

188TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 25 June 1997

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.39 pm on Wednesday, 25 June 1997.

PRESENT

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

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

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GENERAL MANAGER

Leave of Absence - Councillor Harcourt

A request was received from Councillor Harcourt for leave of absence from the Council meeting on 25 June 1997.

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

That leave of absence be granted to Councillor Harcourt from the Council meeting on 25 June 1997.

Carried.

MINUTE BY THE MAYOR

25 June 1997

**PUBLIC RELATIONS - ALEXANDRIA CHILD CARE CENTRE -
OFFICIAL OPENING (2015707)**

Council's new Alexandria Child Care Centre, situated on the site of the former Eveleigh Goods Yard, now known as the Australian Technology Park, commenced operations on 21 April 1997.

The Centre, a 60 place long day care centre catering for children aged six weeks to five years, is open from 7.30 am to 5.30 pm, from Monday to Friday and has 40 community places and 20 places specifically reserved for employees of the Australian Technology Park.

The Centre's construction has been funded by all levels of government. The State and Federal governments have contributed to the facilities establishment under the former Building Better Cities Program. As well, the State Department of Urban Affairs and Planning and South Sydney City Council contributed to the capital costs.

It is proposed that the Centre be officially opened by the Premier of New South Wales, The Hon. Bob Carr MP at an open day hosted by Council on Saturday, 9 August 1997. The open day will run from 10.00 am to 1.00 pm and will encourage awareness of the Centre within the general community.

RECOMMENDATION

That Council agree to host the official opening of the Alexandria Child Care Centre by the Premier of New South Wales, The Hon. Bob Carr MP at the Centre's open day on Saturday, 9 August 1997, for which funds are available in the 1997/98 Budget Estimates (EBC 77FO).

GENERAL MANAGER

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

25 June 1997

PLANNING - EXHIBITION OF DRAFT SOUTHERN SYDNEY REGIONAL WASTE PLAN - SUBMISSION BY SOUTH SYDNEY CITY COUNCIL (2014520)

I wish to raise my strong concerns over the contents of the Draft Southern Sydney Regional Waste Plan particularly in respect to the planning analysis currently being conducted for the area immediately surrounding, and in the vicinity of the proposed railway station at Green Square, Beaconsfield.

Since the announcement of the New Southern Railway in August, 1995, South Sydney Council has embarked upon an extensive planning review for the Green Square area, including, "Visions for Green Square - A National Urban Design Competition", and the current Draft Green Square Structural Masterplan. Council has committed over \$200,000 from its Planning and Building Department budget to fund these studies. Following the completion of the Structural Masterplan, a new LEP and DCP will be prepared for the Green Square area.

Council will be voting tonight on whether the Draft Structural Masterplan should be placed on public exhibition. A crucial assumption of the consultant's studies is that the Waterloo Incinerator will ultimately be removed, thereby enabling the site to be redeveloped possibly for a mixture of high density residential, commercial and retail uses. Both Council and the NSW Department of Urban Affairs and Planning (DUAP) have previously highlighted the favoured rationale of encouraging transit orientated uses around Green Square Station, which will support the theme of environmental sustainability. The prominent location of the Incinerator site is also an important urban design issue for any future development.

Draft Green Square Masterplan:

The Masterplan consultants have strongly supported this rationale in their draft documents. The Waterloo Incinerator site is a key feature of the consultant's preferred

GENERAL MANAGER

options, and they have recommended in their preferred option the following planning controls:

- A mixed use zone, allowing for residential, retail and commercial uses (allowing for a maximum of 50% of total FSR for non-residential uses);
- A maximum floor space ratio range of up to 3.1;
- A maximum height limit of 24 metres (8 stories);
- A proposal for a large proportion of the site to be dedicated as public open space, forming a vital component of an east-west open space armature from Green Square Station to the proposed areas of residential development to the east of the study area.

