTION OF SIGN TO STOP FEEDING PIGEONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2015172)****Question:**

The Kings Cross 2000 Committee has requested a sign for Fitzroy Gardens, similar to the one in the Shannon Reserve stating that it is an offence to feed the pigeons. Could this be arranged in the near future?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to relay that question to the Officer who is in charge of the Plan of Management for the Fitzroy Gardens so that sign can be considered for the future development of Fitzroy Gardens. Yesterday morning on my regular garbage tour of the South Sydney area in the early hours of the morning with the Waste Services Manager and the Manager of Health Services, I have instructed the Waste

Services Manager to ensure that whilst the Council staff are steam cleaning Darlinghurst Road, they at the same time take the effort to steam clean Fitzroy Gardens and I understand the Council's Health Department is investigating the pigeon problems.

8.

**STREETS - ALBION AND SELWYN STREETS, PADDINGTON - REQUEST OF NEW LIGHTING SCHEME FOR AREA ADJACENT TO THE COLLEGE OF ARTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (S06-00663)**

**Question:**

At the Paddington Gateway Working Party Meeting this morning, a new lighting scheme was requested for the area adjacent to the College of Arts around Albion Avenue and Selwyn Street. Could the relevant Officer investigate a report on this request?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to carry out investigations and if there is a need for further lighting, an order be issued to Energy Australia and a report prepared for the Councillors Information Service.

9.

**COUNCILLORS - COUNCIL'S CODE OF CONDUCT. - INVESTIGATION INTO BREACH BY COUNCILLORS BUSH AND DEFTEREOS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (A54-00013)**

**Question:**

Item 12 of the Councillors Information Service No. 18 dated 2 May 1997, advised that 10 out of 25 tenants of Council's premises No. 94 Oxford Street, Darlinghurst, had rental arrears.

I am advised that Councillor Bush telephoned an employee of one of these tenants and discussed the tenants rental arrears with that employee.

Councillor Deftereos discussed the same matter with another person, a mutual friend of Councillor Deftereos and our tenant. Both the employee and the friend in turn brought these discussions to the attention of our tenant, who was embarrassed, distressed and rightfully very angry.

Our tenant has sought advice and has intentions to take these matters to the Hon. Ernie Page, Minister for Local Government and Mr. Chris Puplick, Chairman of the N.S.W. Privacy Commission.

**GENERAL MANAGER**

All South Sydney Councillors know that property matters are "Press and Public Excluded" and as such are strictly confidential. This is a blatant breach of Council's Code of Conduct.

How many of the other nine tenants who were in arrears had their employees, friends or families contacted by Councillors Bush and/or Deftereos?

Matters such as this call the integrity of our entire Council into questions and personally I resent sitting at the same table with persons of such moral.

I request that Councillors Bush and Deftereos be censured and that Councillors Bush and Deftereos under-go counselling as to their civic responsibilities.

I further request the General Manager and Mayor write to our tenant, after having received assurances from Councillors Bush and Deftereos that in future, financial matters of this tenant and other tenants will remain confidential - offering Council's sincere regret at the actions of our colleagues.

It was moved by Councillor Fenton, that Councillors Bush and Deftereos be censured.

**Answer by Councillor Macken:**

Certainly what Councillor Fenton has raised is extremely serious allegations, but I think perhaps at this stage it might be better if this matter sits on the table for a fortnight and that in the meantime the Mayor and the General Manager look into it and perhaps we could have some more information about it.

It is important that matters of people's tenancy arrangements with this Council be kept strictly confidential. But, I think the best way to resolve this, instead of moving a Censure Motion is for the Mayor and the General Manager to look into this matter and that we discuss this in a fortnight's time before full Council.

At the request of Councillor Macken, and by consent, the Mayor and General Manager be requested to look into the matter and discussions be held in a fortnight's time before full Council.

Motion, as amended by consent, carried.

**Answer by the Mayor:**

I think that is the right decision and the allegations made against Councillor Bush and Councillor Deftereos I believe natural justice has to prevail and certainly they have the right to reply before Council makes any decision in relation to any Censure Motion that may be put to this Council. So I support Councillor Macken's motion and that is that the matter lay on the table for two

weeks and in the meantime, the General Manager and myself carry out investigations into those allegations.

At this stage it was moved by the Mayor, seconded by Councillor Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the Report of the Management Review Committee Meeting held on 13 May 1997.

Carried.

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

### **REPORT OF THE MANAGEMENT REVIEW COMMITTEE**

13 May, 1997

#### **PRESENT**

At the commencement of business at 5.40 pm. those present were:

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

#### **Apology:**

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

The Committee **recommended** the following:

#### **ADMINISTRATION - MANAGEMENT PLAN 1996/1999 - REPORT FOR PERIOD ENDING 31 MARCH, 1997 (2009137)**

Council receives and notes the report by the General Manager dated 12 May, 1997 on the Management Plan 1996/1999 for the period 31 March, 1997.

Carried.

**GENERAL MANAGER**

**REPORT OF THE FINANCE COMMITTEE****7 May, 1997****PRESENT****Councillor Sean Macken (Chairperson)****Councillors - Margaret Deftereos, Sonia Fenton, Greg Waters.**

At the commencement of business at 6.34 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 9,11,14,15,18,19. and 21, 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 9,11,14,15,18,19 and 21 - Lease and Contractual Matters

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

That the Report of the Finance Committee of its meeting of 7 May 1997, be received and the recommendations set out below for Items 1 to 6, inclusive, 9, 11, 13 to 16, inclusive, and 18 to 20, inclusive, be adopted. The recommendations set out below for Items 7, 8, 10, 12, 17 and 21 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - FEBRUARY 1997  
(2014770)**

That arising from the report of the Director of Finance dated 24 March 1997 approval be given to the confirmation of the payment of the accounts totaling \$13,165,207.49, as detailed in the summary of warrants for the month of February 1997, accompanying the report.

Carried.

2.

**STREETS - BARCOM AVENUE, DARLINGHURST - PROPOSED CLOSURE  
AND SALE (P56-00027)**

That approval be given for advertising and action to be taken for the proposed closure and sale of part of Barcom Avenue, Darlinghurst between Bayswater Road and the Eastern Suburbs Railway as shown stippled on Plan No. S6-324/97A 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.

(DPWS Report 18.4.97)

Carried.

3.

**ROSLYN STREET, ADJACENT NO. 51 AND AT REAR OF BAYSWATER  
ROAD, NOS. 44A AND NOS. 44B, KINGS CROSS (P.N. 31070) - SALE OF  
LAND FOR UNPAID RATES AND CHARGES (2002962)**

That arising from the report by the Director of Finance dated 28 April 1997 action be taken to sell property No. 31070, land adjacent to 51 Roslyn Street and at rear of 44A and 44B Bayswater Road, Kings Cross under the provisions of Sections 713 to 726 inclusive of the Local Government Act, 1993.

Carried.

4.

**DARLINGHURST ROAD, FLAT 14, NOS. 201 - 205, DARLINGHURST, PN  
18644 MR N BEST - MR N SHEFFIELD - REFUND OF OVERPAYMENT OF  
RATES (2014011)**

That arising from the report of the Director of Finance dated 14 April, 1997, approval be given to the refund without prejudice of \$399.82 to Mr Best and Mr Sheffield, such amount being the difference in rates paid at the business rate in the dollar and the residential rate in the dollar for the period of ownership, inclusive, in the respect of the property Nos. 14/201-205 Darlinghurst Road, Darlinghurst.

Carried.

5.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - MARCH 1997  
(2014963)**

That arising from the report of the Director of Finance dated 9 April 1997 approval be given to the confirmation of the payment of the accounts totaling \$9,506,449.16, as detailed in the Summary of Warrants for the Month of March 1997, accompanying the report.

Carried.

6.

**CONFERENCES - AUSTRALIAN LOCAL GOVERNMENT WOMEN'S  
ASSOCIATION - NSW - CONFERENCE HELD IN COROWA, NSW, 13-16  
MARCH 1997 (2004126)**

Approval be given to the claim in the sum of \$2061.03 being the expenses incurred by Councillors Fenton and lay in respect of their attendance at the Australian Local Government Women's Association NSW Conference held in Corowa NSW from 13 to 16 march 1997, for which funds are available in the 1996/97 Revenue Estimates (EBE-7l, 7m and 7r).

(CAM/PO Report 10.4.97).

Carried.

7.

**LICENSING - VICTORIA STREET, NOS. 112-114, POTTS POINT -  
PROPOSED FOOTWAY LICENCE (2008732)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the application submitted by Yasser Damen for a licence over an area of 4 square metres of the footway of Victoria Street adjacent to Chrissy's Deli at Nos. 112-114 Victoria Street, Potts Point as shown stippled on Plan No. S4-130/599B, be refused.

Carried.

8.

**BOUNDARIES - SOUTH SYDNEY COUNCIL BOUNDARIES AND SUBURB NAMES (B52-00003)**

That approval be given to:-

- (a) the reaffirmation of the naming of the suburb of Eveleigh;
- (b) advertising, including a letter drop to the long standing residences within the suburb of Eveleigh about the suburb boundaries;
- (c) a further report being submitted to Council after submissions are received.
- (d) Council write immediately to Geographical Names Board to include Burren Street, back into the suburb of Erskineville and that other affected residents referred to in the report be notified of the proposal to ascertain their view on whether they wish to be included in the suburb change.