Southern Sydney Regional Waste Plan:

I am very concerned that the Draft Southern Regional Waste Plan virtually ignores the potential redevelopment options raised in the Draft Green Square Structural Masterplan. Section 5.4.6 of the Draft Waste Plan report outlines three potential waste related uses for the Incinerator site, a waste to energy plant, a transfer station, and a resource recovery park, with a preference for the waste to energy and transfer station facilities.

The proposed use of the Waterloo Incinerator site for a Waste to Energy facility is also in conflict with the philosophy of sustainability that this Council has been promoting for a number of years. The analysis of this technology in the Southern Sydney Waste Board's Draft Regional Waste Plan is flawed as it does not provide a comprehensive analysis of Waste To Energy technology in terms of the principles underpinning ecologically sustainable development (ESD). The Technical Review Panel of the Eastern Suburbs Waste Management Inquiry evaluated a range of waste management alternatives against the following principles of ESD:

- intergenerational equity
- intragenerational equity
- conservation of biological diversity
- the precautionary principle
- a global perspective; and
- economic resilience and diversity.

The Technical Review Panel held that Waste to Energy fell short on these criteria.

Waste to Energy is recognised as the most expensive waste stabilisation option in the Draft Regional Waste Plan (at \$151 per tonne for disposal). The high cost of Waste to Energy is largely associated with the cost of disposing of the hazardous waste (in the form of ash) that results from the process. As the Waste Board has further stated its intent to handle all non-recyclable materials within the Southern Sydney Region the transport of hazardous ash outside of the Region as a result of a Waste to Energy facility is clearly inconsistent with the Board's intent.

Conclusions

It is evident that if Waverley and Woollahra Councils are to pursue these waste-related uses for the Waterloo Incinerator site, it would seriously compromise the well established community, South Sydney Council and State Government planning rationale to promote the redevelopment of residential and employment generating uses around Green Square Station. It should be noted that DUAP have previously targeted the potential to create an additional 13,000 dwellings, or 30,000 people for the area. It would also undermine the vision to consolidate an interesting and innovative urban design entity for the region.

I therefore propose that Council make a formal submission to the exhibition of the Draft Southern Sydney Regional Waste Plan, protesting at the lack of consideration given to the current government, Council and community desire to transform the area around the proposed railway station at Green Square to a pleasant and functional living/work environment and call upon Waverley and Woollahra Council to reappraise the development potential and options for the Waterloo Incinerator site.

RECOMMENDATION

That Council:

- (A) Approve the above report as a formal submission to the Southern Sydney Waste Planning and Management Board in respect of their Draft Southern Sydney Regional Waste Plan, highlighting the plan's lack of consideration for alternatives redevelopment options of the Waterloo Incinerator, particularly in light of recent Council and State Government planning initiatives for the region; and
- (B) Forward a copy of this submission to both Woollahra and Waverley Councils.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

25 June, 1997

PERSONNEL - APPOINTMENT OF DIRECTOR OF FINANCE (2015735)

GENERAL MANAGER

The retirement of Mr Garry Brooks, Director of Finance, takes effect on 15 August 1997.

In order that his replacement is selected prior to his departure it will be necessary to advertise such position in the very near future. It would also be appropriate to appoint a selection committee comprising both elected members and senior staff.

I believe that it is in Council's interest to advertise the position prior to Mr Brooks retiring and that he be a member of the selection panel.

RECOMMENDATION

Approval be given to:

- (a) the position of Director of Finance being advertised both internally and externally;
- (b) a selection committee comprising:

The Mayor, General Manager, Director of Employment Services, Director of Finance, Mr Garry Brooks, and Councillors Deftereos and Macken.

Councillor Vic Smith
Mayor

Moved by Councillor Macken, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

25 June, 1997

PUBLIC RELATIONS - MARY'S PLACE PROJECT MURALS LAUNCH (L51-00033)

On Monday, 10 February 1997, I launched the Mary's Place Project in Floods Lane Darlinghurst. The project was the first community based project arising from Council's Violence Prevention Development Control Plan.

I have subsequently received a letter from the Lesbian and Gay Anti-Violence Project inviting me, and failing my availability the Deputy Mayor, Cr Christine Harcourt, to launch the final component of the project, ie the community murals, on 10 July 1997 at 5.30 pm.

The project, jointly coordinated by the Lesbian and Gay Anti-Violence Project and South Sydney Council, arose in response to the brutal rape of a Sydney lesbian in Floods Lane on 14 January 1996.

The Mary's Place mural project was seen as a way of raising community awareness and commitment to combating lesbian and gay vilification, and features the work of Steven Brunner, Juan Carlos Camacho, Jane Becker and Lachlan Warner, artists based in the lesbian and gay community.

RECOMMENDATION

That Council agree to host the launch of the final component of the Mary's Place Project ie the community murals on Thursday, 10 July 1997 at 5.30 pm in Mary's Place (Floods Lane) Darlinghurst, at which Deputy Mayor, Cr Christine Harcourt will officiate for Council, and for which funds are available in the 1997/98 Budget Estimates (EBC 77FO).

Councillor Vic Smith

Mayor

Moved by Councillor Macken, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

GENERAL MANAGER

25 June, 1997

**PUBLIC RELATIONS - LAUNCH OF "DRINK SAFE WALK SAFE"
COMMUNITY ROAD SAFETY CAMPAIGN (200-4120)**

A particular problem unique to the South Sydney area is the number of pedestrians killed or injured on roads who are affected by alcohol. On average every nine days an alcohol-affected pedestrian is killed or injured.

South Sydney Council has initiated, with the support of the local community, a "Drink Safe Walk Safe" campaign to address the problem. The purpose of the campaign is to encourage people to take extra care as pedestrians if they have been drinking, and to increase public awareness about the high incidence of pedestrians which involve alcohol.

To develop a campaign theme South Sydney Council, with the support of the Courthouse Hotel and Oxford Art Supplies at Taylor Square, initiated a community art competition. Five local artists were awarded prizes for their contributions and their artwork and slogans form the basis of the campaign.

Council has developed a range of promotional materials eg T-shirts, stickers, badges, posters, beer coasters which will be distributed free of charge to hotels, cafes, restaurants and licensed clubs. The campaign will be ongoing over a two year period and will particularly target the lead up to Christmas, the Sydney Gay & Lesbian Mardi Gras and Easter.

It is proposed that Council host the launch of the "Drink Safe Walk Safe" Community Road Safety Campaign on Thursday, 3 July 1997 at 11.30 am at The Mansions Hotel, Kings Cross.

RECOMMENDATION

That Council agree to host the launch of the "Drink Safe Walk Safe" Community Road Safety Campaign on Thursday, 3 July 1997 at 11.30 am at The Mansions Hotel, Kings Cross, for which funds are available in the 1997/98 Budget Estimates (CWL 7751 77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Fowler:-

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

GENERAL MANAGER

Carried.

MINUTE BY THE MAYOR

25 June, 1997

PUBLIC RELATIONS - OFFICIAL OPENING OF VICTOR CHANG MEMORIAL (2015734)

Dr Victor Chang was born in Shanghai in 1936 of Australian born Chinese parents and came to Australia in 1953.

A pioneer of the modern era of heart transplantation, Victor Chang established the National Heart Transplant Unit at St Vincent's Hospital in 1984. During the 1980's, he became widely known as a man of vision, as a caring surgeon, as a researcher and as an ambassador for Australia and the people of South East Asia.

During this time he nurtured a vision to establish an internationally recognised cardiac research centre at St Vincent's. Following his tragic and untimely death in Sydney on 4 July 1991, efforts to realise Victor Chang's dream accelerated and resulted in generous donations from the Federal Government and the Australian public.