(DPWS Report 1.5.97)

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

- (e) That this matter be dealt with as expeditiously as possible.

Motion, as amended by consent, carried.

9.

**LEASING - RENTAL SUBSIDY FOR THE INNER CITY LEGAL SERVICE, ROOMS 31 AND 32, 94 OXFORD STREET, DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (L52-00081)**

That the report by the Director of Corporate Services dated 29 April 1997, regarding rental subsidy for the Inner City Legal Service, Rooms 31 and 32, No. 94 Oxford Street, Darlinghurst, be received and noted.

Carried.

10.

**PLANT AND ASSETS - SUPPLY AND DELIVERY OF 19 MOTOR VEHICLE FLEET ITEMS - TENDER (2012574)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken.

That approval be given to:-

- (1) Council rescinding Item (10) of Resolution of Council dated 26 February 1997;
- (2) the acceptance of tender submitted by Bill Buckle Autos Pty Ltd for the supply and delivery of one Toyota Hi Lux Dual Cab utility in the sum of \$20,500 in accordance with Council's specification PWS27/96 Category 'D' and the firm's tender dated 27 January 1997;
- (3) the disposal of Council vehicle No 4829 Toyota Hi Lux dual cab utility at auction.

(DPWS Report 30.4.97)

Carried.

11.

**LEASING - WATKINS LANE, NEWTOWN - FIRST FLOOR (REAR OF 8-10 BROWN STREET) - APPLICATION BY WOMENS LIBRARY INC. FOR LEASE AND SUBSIDY (2001967)**

That Womens Library Inc. being offered a 12 month lease of Council premises, First Floor, Watkin Lane (rear of Nos. 8-10 Brown Street), Newtown, from a date to be determined such lease to be in accordance with the recommendation of the Director of Corporate Services in the report dated 1 May, 1997 subject to the rental being set at \$14,040 per annum with a

**GENERAL MANAGER**

rental subsidy of \$10,140 per annum.

Carried.

12.

**PROPERTIES - ERSKINEVILLE ROAD, NOS. 106, 108 AND 112,  
ERSKINEVILLE - PERFORMANCE SPACE REQUESTING SPACE FOR AN  
ART EXHIBITION (2005879)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That Performance Space Ltd. be allowed to use the shop fronts at Nos. 106, 108 and 112 Erskineville Road, Erskineville, at no charge, for an art exhibition mid July to mid September 1997, subject to the conditions as detailed in the recommendation of the Director of Corporate Services in the report dated 1 May, 1997.

Carried.

13.

**PROPERTIES - HISTORIC PHOTOGRAPHIC RECORD OF FLORENCE  
BARTLEY LIBRARY, FITZROY GARDENS, POTTS POINT (2012353)**

That arising from the joint report by the Director of Health and Community Services and Corporate Services dated 29 April, 1997, approval be given to:-

- (a) the calling of Quotations to engage a Heritage Consultant to carry out the work associated with the recording and photographing the existing Florence Bartley Library Building;
- (b) additional funds of \$8,000 being made available to the Health and Community Services Budget;
- (c) Contingency for variations in the amount of \$800 being allowed.

Carried.

14.

**WILLIAM STREET, NOS. 196-214, FLAT 8, KINGS CROSS - APPLICATION BY MR DAVID LACKEY FOR ABATEMENT OF RENT (2004320)**

That the recommendation as detailed in the report by the Director of Corporate Services dated 30 April, 1997 regarding the application by David Lackey for an abatement of rent for Flat 8, Nos. 196-214 William Street, Kings Cross, be approved and adopted.

Carried.

15.

**BAYSWATER ROAD, NOS. 46-48, KING CROSS - LEASE OF CLOSED PART OF BAYSWATER ROAD ADJOINING (L02-00117)**

That the recommendation as contained in the report by the Director of Public Works and Services dated 2 May 1997, regarding the lease of part of land adjoining Nos. 46-48 Bayswater Road, Bayswater, be approved and adopted.

Carried.

16.

**PARKS - GREEN PARK DARLINGHURST - STAGE 1 - APPROVAL TO ACCEPT TENDER FOR LANDSCAPE WORK (2004833)**

That approval be given to:-

- (1) the acceptance of the tender from Master Landscaping Pty Ltd submitted on 22 April 1997 for the construction of improvements to Green Park, Darlinghurst, Stage 1 in the amount of \$111,530 for which there are funds available in the Public Works & Services Department's 1996/97 Works Program. (FWP 6011 refers);
- (2) additional funding in the amount of \$41,030, to provide for:-
  - (a) a contingency sum of \$11,500, to allow for any unforeseen circumstances throughout construction;
  - (b) a shortfall in construction costs in the amount of \$29,560.

- from the 1997/1998 Works Programme allocation to Green Park, Stage 2 works. (FWP 8041 refers).

(DPWS Report 28.4.97)

Carried.

17.

**VICTORIA PARK BOWLING CLUB - APPROVAL TO DEMOLISH BUILDING  
(2002941)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That approval be given to the demolition of the Victoria Park Bowling Club and disused Victoria Park Depot, subject to:-

- (1) the approval of a building application for both buildings;
- (2) the temporary fencing of the Bowling Club site to prevent illegal car parking;
- (3) the erection of signage at all points advising residents and the public of the pending feasibility study and future use of the Bowling Club site;
- (4) the footings of the existing building to remain exposed;
- (5) the addition of \$40,000 to the 1996/97 budget to execute the work.

(DPWS Report 5.5.97)

Carried.

18.

**PROPERTIES - JOYNTON AVENUE, NO. 140, ZETLAND - PROPOSED  
ADMINISTRATION CENTRE AND A POSSIBLE ADDITION OF A STOREY  
(2008384)**

That the recommendation as contained in the report by the Director of Corporate Services dated 2 May 1997, regarding the addition of a storey to Council's Administration Building at No. 140 Joynton Avenue, Zetland, be approved and adopted.

Carried.

19.

**PROPERTIES - COMPUTER FACILITIES - PROPERTY DEVELOPMENT  
(C60-00008)**

That the recommendation contained in the report by the Director of Corporate Services dated 5 May 1997, regarding the purchase of Computer Facilities for Council's Property Branch, be approved and adopted, and that the years "1997/1998" be deleted from the fifth line of the recommendation.

Carried.

20.

**PUBLIC RELATIONS - EASTERN SUBURBS POLICE AND COMMUNITY  
1997 CHARITY BALL (5262801)**

That approval be given to interested Councillors attending the 1997 Eastern Suburbs Police and Community Charity Ball to be held on 13 June 1997, and that the cost of the ball ticket, be borne by the Council, for which funds are available in the 1996/97 Revenue Estimates (EBE - 77RO).

(CAM/PO Report 6.5.97)

Carried.

21.

**PROPERTIES - BROADWAY, NOS. 129-135, ULTIMO - LEASING  
ARRANGEMENTS INVOLVING OSTREON HOLDINGS PTY LTD AND  
WINDARU P/L (2008964)**

At the Council meeting the Mayor declared an interest in the Item and did not take part in discussion or voting.

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the recommendation as contained in the report by the Director of Corporate Services dated 5 May, 1997 regarding the leasing arrangements for the premises, Nos. 129-135 Broadway, Ultimo, be approved and adopted subject to the compensation payment being \$20,000.

Carried.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

7 May 1997

**PRESENT****Councillor Sonia Fenton (Chairperson)****Councillors - Margaret Deftereos, Sean Macken, Greg Waters.**

At the commencement of business at 7.30 pm those present were -

Councillors - Deftereos, Fenton, Macken, Waters.

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

That the Report of the Community Services Committee of its meeting of 7 May 1997, be received and the recommendation set out below for Item 1, be adopted. The recommendation set out below for Item 2 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**HEALTH - ENVIRONMENTAL EDUCATION AND CREATIVE WORKSHOPS  
- REVERSE GARBAGE (5245809)**

That approval be given to contract Reverse Garbage to conduct workshops and an environmental competition during Term II up to a budget of \$18,583, to showcase the creative abilities of local young people within an environmental theme. Funds are available for this project from within the Health & Community Services Department (\$10,000 - KPA 0010 77NO) and the Waste Services Branch (\$10,000 - DHB 77FO).

(CAM/PO, DHCS, DPWS Joint Report 1.5.97)

Carried.

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2.

**STREETS - CABLES DOWN UNDER - WORK FOR THE DOLE SCHEME  
(2014923)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That consideration of the report by the Director of Public Works and Services dated 5 May 1997, be deferred for a further report on the N.S.W. Government's position regarding participation in the "Work for the Dole Scheme".

Carried.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

7 May 1997

**PRESENT**

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

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

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

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

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

That the Report of the Planning and Development Committee of its meeting of 7 May, 1997, be received and the recommendations set out below for Items 1, 3 to 4, inclusive, 6, 9 to 12, inclusive, 15 to 21, inclusive, 25, 28 to 29, inclusive, be adopted. The recommendations for Items 2, 5, 7, 8, 13, 14, 22 to 24, inclusive, 26 and 27, having been dealt with as shown immediately following such Items.