With these funds St Vincent's Hospital established the Victor Chang Cardiac Research Institute, which was launched on 15 February 1994 by the Prime Minister of Australia, the Hon. Paul Keating.

South Sydney Council, with the assistance of the Victor Chang Institute, has agreed to erect a memorial dedicated to the memory of Victor Chang and his achievements.

The memorial, sited in Green Park, Darlinghurst, at the corner of Burton and Victoria Streets, will comprise a restored bronze canopy fountain, carved sandstone paving, a low sandstone wall and a garden bed.

The Premier of New South Wales, the Hon. Bob Carr MP has agreed to formally open the memorial at 11.00 am, on Saturday, 30 August 1997.

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RECOMMENDATION

That Council agree to host the official opening of the Victor Chang Memorial by the Premier of New South Wales, The Hon. Bob Carr MP on Saturday, 30 August 1997 in Green Park, Darlinghurst, for which funds are available in the 1997/98 Budget Estimates (EBC 77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

25 June, 1997

**PUBLIC RELATIONS - LAUNCH OF HOLLIS PARK,
NEWTOWN LANDSCAPE WORKS (P52-00031)**

The recent improvements to Hollis Park are part of the landscape upgrade as recommended in the Plan of Management adopted by Council in August 1991.

The works which have been undertaken enhance both the unique landscape and urban character of Hollis Park as well as its historically significant streetscape formed by Georgina Street and Warren Ball Avenue.

The works have included the construction of a promenade and retaining wall which maximise the views to Botany Bay and beyond to the Royal National Park. The provision of additional seating will enable residents to enjoy these views.

Architecturally, the new works reflect the symmetrical nature of the terrace houses along Warren Ball Avenue and help to create a distinctive streetscape as well as define the upper portions of the park.

The top two entry points incorporate existing historic features from the site. The additional sandstone pier forms part of a gateway between Fitzroy Street and Warren Ball Avenue as it existed earlier this century. While on Georgina Street, the Warren Ball Memorial, first installed in 1932, has also been reinstated to improve the visual and pedestrian links between King Street and Hollis Park.

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The upgrading and extension of the main pathway networks and the establishment of the new planting are also part of the ongoing landscape upgrading works.

It is proposed that Council host a sausage sizzle to which residents and other members of the local community be invited to celebrate the landscape improvements to Hollis Park on Saturday, 12 July at 11.00 am.

RECOMMENDATION

That Council host a sausage sizzle to which residents and other members of the local community be invited to celebrate the landscape improvements to Hollis Park on Saturday, 12 July at 11.00 am, and for which funds are available in the 1997/98 Budget Estimates (FBA 0120 77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

25 June, 1997

LEGAL - PROVISION OF LEGAL SERVICES (P55-00135)

Tenders for the provision of legal services to Council for the period 1 July, 1997 to 30 June, 2000 closed on 4 June, 1997.

After extensive analysis of all the proposals submitted a short list of prospective service providers has been established. In order to gain further insight into the services offered it is proposed to convene a small committee to interview the principals of each firm and make a recommendation to Council of the preferred supplier. The committee to comprise the Finance Director, the Director of Corporate Services, the Statutory Planning Manager, the Mayor and 4 Councillors. It is proposed to meet during the day in the week commencing 30.6.97.

RECOMMENDATION:

That a committee be established to interview the shortlisted legal service providers. The committee to comprise the Director of Finance, the Director of Corporate

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Services, the Statutory Planning Manager, the Mayor and Councillors Bush, Fenton, Harcourt and Lay. The committee is to make a recommendation on its preferred supplier to the next meeting of Council.

J. W. Bourke (SGD)

GENERAL MANAGER

Moved by the Mayor, seconded by Councillor Lay:-

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

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of Councillor Fenton on the Committee and the insertion in lieu thereof of Councillor Fowler.

Motion, as amended by consent, carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 108 signatures appended from residents of Zetland, objecting to the Development Application for Nos. 9 - 25 Tilford Street, Zetland .