Carried.

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The Committee **recommended** the following:-

1.

**GEORGE STREET, NO. 127, ERSKINEVILLE - ALTERATIONS TO SINGLE STOREY DWELLING INCLUDING EXTENSION TO REAR AND FIRST FLOOR ADDITION - BUILDING APPLICATION (Q96-00914)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Theresa Ly for permission to construct a first floor addition and laundry at rear at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the length of the ground floor addition shall be reduced by 500mm to comply with site coverage requirements. Details to be submitted and approved prior construction;
  - (2) 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;
  - (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
  - (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
  - (5) 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;
  - (6) 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;
  - (7) For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

and the following adopted standard conditions:

- (8) BC2 - Compliance with Local Government Act 1993;

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- (9) BC3 - Compliance with conditions on plan;
- (10) BC8 - Details of contractor;
- (11) BC11 - Inform Council for inspections;
- (12) BC15 - Approval relates to coloured work;
- (13) BC20 - Premises to remain as single dwelling;
- (14) BC62 - Survey Certificate for setup of building;
- (15) BC63 - Survey Certificate for finished building;
- (16) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (17) BC111 - Hours of work;
- (18) BC113 - Work to comply with noise standards;
- (19) BC114 - Existing building to be kept in stable condition;
- (20) BC116 - New work not to encroach boundaries;
- (21) BC337 - Construction of boundary walls;
- (22) BC352 - Glazing materials;
- (23) BC421 - Private stairs construction;
- (24) BC529 - Smoke alarm systems;
- (25) BC601 - Water closets and shower compartments;
- (26) BC602 - Clothes washing and drying facilities;
- (27) BC603 - Damp and weatherproofing;
- (28) BC608 - Ceiling heights;
- (29) BC609 - Natural light and ventilation;
- (30) BC617 - Rain or dampness penetration;
- (31) BC618 - Flashing to be provided;
- (32) HSC500 - Premises to be ventilated;
- (33) HSC556 - Laundry ventilation;

(34) HSC800 - Use of appliances emitting intrusive noise.

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

Carried.

2.

**TRAFFIC - SWANSON STREET, ERSKINEVILLE - IMPROVEMENTS TO THE PEDESTRIAN CROSSING NEAR PARK STREET (2012915)**

That Council write to the Local Member seeking support to obtain Roads and Traffic Authority funding for the improvements to the pedestrian crossing on Swanson Street, Erskineville, at Park Street.

(DPWS Report 11.4.97)

Carried.

3.

**RAGLAN STREET, NO 101, WATERLOO - INTERNAL ALTERATIONS TO EXISTING BEDSIT UNITS - DEVELOPMENT APPLICATION (U96-01048)**

(A) That the Council as the responsible authority grants its consent to the application submitted by the Department of Housing, to convert the existing 7 bedsitters and 1 x bedroom on each floor to a mixture of 1 bedroom and 2 bedroom units on each floor, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with Drawing No 1 - 7 dated November 6, 1996;
- (2) 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 Work and Services Department for the use of a mobile crane;
- (3) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

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- (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (5) 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
- (6) that all proposed work shall be wholly within the boundaries of the subject site.

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

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

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

Carried.

**4.**

**OXFORD STREET, NO. 495, PADDINGTON - ERECT ROOF SIGN - DEVELOPMENT APPLICATION (U97-00181)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by James Farguharson with the authority of Vapibe Pty Ltd for permission to erect a roof sign on the abovementioned premises generally in accordance with submitted plans for the following reasons, namely:-
  - (1) That the development proposal is contrary to the guidelines of DCP No. 7;
  - (2) That the proposed development will impact upon the integrity and character of the building which is of heritage significance;
  - (3) That the proposed development is inconsistent with the prevailing character of the area, particularly the group of buildings to which this site belongs;
  - (4) That the proposal is not in the public interest.

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

Carried.

5.

**BARCOM AVENUE, NO 93, DARLINGHURST - ALTERATIONS AND ADDITIONS TO FRONT RETAINING WALL TO PROVIDE GARAGE - DEVELOPMENT APPLICATION (U96-01045)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by C T Lovell for the removal of an existing sandstone retaining wall and staircase and the construction of a retaining wall with a new garage and stairs, subject to the following conditions, namely:-
- (1) That the proposed development will have a negative impact upon the streetscape and the integrity of the Conservation Area;
  - (2) That the proposal would set an undesirable precedent for similar proposals, the cumulative effect of which would be significantly detrimental to the Conservation Area;
  - (3) That the consent of the owner of No 95 Barcom Avenue has not been provided;
  - (4) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council Solicitors be instructed to have proceedings in respect of the order issued under section 123 of the Local Government Act, 1993, relisted in the Land and Environment Court as a matter of urgency.

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

That consideration of the application submitted by C T Lovell for the removal of an existing sandstone retaining wall and staircase and the construction a retaining wall with a new garage and stairs, be deferred to the next meeting of the Planning and Development Committee to be held on 21 May 1997.

Motion, as amended by Councillor Deftereos, carried.

6.

**NICKSON STREET, NO. 64, SURRY HILLS - INSTALLATION OF A ROLLER DOOR TO PREMISES - BUILDING APPLICATION (Q97-00126)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by P Grundmann for permission to erect a new roller door in accordance with the submitted plan dated 13 February 1997, subject to the following conditions, namely:-
- (1) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
  - (2) That compliance shall be given to all of the conditions shown on the approved plan;
  - (3) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council Officers;
  - (4) That the approval shall only relate to the work shown coloured on the approved plans;
  - (5) 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;
  - (6) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
  - (7) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
  - (8) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
  - (9) That structural certification justifying the capacity of the proposed footing to carry the proposed new loads shall be submitted from a practising structural engineer prior to the commencement of work;
  - (10) 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;

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- (11) 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;
- (12) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (13) 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;
- (14) 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;
- (15) 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;
- (16) That in accordance with the requirements of Clause 34 of the Local Government (Approvals) Regulation, 1993, a person excavating below the level of the base of the footings of a building on an adjoining allotment of land (includes a public road and any other public place) must comply with the following:-
  - (a) preserve and protect the building from damage; and
  - (b) if necessary, underpin and support the building in an approved manner; and
  - (c) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work;
- (17) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (18) That an application shall be made to Council's Tree Preservation Section (Public Works and Services Department) for permission

to remove the Cupressus Sempervinens tree and one citris (lemon) tree;

- (19) That the area shall be landscaped and the other existing two trees shall be retained.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**7.**

**BURROWS ROAD, NOS. 40 - 42, ALEXANDRIA - INCREASED PRODUCTION IN EXISTING ASPHALT PLANT - DESIGNATED DEVELOPMENT - DEVELOPMENT APPLICATION (U96-00670)**

- (A) That the Council as the responsible authority grants its consent to the application (being designated development) to carry out alterations and additions, including new storage bins, overhead loading bins and conveyor system, and to increase the annual asphalt production from 75,000 tonnes to 160,000 tonnes, subject to the following conditions, namely:-
- (1) That the increased asphalt production shall cease within a period of 10 years from the date of this consent . (The applicant is advised that after that time production shall revert back to 75,000 annual tonnes of asphalt production, under the terms of the previous consent U92-00094. Council will not require removal of physical plant at that stage. The applicant is also advised that an application to modify the terms of this condition under S102 of the EPA Act could be lodged prior to the expiration of the 10 year period);
  - (2) That the development shall be generally in accordance with plans lodged with the Environmental Impact Statement dated July 1996 and held on Council's file U96-00670;
  - (3) That the annual production of the plant shall not exceed 160,000 tonnes;
  - (4) That the hours of operation shall be restricted to between 6.30am and 7.00pm Mondays to Fridays, and 7.00am to 4.00pm on weekends;
  - (5) That the premises may operate outside the above hours on up to five occasions per month, plus any occasion when due to the location of work or like criteria, it can be shown beforehand in writing to Council's satisfaction that the operation will not

affect the amenity of nearby residents or the users of Sydney Park;

- (6) 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

an "offensive noise" as defined in the Noise Control Act, 1975;

- (7) That truck movements to and from the plant via Campbell Road shall be limited to the hours of 6.30am to 5.00pm Mondays to Fridays and that at all other times be via Burrows Road/Huntley Street/Euston Road or Canal Road/Gardeners Road;
- (8) That the applicant/operator shall obtain a Pollution Control Approval from the Environmental Protection Authority (EPA), prior to expansion of its existing facilities;
- (9) That, in accordance with EPA instructions, the applicant/operator shall investigate, and if necessary upgrade, the following pollution related matters:
- (a) the current stormwater/wastewater management systems at the site;
  - (b) the current wind erosion dust controls at the site;
  - (c) the current point source dust controls at the site ie (silos); and
  - (d) the current waste/environmental management systems applied at the site.

In addition, measures to minimize dust emissions from truck movements to, from and around the site shall be investigated, including a possible aggregate truck wash down area and dispersal of washed dust. Also investigation into (i) and/or (iv) above shall address site retention of contamination of fire fighting water, including possible bunding.