Received

QUESTIONS WITHOUT NOTICE

1. **PLANNING - INVITATION FOR LOCAL RESIDENTS TO TAKE PART IN COMMUNITY STUDY OF CHIPPENDALE PRECINCT - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2012365)**

Question:

The Department of Planning of the University of Sydney has invited South Sydney City Council local residents to take part in a community study of the Chippendale Precinct bounded by Regent Street, Broadway, City Road and Cleveland Street.

Could Council's Planning and Building Department contact the University accepting their invitation and allocate a staff member to assist in this project? As well, I understand that the "Shopfront" in Chippendale is also interested in participating in the project. Could they also be invited to attend?

Answer by the Mayor:

GENERAL MANAGER

I will ask the Director of Planning and Building to contact the relevant people and at the same time allocate a Planning Officer to be available to assist in the project.

2.

ADMINISTRATION - STAFFING AND RESOURCING OF COUNCIL'S INFORMATION TECHNOLOGY SECTION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2015753)

Question:

Could I please have an urgent report from the General Manager regarding the current staffing and resourcing of Council's Information Technology Section and their ability to service the needs of Council? Could this also take into account of the rate of introduction of both P.C.'s and new software?

Answer by the Mayor:

I will ask the General Manager to have a report prepared for the relevant Committee on 16 July 1997.

3.

STREETS - RESURFACING - SHEPHERD LANE, DARLINGTON - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2015754)

Question:

Could the Director of Public Works and Services please provide me with information as to when the section of Shepherd Lane, Darlington, between Abercrombie Street and Lander Street will be resurfaced?

The surface is now a series of potholes and patches making it very dangerous for pedestrians. This is a major through route for local residents accessing the Abercrombie Street shops.

Answer by the Mayor:

I will ask the Director of Public Works and Services to provide that information for you in the Councillors Information Service.

4.

PUBLIC RELATIONS - CONSULTATION REGARDING AMALGAMATION OF SOUTH SYDNEY COUNCIL AND SYDNEY CITY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2014956)

Question:

At 7.00 a.m. this morning, 25 June 1997 on Radio 2UE, Alan Jones stated that there were strong and persistent rumours that Sydney City Council and South Sydney Council were to be amalgamated once again.

Has this Council been consulted or taken part in any discussions with the State Government and/or Sydney City Council about amalgamation?

Answer by the Mayor:

I understand that the rumours are unfounded. I did speak to the Minister for Local Government and he denies any knowledge of such rumours and gives me an assurance that there will be no amalgamations with any Councils.

5.

CONFERENCES - PLANNING OF OLYMPIC EVENTS IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2006566)

Question:

With the largest Olympic spectator sports scheduled to take place in South Sydney in Moore Park/Centennial Park area - bike, road races, time trials, soccer finals and yachting at Rushcutters Bay, what forward planning has Council taken to protect residents from the large crowds anticipated (in the hundreds of thousands), and further, what costs will Council have to pay to prepare the area's roads to meet the Olympic bike racing standards?

Answer by the Mayor:

I think that is one matter we will take up with the Minister.

6.

E.S. MARKS FIELD - DACEY AVENUE, MOORE PARK - PROPOSED PLANS TO DEMOLISH - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2002861)

Question:

It has been brought to my attention by the Centennial Park/Moore Park Trust Director that the Trust has plans to demolish the E.S. Marks Field and develop a sport/leisure/entertainment facility on this site by 2003.

Has Council been consulted about this planned development? Could a report be circulated in the Councillors Information Service?

Answer by the Mayor:

I certainly have not been consulted. I cannot speak for the Officers, but there has been talk or suggestions in talking to Kindergarten Union Services about the relocation of the child care centre from the corner of Fitzroy Street and South Dowling Street to the area of the E.S. Marks Field.