- (10) That the investigation required by condition 9 shall be in the form of a report(s), a copy of which shall be supplied to the Council (ref. U96-00670), prior to operation of increased production;
- (11) That a Fire Safety Study and Final Hazard Analysis shall be prepared and lodged with the building application prepared in accordance with the NSW Department of Urban Affairs and Planning "Hazardous Industry Planning Advisory Papers No. 2 and 6", to the satisfaction of the NSW Fire Brigades and the Environmental Protection Authority respectively, prior to issuing Building Approval;
- (12) That details of fire fighting equipment, services and lighting shall be provided with the Building Application for the approval of the Director of Planning and Building;
- (13) That full details of the storage of licensable quantities of dangerous goods, such as the bitumen tanks, shall be provided to the WorkCover Authority of New South Wales prior to expansion of the facilities and production;
- (14) That the transfer of dangerous goods and lighting on the site shall comply with Clause 8.5.7.2 of the Australian Dangerous Goods Code, 5th edition, though lighting shall not adversely impact on aviation safety in the area;
- (15) That all waste water being discharged to the sewer shall be in accordance with the requirements of Sydney Water;
- (16) That the floor levels shall be 300mm above a 1:100 year flood (to be determined by the applicant/operator);
- (17) That no parking or queuing of vehicles associated with the plant shall occur beyond the boundaries of the site;
- (18) That stormwater from the site shall be piped to the Alexandria Canal via a first flush trap system or other system(s) required by the EPA and Sydney Water and shall comply with any additional requirements of those Authorities;
- (19) That compliance shall be made with any conditions of the Environmental Protection Authority;
- (20) That the storage and removal of trade refuse shall be to the satisfaction of Council's officers and that details of the trade refuse shall be submitted to Council and approval obtained before commencing the use of the premises;

- (21) That a minimum of 9 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (22) That at all times all loading docks, car parking spaces and access driveways thereto shall be kept clear of goods and shall not be used for storage purposes including garbage storage;
- (23) That all loading and unloading operations shall be carried out wholly within the confines of the site, at all times;
- (24) That all vehicles shall be driven onto and off the site in a forward direction, at all times;
- (25) That effective measures shall be taken as outlined in the Environmental Impact Statement to prevent any nuisances being caused by noise, vibration, smell, fumes, dust, smoke, waste-water products and the like, at all times;
- (26) That the use of the office area shall be ancillary to the use of the premises, at all times;
- (27) 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;
- (28) 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;
- (29) 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;
- (30) 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;

- (31) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (32) 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;
- (33) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (34) 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;
- (35) That all proposed work shall be wholly within the boundaries of the subject site;
- (36) That a separate application shall be submitted at the appropriate time for any proposed signs.

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, noise and would not be in the public interest.

- (B) That the applicant be advised that, pursuant to S.93 of the EPA Act, development consent does not operate until 28 days after the notice of determination of the Development Application.
- (C) That the people and organisations who made submissions be advised of the Council's decision and their rights of appeal to the Land & Environment Court.
- (D) That the applicant be advised that Council strongly encourages the operator of the plant to actively pursue closer raw material sites, in an effort to increase sustainable development.

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of condition (7) in the recommendation and the insertion in lieu thereof the following new condition (7), namely:-

- (7) That all truck movements to and from the site shall use routes which do not include Campbell Street, and any "contract" drivers for the operator of the site shall have a condition in their contract to this effect.

Motion, as amended by consent, carried.

8.

**CLEVELAND STREET, NO 187, REDFERN - ERECT A RESIDENTIAL FLAT BUILDING CONTAINING 40 UNITS - DEVELOPMENT APPLICATION (U96-01046)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the application be deferred to allow the applicant the opportunity to submit amended plans which address:-

- (1) A reduction in the scale of the development to a floor space that is more consistent with the 2: 1 floor space ratio contained in then Draft D.C.P.;
- (2) A reduction in height;
- (3) The loss of privacy to the rear of the dwelling fronting George Street;
- (4) More articulation in the design to break up the mass of the building in general and in particular the Cleveland Street frontage.

Carried.

9.

**GOWRIE STREET, NO. 87, NEWTOWN - ALTERATIONS AND ADDITIONS TO TWO STOREY COTTAGE - DEVELOPMENT APPLICATION (U97-00155)**

- (A) That is advised that Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to floor space ratio 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 increase in floor space ratio is relatively minor and will not result in any significantly adverse streetscape or amenity impacts.

- (B) That the Council as the responsible authority grant its consent to the

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application submitted by Brendan and Annmaree Lavery for permission to erect ground and first floor rear alterations and additions to the existing dwelling subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans dated 26 February 1997 and held on Council file U97-00155;
- (2) That the rear first floor addition including the bedroom and rear deck shall be deleted;
- (3) That the front attic dormer window shall be deleted and the rear attic skillion dormer shall be set back from the side and rear walls, and be below the ridgeline flashing, and it's windows must be vertically proportioned with suitably proportioned timber frames. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building;
- (4) That the rear ground floor skillion roof shall slope downward from north to south. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building;
- (5) That the ceiling of the carport shall be reduced to 2.1 metres in height with a subsequent reduction of the structure. The gable pitch should also be reduced to a minimal angle. Details to be submitted with the Building Application to the satisfaction of the Director of Planning and Building;
- (6) That this consent shall lapse after a period of two years from the date this consent became effective unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (7) That the applicant be advised that an objection may be lodged with Council pursuant to Section 82 of the Local Government Act, 1993 to vary, subject to the concurrence of the Director General; the requirements of Clause 54 of the Local Government (Approvals) Regulation 1993;

and the following adopted standard conditions:

- (8) LDA152 - Schedule of finishes;
- (9) LDA155 - Windows and doors to be of timber joinery;
- (10) LDA351 - Building Application required;
- (11) LDA367 - Timing device on alarms;

- (12) LDA368 - Display of street numbers;
- (13) LDA376 - Hours of building work;
- (14) LDA377 - Construction noise regulation;
- (15) LDA384 - New alignment levels;
- (16) LDA387 - Footway crossings;
- (17) LDA388 - Stormwater disposal details;
- (18) LDA392 - No obstruction to public way;
- (19) LDA393 - Delivery of refuse skips;
- (20) LDA396 - Works within boundaries;
- (21) HSC500 - Premises to be ventilated.

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 overshadowing, privacy loss, 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.

**10.**

**BOURKE STREET, NO.117, WOOLLOOMOOLOO - EXTENSION TO DWELLING - DEVELOPMENT APPLICATION (U96-00560)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr D J Rowe (owner) for permission to extend to dwelling generally in accordance with plan dated 22 October 1996 as held on Council file U96-00560 for the following reasons, namely:-
  - (1) The proposed development is an overdevelopment of the site;
  - (2) The proposed development is out of character given the bulk and scale of those properties surrounding and makes

insufficient provision for the adequate protection of the adjoining properties in terms of environmental impact;

- (3) The proposed development provides insufficient private open space for the needs of the development;
  - (4) The proposed development will have a negative impact upon the amenity of the neighbourhood in terms of privacy and overshadowing;
  - (5) The proposed development would be detrimental to the setting of the Kidman Terraces and the character of the Conservation Area generally;
  - (6) The proposed development is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

**WILSON STREET, NO. 222, NEWTOWN - CONVERSION OF EXISTING HOTEL TO SEVEN RESIDENTIAL FLATS - CONTRIBUTION INCLUDED IN CONSENT - DEVELOPMENT APPLICATION (U97-00113)**

- (A) That is advised that Council is satisfied that the State Environmental Planning No. 1 objections against the development standards relating to height and floorspace ratio within Clause 11 and 10 of Local Environmental Plan No. 107 respectively are well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

The proposed height and floor space ratio will not result in a development that is inconsistent with the existing development, nor will it unreasonably impact upon the amenity of the locality.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Martin and Spork, with the authority of Ostatower Pty Ltd, for permission to redevelop seven strata residential units at the above premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing Nos. 9643-D.A. and 9643-D.A.1 as submitted on 7 April 1997;
  - (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, (the applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
  - (3) 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;
  - (4) That a minimum of three-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;
  - (5) That at all times the car parking spaces and driveway(s) thereto shall be kept clear of goods and shall not be used for storage purposes including garbage storage;
  - (6) As a consequence of this development, Council has identified an additional demand for public facilities. Pursuant to Section

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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:

<b>FACILITY</b>	<b>AMOUNT</b>	<b>ACCOUNT</b>
Civic Improvement, Open Space and Recreation	\$9234.00	2 EJ-BGY 0
Child Care	\$485.10	2 EK-BGY 0
Community Facilities	\$480.30	2 EL-BGY 0
Transport and Access	\$1797.90	2 EM-BGY 0
Environmental Improvements	\$290.40	2 EN-BGY
<b>TOTAL:</b>	<b>\$12, 288.00</b>	

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

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

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;

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

- (a) all proposed mechanical ventilation systems;
- (b) the garbage room;
- (c) all liquid storage areas;

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

(8) That the decks located on level one be screened by a 2.4 metre lattice;

(9) That the developer shall commission a historian accredited by the Professional Historians Association NSW Inc to record and report upon the historical usages and the social history of the

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hotel and its site since its construction, and a copy of the historian's final report will be lodged with South Sydney City

Library and the State Library of NSW prior to release of the building plans;

and the following adopted standard conditions, namely:-

- (10) LDA351 - Building Application required;
- (11) LDA376 - Hours of building work;
- (12) LDA373 - Disabled access provision;
- (13) LDA377 - Construction noise regulation;
- (14) LDA351 - Building Application required;
- (15) LDA376 - Hours of building work;
- (16) LDA384 - New alignment levels;
- (17) LDA387 - Footway crossings;
- (18) LDA388 - Stormwater disposal details;
- (19) LDA392 - No obstruction to public way;
- (20) LDA394 - Cost of alteration to signposting;
- (21) HSC500 - Premises to be ventilated;
- (22) HSC018 - Sanitary facilities;
- (23) HSC709 - Garbage room;
- (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 and would not be in the public interest.