Obviously at the same time the Trust would be looking at the relocation of Council's Leisure Centre. There were discussions that took place very early in the peace prior to the decision on the Eastern Distributor. I will have the Officers prepare a report for you if there has been any discussions in relation to the E.S. Marks Field.

7.

MACLEAY STREET, NOS. 50 - 58, POTTS POINT - CONSENT TO HOURS OF OPERATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2001664)

Question:

A notice in today's Sydney Morning Herald for the following extension of hours for the premises Nos. 50 - 58 Macleay Street, the Rex Hotel, from:

- (a) Monday to Saturday, 12.00 midnight to 12.00 noon the following day and
- (b) on Sunday from 10.00 p.m. to 12.00 noon the following day was published.

Could the Director of Planning and Building prepare a report for Committee that outlines what consent exists for licensed hours and if these hours publicised in today's paper have approval of Council?

Answer by the Mayor:

I will ask the Director of Planning and Building to have a report prepared for Committee on 16 July 1997.

8.

DEVELOPMENT - CLEAN UP OF WOOLLOOMOOLOO BY POLICE AND SOUTH SYDNEY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (D52-00443)

Question:

There is considerable disquiet in Woolloomooloo at the moment and the Police have advised residents that they intend to "clean up" the area within the next month. Could Council's Officers also concentrate on the physical appearance of the area, as well as the community services to ensure that the "clean up" is supported?

Answer by the Mayor:

I attended a Public Meeting with Woolloomooloo business people on Monday evening and it was drawn to my attention in relation to Council's basketball courts adjacent to the Juanita Neilson Centre and the problems that have occurred in that area. I think what we need to do is look closely at the tree planting and lighting in that particular area. The Police are fully aware of the activities taking place there and there are operations taking place. It is unfortunate that it has been indicated that 513 families living in Woolloomooloo and this comes back to 10 - 13 families who are involved in what is happening in that particular area.

It is being seriously addressed by the Kings Cross Police Patrol, so I will ask the Officers to liaise with Police and do what we can to assist in eradicating the problems taking place. I will ask both the Director of Health and Community Services and the Director of Public Works and Services to liaise with the Police as to what we can do and whatever action we take I will ask the Officers to prepare a report for the Councillors Information Service so that they can be kept informed.

9.

PROPERTIES - OXFORD STREET, NO. 94, DARLINGHURST - ANSWER TO QUESTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P56-00436)

Question:

A series of questions relating to the Community Independent Councillors occupation of No. 94 Oxford Street Penthouse remain unanswered. When can I expect the replies?

Answer by the Mayor:

By the end of the week.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

17 June 1997

PRESENT

At the commencement of business at 5.50pm. those present were:

The Mayor, Councillor Vic. Smith (Chairperson)
Councillors - Bush, Deftereos, Fenton, Fowler, Harcourt, Lay and Macken

Apology:

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

The Committee **recommended** the following:

ADMINISTRATION - MANAGEMENT PLAN 1997/2000 - ADOPTION (2013185)

- A. Council adopts the 1997/2000 Management Plan as placed on public exhibition with:
1. (a) the expenditure under each separate heading of the Estimates for the year commencing 1 July 1997 being voted
 - (b) the following expenditures only being authorised from the expenditure voted above, so as to:
 - (i) maintain the ordinary services of the Council;

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- (ii) meet operating expenses;
- (iii) keep stores at normal levels;
- (iv) meet legal commitments of Council;
- (v) meet statutory contributions;
- (vi) purchase Plant and Assets;
- (vii) carry out maintenance works from blanket approval within the Estimates;

and that all approvals of payments pursuant to this voting and authorisation of expenditure be subject to the provisions of council's Manual of Standard Procedure.

2. subject to Council obtaining the necessary approval for a special variation from the Minister for Local Government, Council making and levying for the rating year 1997/8, in respect of all land within the City of South Sydney, rateable as at 1 July 1997, or which thereafter becomes rateable during the said rating period, a rate of **ONE POINT EIGHT THREE CENTS** in the dollar upon the land value of all such land categorised as "business" and of **ZERO POINT THREE FOUR TWO THREE CENTS** in the dollar upon the land value of all such land categorised as "residential".

The minimum amount of the rate being levied in respect of any separate parcel of rateable land categorised as "business" being \$416.30 and in respect of all land categorised as "residential" being \$297.30.

Should Council fail to obtain Ministerial approval then the rates will be **ONE POINT EIGHT TWO FIVE CENTS** in the dollar upon "business" land with a minimum rate of \$378.70 and **ZERO POINT THREE THREE FIVE ZERO CENTS** in the dollar upon "residential" land with a minimum rate of \$256.00.

3. In compliance with Section 496 of the Local Government Act, 1993, Council charging a Domestic Waste Management Charge, as per the attached Schedule 1 using a base of \$133.00 per annum for regular service and as per the attached Schedule 2 using a base of \$193.00 per annum for extended service from the 1 July 1997, for each dwelling for which the domestic waste management service is available.
4. (a) the rates and Domestic Waste Management charges being payable in respect of the 1997/8 Rating Year and being unpaid by the due dates as stipulated by Sections 562 (3) and (4) of the Local Government Act, 1993, the amount due shall be increased from the due date to the date of payment: and

- (b) the rates and Domestic Waste Management Charges being payable in respect of previous rating years and being due, but still unpaid on the first day of July, 1997, the amount due shall be increased from the said first day of July to the date of payment.
 - (c) the amount of the increase in each of the above cases being a sum calculated at the rate of **TEN POINT FIVE PER CENTUM (10.5%)** per annum on a daily simple interest basis.
5. All rates and Domestic Waste Management charges becoming due in the 1997/98 Rating Year by an eligible pensioner (within the meaning of Sections 575 and 577 of the Local Government Act, 1993) and any extra charges relating thereto shall be written off under Sections 582 and 583 of the Local Government Act, 1993, when **TEN (10)** years have elapsed since the commencement of the 1997/98 Rating Year.
- B. 1. Authority be delegated to the General Manager to vary the break up of expenditure within the Estimates provided the total budget of expenditure for each function is not exceeded.
2. Authority being delegated to the General Manager to nominate parcels of land in respect of which that land values are to be amalgamated for rating purposes, such authority being limited to the application of Section 548A of the Local Government Act 1993.

(G.M. Minutes 12 & 16.6.97)

At the request of Councillor Macken, and by consent, the motion was amended by the deletion

- (a) of the words "subject to Council obtaining the necessary approval for a special variation from the Minister for Local Government" where appearing in the first two lines of recommendation (2)
- (b) the deletion of the third paragraph in recommendation (2) starting with "should ending in \$256".

Motion, as amended by consent, carried.

REPORT OF THE FINANCE COMMITTEE**18 June, 1997****PRESENT****Councillor Sean Macken (Chairperson)****Councillors - Margaret Deftereos, Sonia Fenton, Greg Waters.**

At the commencement of business at 6.45 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 5 and 16, 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:-

Item 5 - Personnel Matter

Item 16 - Confidential Matter

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

That the Report of the Finance Committee of its meeting of 18 June 1997, be received and the recommendations set out below for Items 2 to 7, inclusive, 10 and 12 to 15, inclusive, be adopted. The recommendations set out below for Items 1, 8, 9, 11 and 16 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LICENSING - REG BARTLEY OVAL, RUSHCUTTERS BAY - APPLICATION BY SYDNEY GRAMMAR SCHOOL FOR RENEWAL OF LICENCE TO CONDUCT CRICKET MATCHES (L56-00569)

- (A) That Sydney Grammar School be offered a licence to use Reg Bartley Oval, Rushcutters Bay, on Saturdays, during the 1997/1998, 1998/1999 and 1999/2000 Summer Seasons (October till March) each season for the purpose of conducting cricket matches such offer to be in

GENERAL MANAGER

accordance with the recommendation of the Director of Corporate Services in the report dated 21 May 1997.