- (C) That the persons who made representation in respect of the proposal be advised of Council's decision.
- (D) That the Department of Urban Affairs and Planning be notified of SEPP1.

Carried.

12.

**LITTLE DOWLING STREET, NO. 5, PADDINGTON - ALTERATIONS AND ADDITIONS INVOLVING A THIRD FLOOR STUDIO AND DECK - DEVELOPMENT APPLICATION (U97-00085)**

That consideration of the application submitted by Mr B Thomson for permission to construct a studio and balconies in the roof of the existing house be deferred to the next Planning and Development Committee Meeting to be held on 21 May, 1997.

Carried.

13.

**O'CONNOR STREET, NOS. 14-16, CHIPPENDALE - REFURBISH EXISTING WAREHOUSE BUILDING AND CONVERT INTO 22 RESIDENTIAL UNITS AND 12 CAR PARKING SPACE - CONTRIBUTION INCLUDED IN CONSENT - DEVELOPMENT APPLICATION (U97-00118)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council resolves that the State Environmental Planning Policy No. 1 objections against the development standards relating to floor space ratio in Clause 11, height in Clause 14 and car parking in clause 7 of Local Environmental Plan 66 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-
- (1) The additional floor space and height is acceptable in terms of residential amenity impacts and will not detract from the character of the existing streetscape in terms of bulk and scale;
  - (2) That the proposed parking is considered acceptable having regard to the requirements of Development Control Plan No. 11 - Transport Guidelines for Development and the location of the site in respect of access to public transport.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Haralambis Solicitors with the authority of Mr. R. Green and Others for permission to convert the existing building into residential units, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with

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plans DA01B-DA02A, DA03A, DA04B, DA05B;

- (2) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (3) That all existing window frames that are to be removed are to be replaced with a light frame that is integrated with the steel balustrades proposed. The proportions of the muillans are to match the original timber frames to the satisfaction of the Director of Planning and Building;
- (4) That parking spaces numbered 9 and 10 shall be converted into a residential unit, with access directly off O'Connor Street, and these spaces to be relocated to the gym area. Details to be submitted with the Building Application and to be the satisfaction of the Director of Planning and Building;
- (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 and be amended accordingly if required:

FACILITY	AMOUNT	ACCOUNT
Civic Improvement, Open Space and Recreation	\$22391	2 EJ-BGY 0
Child Care	\$ 1176	2 EK-BGY 0
Community Facilities	\$ 1164	2 EL-BGY 0
Transport and Access	\$ 4360	2 EM-BGY 0
Environmental Improvements	\$ 750	2 EN-BGY 0
<b>TOTAL:</b>	<b>\$29796</b>	

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

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

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

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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 approved system of mechanical exhaust shall be installed to the car park;
  - (7) That details on the proposed landscaping of the roof terrace shall be submitted to the Director of Planning and Building;
  - (8) That plans and specifications showing details of:-
    - (a) all required mechanical ventilation systems;
    - (b) the garbage room;
    - (c) the recycling storage area;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (9) LDA21 - No resident parking for residential flat developments;
- (10) LDA22 - Parking spaces required being maximum of 12;
- (11) LDA29 - Provide sign indicating parking;
- (12) LDA109 - Relocating street trees;
- (13) LDA151 - Schedule of finishes;
- (14) LDA153 - Reflectivity of external glazing;
- (15) LDA161 - Provide common television aerial;
- (16) LDA367 - Timing device on alarms;
- (17) LDA368 - Display of street numbers;
- (18) LDA373 - Disabled access provision;
- (19) LDA376 - Hours of building work;

- (20) LDA377 - Construction noise regulation;
- (21) LDA384 - New alignment levels;
- (22) LDA389 - Stormwater disposal requirements;
- (23) LDA392 - No obstruction to public way;
- (24) LDA393 - Delivery of refuse skips;
- (25) LDA396 - Works within boundaries;
- (26) HSC500 - Premises to be ventilated;
- (27) HSC001 - Compliance to Director of Health and Community Services;
- (28) HSC103 - Environmental site assessment being carried out;
- (29) HSC101 - Not give rise to emissions into the environment;
- (30) HSC111 - Liquid wastes to sewer;
- (31) HSC705 - Construction of garbage room;
- (32) HSC706 - Storage of recyclables;
- (33) HSC711 - Commercial contract (trade waste);
- (34) 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, 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 Department of Urban Affairs and Planning be notified of SEPP 1.

Carried.

**BUCKLAND STREET, NO.20, CHIPPENDALE - ERECT NEW RESIDENTIAL FLAT BUILDING - CONTRIBUTION INCLUDED IN CONSENT - DEVELOPMENT APPLICATION (U97-00117)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council resolves that the State Environmental Planning Policy No.1 objection against the development standards relating to floor space ratio in Clause 11 and car parking in Clause 7 of Local Environmental Plan No.66 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-
- (1) The additional floor space above the maximum 2.25:1 is acceptable in terms of residential amenity impacts and the proposal will not detract from the character of the existing streetscape in terms of bulk and scale;
  - (2) The proposed parking is considered acceptable having regard to the requirements of Development Control Plan No.11 - Transport Guidelines for Development and the location of the site in respect of access to public transport.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Vavayis Pty Ltd, with the authority of Mr R & Mrs J Green, for permission to erect a residential flat building containing 12 units and 9 car parking spaces, with a cafe retail space and to strata subdivide, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans DA01B-04B, DA05A;
  - (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, unless the development to which it relates is commenced. (This applicant is advised that an application can be made to the Council before the period expires, for an extension of one year);
  - (3) That car parking spaces Nos. 4 to 7 shall be setback by a minimum from the O'Connor Street alignment to enable the integration of an active use at street level. including direct access out onto O'Connor Street. Details shall be submitted with the Building Application and shall be to the satisfaction of the Director of Planning and Building;
  - (4) That the proposed paved open space abutting Docker Lane shall be turfed and include the provision of a large tree to the satisfaction of the Director of Planning and Building and Director

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of Public Works and Services;

- (5) That the proposed brick screen wall on level 3 shall be integrated and tied back to the main frame of the building by a series of spandrel beams and pergola or similar design. Details shall be submitted with the Building Application and shall be to the satisfaction of the Director of Planning and Building;
- (6) 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 shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

<b>FACILITY</b>	<b>AMOUNT</b>	<b>ACCOUNT</b>
Civic Improvement, Open Space and Recreation	\$14,062	2 EJ-BGY 0
Child Care	\$ 739	2 EK-BGY 0
Community Facilities	\$ 731	2 EL-BGY 0
Transport and Access	\$ 2,738	2 EM-BGY 0
Environmental Improvements	\$ 443	2 EN-BGY 0
<b>TOTAL:</b>	<b>\$18,713</b>	

**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.

- (7) That an approved system of mechanical exhaust shall be installed to the car park;
- (8) That details on the proposed landscaping of the roof terrace shall be submitted to the Director of Planning and Building;
- (9) That a maximum of 9 off-street car parking spaces shall be

provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;

- (10) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
  - (b) the garbage room;
  - (c) the recycling storage area;

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

- (11) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to the release of the final linen plan;

and the following adopted standard conditions:

- (12) LDA21 - No resident parking for residential flat developments;
- (13) LDA109 - Relocating street trees;
- (14) LDA151 - Schedule of finishes;
- (15) LDA153 - Reflectivity of external glazing;
- (16) LDA161 - Provide common television aerial;
- (17) LDA367 - Timing device on alarms;
- (18) LDA368 - Display of street numbers;
- (19) LDA373 - Disabled access provision;
- (20) LDA376 - Hours of building work;
- (21) LDA377 - Construction noise regulation;
- (22) LDA384 - New alignment levels;
- (23) LDA389 - Stormwater disposal requirements;
- (24) LDA392 - No obstruction to public way;
- (25) LDA393 - Delivery of refuse skips;
- (26) LDA396 - Works within boundaries;

- (27) HSC500 - Premises to be ventilated;
- (28) HSC001 - Compliance to Director of Health and Community Services;
- (29) HSC103 - Environmental site assessment being carried out;
- (30) HSC101 - Not give rise to emissions into the environment;
- (31) HSC111 - Liquid wastes to sewer;
- (32) HSC705 - Construction of garbage room;
- (33) HSC706 - Storage of recyclables;
- (34) HSC711 - Commercial contract (trade waste);
- (35) HSC800 - Use of appliances emitting intrusive noise;
- (36) LDA351 - Building Application required.

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 applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
  - (1) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing - /60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
  - (2) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
  - (3) 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;

- (4) 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;
- (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 hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (7) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (8) 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;
- (9) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (10) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
- (11) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
- (12) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (13) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (14) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (15) That all relevant sections of the BCA shall be complied with;
- (16) That an additional exit shall be provided to the car park area;
- (17) 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.

- (C) That the applicant is advised that should there be insufficient demand to warrant the retention of car parking spaces, then the spaces shall be converted to a Residential Unit or other use generating activity at street level. This will require the submission of a further DA for Council's consideration.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

**ANDERSON STREET, NO 18, ALEXANDRIA - ALTERATIONS TO DWELLING OF ATTIC ROOM WITH DORMER - DEVELOPMENT APPLICATION (U97-00229)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Adrian Svensson, for permission to carry out alterations and additions to the first level of the dwelling in accordance with submitted plans, for the following reasons, namely:-
  - (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 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;
  - (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard

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requirements;

- (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (5) That all proposed work shall be wholly within the boundaries of the subject site;
- (6) 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;
- (7) That the rear dormer be redesigned so that the ridge line is located approximately 400mm below the ridge line to the satisfaction of the Director of Planning and Building;
- (8) That the proposed attic store not be used as a habitable room.

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

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

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

Carried.

16.

**RILEY STREET, NOS. 332-338, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING HOTEL - DEVELOPMENT APPLICATION (U97-00178)**

That consideration of the application submitted by Mumbilla Pty Ltd, for permission to carry out internal and external alterations to the above premises, be deferred to the next Planning and Development Committee Meeting to be held on 21 May, 1997, to allow for a letter box drop to be undertaken to enable residents of a number of properties which directly adjoins the subject site and have not been notified of the proposal to make submissions in respect of the application.

Carried.

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17.

**DUNNING AVENUE, NOS.61-71, ROSEBERY - CHANGE OF HOURS OF WAREHOUSE - DEVELOPMENT APPLICATION (U97-0104)**

- (A) That Council as the responsible authority grants its consent to the application submitted by Masterplan Consultants, with the authority of Tech Pacific Holdings Ltd, for permission to continue to operate the premises between 6.00 a.m. and 12 midnight Mondays to Saturdays, to operate continually for 48 hours on one weekend per month for stocktaking and to operate 24 hours per day on five days in any calendar month, subject to the following conditions, namely:-
- (1) That the hours of operation for the use of the premises as a warehouse shall be between the hours of 6.00 am to 12 midnight, Monday to Saturday with no trading on Sundays or public holidays except as otherwise provided in conditions (2) and (3) below;
  - (2) That in addition to the hours specified in condition (1) above, 48 hour operation of the premises shall be permitted on one weekend of each calendar month for stocktaking purposes only;
  - (3) That In addition to the hours specified in conditions (1) and (2) above, 24 hour operation of the premises shall be permitted on five (5) days out of each calendar month;
  - (4) That the hours of operation for the use of the premises as set out in conditions (1), (2) and (3) shall be limited to a period of 5 years from the date of consent. At the expiration of this 5 year period the hours of operation shall be 8.30 am to 6pm Mondays to Fridays only;  
  
- that the applicant is advised that a further application may be lodged with Council before the expiration of the 5 year period for Council's consideration of the continuation of the proposed hours of operation.
  - (5) That no truck deliveries shall occur to the Mentmore Avenue access with all deliveries being via Dunning Avenue;
  - (6) That the southern roller shutter door on Mentmore Avenue shall be sealed and acoustically shielded to the satisfaction of the Director of Planning and Building;
  - (7) That the northern roller shutter door on Mentmore Avenue shall be acoustically shielded by an air locking system to the satisfaction of the Director of Planning and Building;
  - (8) That the northern roller shutter door on Mentmore Avenue shall

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not be opened before 8.30 am and shall close no later than 6pm. The northern roller shutter door on Mentmore Avenue is to be used as an exit only. All vehicles which exit the site from this door must turn left only onto Mentmore Avenue.

- (9) That all windows on the Mentmore Avenue facade of the warehouse shall be double glazed;
- (10) That the noise attenuation work required by Conditions 6,7,8 and 9 shall be carried out within two months of the date of consent;
- (11) That all staff attending the site after 7pm shall, if not parking in Dunning Avenue, park in the designated staff car park on site and shall depart the site via the Dunning Avenue/Morley Road exit;
- (12) That all fork lifts used on the site shall be fitted with noise dampening devices within two months of the date of the consent;
- (13) That no radios or similar devices shall be used in the warehouse after 8pm;
- (14) That the use of the premises shall not give rise to:-
  - (15) transmission of vibration to any place of different occupancy, or
  - (16) 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
  - (17) an "offensive noise" as defined in the Noise Control Act, 1975;
- (18) 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.

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 Tech Pacific Holdings Ltd be requested to advise all current

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and future staff of Condition (10) and to request staff to comply with such condition.

- (C) That the Tech Pacific Holdings Ltd be requested to ask all staff at the premises both day and night not to park adjacent to residential premises.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

**BAPTIST STREET, NOS. 2-38, REDFERN, CLEVELAND STREET,  
NOS.397-399, REDFERN - PART DEMOLITION OF BUILDING ON CORNER  
OF BAPTIST AND CLEVELAND STREET - DEVELOPMENT APPLICATION  
(U96-00888)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Drummond and Rosen Pty Ltd, with the authority of Ogen Nominees Pty Ltd, for permission to demolish part of the existing building at 397-399 Cleveland Street and to integrate the remainder of the building into the retail shopping centre at 2-38 Baptist Street, subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with plans reference 9510 EX1.01A, 02A, DA1.01A, 02A and 03A;
  - (2) That the proposed entrance to the shopping centre shall be redesigned to incorporate the facade elements and structure of the existing building identified in the Heritage Report, modified so as to create a suitable two storey entrance and atrium space behind the retained first floor facade element of the former shop to the satisfaction of the Director of Planning and Building;
  - (3) That the existing setbacks along Cleveland Street and Baptist Street shall be landscaped and integrated with the existing footpath, involving suitable tree planting to enhance the public domain to the satisfaction of the Director of Planning and Building;
  - (4) That appropriate decorative mouldings and finishes shall be applied to the Cleveland Street and Baptist Street elevations of the existing shopping centre building to the satisfaction of the Director of Planning and Building and details shall be submitted with the Building Application;
  - (5) That the hours of operation shall be restricted to between 6.00

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a.m. and 10.00 p.m. Mondays to Saturdays inclusive and between 8.00 a.m. and 5.00 p.m. Sundays;

- (6) That all delivery of goods and servicing shall be restricted to between 8.00 a.m. and 8.00 p.m. Mondays to Saturdays inclusive and between 8.00 a.m. and 3.00 p.m. Sundays;
- (7) That the gates installed across the driveway entrances to the car park on Cooper Street and Marriott Street shall be kept closed after 10.00 p.m. each evening and opened only when the shopping centre resumes trading, i.e. at 6.00 a.m. Mondays to Saturdays and 8.00 a.m. Sundays;
- (8) That a landscape plan, prepared by a qualified Landscape Architect or Designer, shall be submitted for the site and the plan shall nominate hard works, planting types and species, plant numbers and sizes (container size and height) and irrigation; (minimum plant sizes shall be 75 litres for trees and 5 litres/200mm pot - for shrubs);
- (9) That the proposed shop awning over the entrance from Cleveland Street shall be cut back and redesigned to better integrate with the heritage building to the satisfaction of the Director of Planning and Building;
- (10) That the premises shall comply with the provisions of the Building Code of Australia Part E2, details to be submitted to Council's Planning and Building Department;
- (11) That plans and specifications showing details of:-
  - (a) all proposed mechanical ventilation systems;
  - (b) the garbage room or garbage receptacle storage area;
  - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

and the following adopted standard conditions:

- (12) LDA36 - Loading only within confines of the site;
- (13) LDA47 - Loading, parking and access to be kept clear;
- (14) LDA152 - Schedule of finishes;
- (15) LDA153 - Reflectivity of external glazing;

- (16) LDA163 - New brickwork to match existing;
- (17) LDA164 - Details of shopfront roller shutter;
- (18) LDA351 - Building Application required;
- (19) LDA367 - Timing device on alarms;
- (20) LDA376 - Hours of building work;
- (21) LDA377 - Construction noise regulation;
- (22) LDA384 - New alignment levels;
- (23) LDA389 - Stormwater disposal requirements;
- (24) LDA391 - Builder's Hoarding Permits;
- (25) LDA392 - No obstruction to public way;
- (26) LDA393 - Delivery of refuse skips;
- (27) HSC018 - Sanitary facilities;
- (28) HSC101 - Not give rise to emissions into the environment;
- (29) HSC111 - Liquid wastes to sewer;
- (30) HSC200 - Compliance with Food Premises Code;
- (31) HSC301 - Cooking of food only if air handling system is provided;
- (31) HSC500 - Premises to be ventilated;
- (31) HSC700 - Compliance with code for Garbage Handling System;
- (32) HSC709 - Garbage room;
- (33) HSC801 - Noise from premises.

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

public interest.

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

Carried.

19.

**DRIVER AVENUE, NO. 5A, CENTENNIAL PARK (FOX STUDIOS DEVELOPMENT) - CHANGE OF WORKING HOURS - AMENDED BUILDING APPLICATION (Q96-00688)**

That arising from a report by the Director of Planning and Building dated 2 May 1997:-

- (A) Condition No. 4 of Building Approval dated 20 December 1996 be amended to read as follows:-
- (4) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00pm Mondays to Fridays, inclusive, and 7.00am and 2.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions to not apply to quiet trades as agreed in the Masterplan and DA approval. Neither do these restrictions apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate form a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
- (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Policy Traffic Branch and the Director of Public Works an Services Department.
- (B) That Council's standard hours within which building demolition/ construction work may be carried out be changed only in so far as will allow for work to commence at 7.00am in lieu of 7.30am.

Carried.

**GENERAL MANAGER**

20.

**DALMENY AVENUE NOS. 83-93 ROSEBERY - USE SHOP AS CAFE AND CONVENIENCE STORE - DEVELOPMENT APPLICATION (U97-00168)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by A Verges with the authority the Body Corporate of Strata Plan 53194, for permission to fitout and use Lot 128 as a convenience store and cafe, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans numbered 888-832;
  - (2) That the hours of operation shall be restricted to between 7.00am and 9:30pm daily for a trial period of 12 months from the date the uses commence operation after which trading shall revert to between 8.00am and 8.00pm daily;
  - (3) The applicant or a person entitled to act upon this consent shall notify the Council in writing when the uses commence operation and may lodge a new development application seeking a permanent extension of hours any time after 10 months from that date;
  - (4) That least two external garbage bins shall be provided in the colonnade area for use by customers and these shall be emptied and cleaned by the convenience store proprietor daily;
  - (5) The food preparation exhaust system shall remove contaminated air and either exhaust air in a treated state or exhaust air in a location that is unlikely to ; cause nuisance to nearby residents by way of noise, fumes and odour to the satisfaction of the Director of Planning and Building;
  - (6) That a minimum of two off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
  - (7) That one loading space measuring 2.4m x 5.6m minimum, to accommodate courier service vehicles, shall be provided for use with the development and shall be located, prepared and marked to the satisfaction of the Director of Planning and Building;
  - (8) That plans and specifications showing details of:-
    - (i) all proposed mechanical ventilation systems;

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- (ii) 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;

and the following adopted standard conditions:

- (9) LDA354 - Hours;
- (10) LDA201 - Make separate application for sign;
- (11) LDA34 - Maintain existing loading dock;
- (12) LDA47 - Loading, parking and access to be kept clear;
- (13) LDA202 - No flashing lights to be installed on site;
- (14) LDA203 - No lights or sound equipment on public way;
- (15) LDA360 - Amusement machines not permitted;
- (16) LDA372 - No entertainment;
- (17) LDA351 - Building Application required;
- (18) HSC500 - Premises to be ventilated;
- (19) HSC200 - Compliance with Food Premises Code;
- (20) HSC018 - Sanitary facilities;
- (21) HSC704 - Garbage storage area;
- (22) HSC711 - Commercial contract (trade waste);
- (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 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.

21.

**SPRINGFIELD AVENUE NOS. 24-30, KINGS CROSS - THE VILLAGE CENTRE - ERECT NON-ILLUMINATED WALL SIGN - DEVELOPMENT APPLICATION. (U96-01101)**

- (A) That the application submitted by Skirza Pty Ltd with the authority of Rifon Pty Ltd for permission to formalise approval for the existing flush wall sign be refused for the following reasons, namely:-
- (1) That the sign is inconsistent with Development Control Plan No. 7 - Guidelines for Outdoor Advertising in relation to its size and compatibility with surrounding land uses;
  - (2) That the sign is not in the public interest.
- (B) That legal action to ensure removal of the sign be continued.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

**PLANNING - DRAFT SECTION 94 CONTRIBUTIONS PLAN -(STAGE 1): OPEN SPACE, TOWNSCAPE, STREET TREES AND MANAGEMENT (2010738)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That approval be given to:-

- (1) the exhibition of the Draft Section 94 Contributions Plan (Stage 1) for Open Space, Street Trees, Bicycle Facilities and Management for 28 days in accordance with the Environmental Planning and Assessment Act and associated Regulation;
- (2) Council's Solicitors Pike Pike and Fenwick being requested to review the draft plan;
- (3) a further report being submitted to Council after the closure of the exhibition indicating comments received and presenting the final draft of the document for consideration.

(DPB Report 2.5.97)

**GENERAL MANAGER**

Carried.

23.

**OXFORD STREET, NO.88, DARLINGHURST - CHANGE OF USE TO RESTAURANT WITH ENTERTAINMENT - DEVELOPMENT APPLICATION (U97-00073)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That Council as the responsible authority grants its consent to the application submitted by Mr D McPherson, with the authority of South Sydney Council, for the use of the premises at No. 88 Oxford Street for a restaurant, generally in accordance with submitted plans Ref No. 4078, Sheets 1-6, prepared by Sydney Home Plan Centre, dated 14 February, 1997 held in the above file, subject to the following conditions, namely:-
- (1) That the capacity of the restaurant shall be limited to a maximum of 50 patrons;
  - (2) That that part of the basement level which is not designated for any use on the plans is not to be used for any purpose (including the use approved for the ground floor) other than for access to the storage area, toilets or the emergency exit without the prior consent of Council;
  - (3) That the exit door to Foley Street at the basement level shall be used for emergencies only;
  - (4) That the hours of operation shall be restricted to 9.00 a.m. to 1.00 a.m. the following morning, Sundays to Wednesdays, and 9.00 a.m. to 3.00 a.m. the following morning, Thursdays, Fridays, Saturdays, however, the hours of operation beyond 12.00 midnight shall be subject to a 12 month trial period from the date of commencement of the use in accordance with this consent. The applicant shall reapply for an extension of hours before the expiry of the 12 month period specified above, otherwise the hours of operation shall revert to 9.00 a.m. to 12.00 midnight daily;
  - (5) That the entertainment in the restaurant shall be restricted to one unamplified guitar;

- (6) That the windows at the basement and ground floor levels in the rear wall of the premises, i.e. the wall facing Foley Street, shall be sealed and acoustically treated;

and the following adopted standard conditions:

- (7) LDA257 - Regulation of noise transmissions;
  - (8) LDA371 - No dancing;
  - (9) LDA351 - Building Application required;
  - (10) HSC500 - Premises to be ventilated;
  - (11) HSC001 - Compliance to Director of Health and Community Services;
  - (12) HSC301 - Cooking of food only if air handling system is provided;
  - (13) HSC101 - Not give rise to emissions into the environment;
  - (14) HSC111 - Liquid Waste to Sewer;
  - (15) HSC200 - Compliance with Food Premises Code;
  - (16) HSC700 - Compliance with Code for Garbage;
  - (17) HSC709 - Garbage room;
  - (18) HSC711 - Commercial Contract (trade waste);
  - (19) HSC019(ii)(vii)(xix) - Plans and Specification.
- (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 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 200mm 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 D@.16 of the BCA respectively.
  - (2) That all 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 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 AS 2293.1.
  - (5) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and As 2293.1.
  - (6) That a fire blanket complying with the requirements of AS 3504 shall be provided in the kitchen adjacent to the cooking appliances.
  - (7) That the entertainment area shall be separated from the rest of the building by construction having a fire resistance level of not less than 60/60/60.
  - (8) That entertainment shall not be conducted on the premises until a certificate of classification has been issued.
  - (9) 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.

24.

**MORRISSEY ROAD NOS. 25-26, ERSKINEVILLE - DEMOLISH EXISTING BUILDINGS AND ERECT FIVE NEW APARTMENTS - CONTRIBUTIONS INCLUDED IN CONSENT - DEVELOPMENT APPLICATION (U97-00051)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to FSR 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 additional FSR will not increase the height, bulk or scale of the development and that the proposal is consistent with existing development in the street.

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- (B) That the Council as the responsible authority grants its consent to the application submitted by JSL Developments Pty Ltd with the authority of Ian and Patricia Kolln to demolish the existing buildings and erect five terrace style apartments, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered SK01D and SK02D, dated 22 April 1997 held on Council's file U97-00051 with the following amendments:
    - (a) The type 2 and 3 units being setback a further 1 m from Morrissey Road;
    - (b) The two carports to the type 3 units being deleted and the space being converted to habitable floor space;
  - (2) That the Wild Lemon and Arbutus trees at the rear of the site shall be retained and that each unit shall have at least one tree in the rear courtyard. The setback to Morrissey Road shall also provide for the planting of suitable trees. Details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building;
  - (3) That a maximum of one off-street car parking space 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 this consent shall lapse after a period of two years from the date this consent becomes effective.
  - (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:

Civic Improvement, Open Space and Recreation	\$6881.00	2 EJ-BGY 0
Child Care	\$361.00	2 EK-BGY 0
Community Facilities	\$358.00	2 EL-BGY 0
Transport and Access	\$1339.00	2 EM-BGY 0
Environmental Improvements	\$217.00	2 EN-BGY 0
<b>TOTAL:</b>	<b>\$9156.00</b>	

**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.**

- (6) That 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;
- (7) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (8) LDA107 - Make application to remove trees;
- (9) LDA351 - Building Application required;
- (10) LDA367 - Timing device on alarms;
- (11) LDA368 - Display of street numbers;
- (12) LDA376 - Hours of building work;
- (13) LDA377 - Construction noise regulation;
- (14) LDA384 - New alignment levels;
- (15) LDA389 - Stormwater disposal requirements;
- (16) LDA392 - No obstruction to public way;
- (17) LDA393 - Delivery of refuse skips;
- (18) LDA396 - Works within boundaries;
- (19) LDA419 - Demolition details;
- (20) HSC103 - Environmental site assessment being carried out;
- (21) HSC500 - Premises to be ventilated;

- (22) HSC018 - Sanitary facilities;
- (23) HSC709 - Garbage room;
- (24) HSC800 - Use of appliances emitting intrusive noise;
- (25) That the building application shall be accompanied by a report from a person recognised by the Department of Urban Affairs and Planning as having expertise in heritage Conservation work recording the two existing dwellings and including scaled floor layout plans and photographs together with appropriate commentary as to their heritage significance.

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 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.

## 25.

### **BUILDING BANK GUARANTEES AS BUILDING DAMAGE DEPOSIT TO PROTECT THE PUBLIC FOOTPATH AND ROADS (2014385)**

That approval be given to Council; to calculate Building Damage Deposits and Bank Guarantee for shoring as follows:-

- (1) Type A Developments (high risk developments)

Value of Work	Amount of B.D.D.
less than \$1001	0
	\$1001 to \$20,000
	\$300 plus \$150/m <sup>2</sup> of the face area of the excavation (if applicable)
\$20001 and above	.5% for the first \$500000
excess	+0.3% of the amount in excess of \$500000 +

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\$150/m<sup>2</sup> of the  
of the excavation (if  
)

face area  
applicable

B.D.D. to be released after final inspection is done by Public Works and Services Department Officer.

(2) Type B Developments (Low risk developments)

Value of Work	Amount of B.D.D.
Less than \$1001	0
\$1001 to \$20000	\$300
\$20001 to \$40000	1.5% of the cost
More than \$40000	\$600

B.D.D. to be released after final inspection is done by Planning and Building Department Officer.

(3) Separate shoring deposits to be abolished.

(4) Bank guarantees with an expiry date not be accepted.

(DPWS and DPB Joint Report 23.4.97)

Carried.

26.

**SOUTH DOWLING STREET, SUPACENTA, MOORE PARK - ALTERATIONS AND ADDITIONS TO EXISTING RETAIL CENTRE - DEVELOPMENT APPLICATION. (U97-00114)**

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr J D Davidson, with the authority of Supacenta Pty Ltd for permission to carry out alterations and additions to add 5160m<sup>2</sup> of gross floor space, the addition of 65 car parking spaces, and to upgrade the external facades including signage and external landscaping, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with Drawings numbered DA00-DA08 dated April 1997;
- (2) That the Centre Management of the Supacenta shall ensure that shopping trolleys do not leave the Supacenta site;
- (3) That all tenant and staff cars are to be parked on the southern most portion of the roof top car parking area;

- (4) That car park being ventilated in accordance with Australian standard 1668-1991.1 specification 7 and Australian Standard 1668.2 Section 4;
- (5) That plans and specifications showing details of:-
  - (a) all proposed mechanical ventilation system;
  - (b) the car park ventilation systems;
  - (c) the garbage room;
  - (d) sanitary facilities;
  - (e) the layout, disposition and method of installation of fixtures and fittings together with wall, floor and ceiling finishes of any future commercial food premises;shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (6) That a minimum of 65-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;
- (7) That a plan for the landscaping of the site, 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 so 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;
- (8) 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: -
  - (a) external finishes to walls;
  - (b) roofing finishes;
  - (c) size and proportion of windows and doors;
- (9) That any external glazing shall have a reflectivity not exceeding 20%;
- (10) That the applicant provide acceptable pedestrian facilities at the surrounding intersections and from the external street system to the forecourt areas in accordance with AS1428 Part 1 and to the satisfaction of the Director of Planning and Building. This would probably include:

- (a) pram ramps in the kerb and traffic islands across Todman Ave, O'Dea Ave and South Dowling Road at their intersection;
  - (b) completion and widening of the footpath between the Todman Ave footpath and basement driveway to a minimum width of 1.5m, including any necessary relocation of lighting, signage and landscaping;
  - (c) modification of the kerblines and roundabout splitter island adjacent to the entry of the basement car park driveway to provide protection to the undercover footpath;
  - (d) provision of line marking and reflective markers to delineate a 1.2m min wide path along the length of the basement driveway;
  - (e) modification of the kerblines and line marking at the Ikea corner to provide better protection to pedestrians;
- (11) That a new pedestrian entrance be created from South Dowling Street towards the northern end of the building to the new forecourt in accordance with Australian Standards 1428 and to the satisfaction of the Director of Planning and Building involving appropriate crossing facilities, kerb extensions, ramps and signage.
- (12) That the applicant provide 15 bicycle stands (Class 3 facilities under S2890.3), in an appropriate location in the new forecourt and Cyclists Dismount signs be provided at the Todman Avenue and South Dowling Street pedestrian entrances, all to the satisfaction of the Director of Planning and Building."
- (13) That the Supa Centa site is affected by a proposed road widening scheme in Dacey Avenue in approach to South Dowling Street. This widening is intended to be dedicated at no cost to the Roads and Traffic Authority (RTA). In addition, the pending EIS from the proposed Eastern Distributor may result in further effect on the subject property;
- (14) That there shall be Vehicular egress to Dacey Avenue;
- and the following adopted standard conditions:
- (15) HSC500 - Premises to be ventilated;
  - (16) HSC018 - Sanitary facilities;

- (17) HSC101 - Not give rise to emissions into the environment;
- (18) HSC111 - Liquid wastes to sewer;
- (19) HSC800 - Use of appliances emitting intrusive noise;
- (20) HSC705 - Construction of garbage room;
- (21) BC26 - Comply with BCA;
- (22) LDA376 - Hours of building work;
- (23) LDA387 - Footway crossings;
- (24) LDA389 - Stormwater disposal requirements;
- (25) LDA392 - No obstruction to public way;
- (26) LDA394 - Cost of alteration to signposting;
- (27) LDA396 - Works within boundaries;
- (28) LDA201 - Make separate application for sign;
- (29) LDA351 - Building Application required;
- (30) LDA377 - Construction noise regulation;
- (31) LDA367 - Timing device on alarms;
- (32) 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 the emission of noise and vibration, and would not be in the public interest.

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

Carried.

27.

**LANG ROAD, NO. 66, CENTENNIAL PARK - ERECT BUILDING CONTAINING DOUBLE GARAGE, GAMES ROOM AND DUAL OCCUPANCY - CONTRIBUTION INCLUDED IN CONSENT - DEVELOPMENT APPLICATION (U96-1050)**

The matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That consideration of the application submitted by Mr P Ward and Mrs P Ward permission to demolish the existing garage and erect a new garage, games room with residential dwelling above at the rear of the premises, be deferred to the next meeting of the Planning and Development Committee to be held on 21 May, 1997, as requested by the applicant in fax dated 14 May 1997.

Carried.

28.

**PLANNING - SYDNEY AIRPORT DRAFT OPERATING PLAN AND REQUEST TO SHIFT NEW FLIGHTPATH OVER ALEXANDRIA AND WATERLOO QUESTION BY COUNCILLOR J LAY (5257042)**

That Council prepare a letter of protest to be sent to the following:-

- ? Hon. John Sharp MP, Minister For Transport and Regional Development;
- ? Randwick City Council;
- ? Mr Andrew Thompson MP;

Opposing any changes to the current proposed Airport Operating Plans, as proposed by Randwick City Council and Mr Andrew Thompson MP, on the basis that the areas nominated contain a large existing and future residential population.

(DPB Report 6.5.97)

Carried.

29.

**LOCAL AGENDA 21 - PATHWAYS TO SUSTAINABLE CONFERENCE TO BE HELD IN NEWCASTLE, 1 TO 5 JUNE, 1997 - ATTENDANCE BY COUNCIL REPRESENTATIVES (2014100)**

That approval be given to :-

- (A) Councillors Deftereos, Fowler and Lay and one Planning Officer attending the "Pathways to Sustainability" conference in Newcastle from 1 to 5 June, 1997;
- (B) registration fees and out-of-pocket expenses for conveyance and sustenance in traveling be borne by the Council, for which funds are available in account No. EBE.77RO for Councillors, and accounts No GQB.77RO and GMD.77FO for a planning officer.

(DPB Report 5.5.97)

Carried.

At 7.50 p.m. the meeting terminated.

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

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**