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos, that the motion be amended by the addition of a Clause (B), namely :-

- (B) That the Director of Corporate Services prepare a report for Committee on 16 July 1997, calling for Expressions of Interest from local sporting bodies to use the Reg Bartley Oval during the summer and winter seasons.

Motion, as amended by Councillor Bush, carried.

2.

**ADMINISTRATION - KINGS CROSS PLACE MANAGEMENT PROJECT
(2015398)**

That arising from a report by the General Manager dated 2 June 1997, Council notes the progress on the Kings Cross Place Management Project and also approves the major initiatives for the Project to pursue over the next 12 months, as outlined in the above report.

Carried.

3.

DONATIONS - NEWCASTLE CITY COUNCIL - ASSISTANCE FOR LEGAL COSTS REGARDING PUBLIC LIABILITY INDEMNITY (2002879)

That Council approves the contribution of \$931 toward the legal costs of Newcastle City Council in its action concerning public liability indemnity for which funds are available in the 1996/97 Revenue Estimates (LGC 88JO).

(DCS Report 3.6.97)

Carried.

4.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 15 MOTOR VEHICLE FLEET ITEMS - AMENDMENT TO COUNCIL'S RESOLUTION OF 23 APRIL 1997 (2012574)

That approval be given to:-

- (1) the rescission of Item 7 of Resolution of Council dated 23 April 1997 of Item 24 of the Finance Committee;

- (2) the acceptance of the amended tender submitted by Terry Shields Toyota for the supply and delivery of one Toyota Hi Lux one tonner in the sum of \$19,551 less a trade-in allowance of \$20,155 on Council vehicle No 6355 Toyota Camry station wagon for a credit of \$604 in accordance with Council's Specification PWS4/97 Category 'E' and the firm's amended tender dated 2 June 1997;

-for which funds are available in the 1996/97 Revenue Estimates.

(DPWS Report 5.6.97)

Carried.

5.

PERSONNEL - CADET ENGINEERS - PUBLIC WORKS AND SERVICES DEPARTMENT (D51-00075)

That the recommendation as contained in the joint report by the Acting Director of Public Works and Services and the Director of Employment Services dated 12 June 1997, regarding the employment of Cadet Engineers in the Public Works and Services Department, be approved and adopted.

Carried.

6.

PERSONNEL - SENIOR STAFF - ANNUAL REPORTING OF CONTRACTS (5263043)

That the report by the Director of Employment Services dated 5 June 1997, regarding the annual reporting of Contracts of Senior Staff, be received and noted.

Carried.

7.

PERSONNEL - EXTERNAL TRAINING - LEISURE SERVICES CO-ORDINATOR (2001051)

That arising from a report by the Acting Director of Health and Community Services dated 12 June 1997, confirmatory approval be given to the extension of Mr Rob Ison's visit to Adelaide from 5 to 9 May 1997, to include a visit to Adelaide City Council on Monday 12 May, 1997, at an additional cost of \$385.50, for which funds are available in the 1996/97 Revenue Estimates.

Carried.

8.

**ADMINISTRATION - ORDINANCE INSPECTORS - WASTE SERVICE
BRANCH - VEHICLE TO CARRY OUT DUTIES (2000318)**

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

That approval be given for a twin cab ute for use by the Ordinance Inspectors of the Waste Services Branch be added to Council's plant purchases and that the purchase price of \$19,560 be provided from the Plant Replacement Reserve.

(A/DPWS Report 13.6.97)

Carried.

9.

**STREETS - 1997/98 PUBLIC WORKS AND SERVICES ENGINEERING
WORKS PROGRAMME - ROAD WORKS (2015562)**

(A) That approval be given to carry out road resurfacing works on the 51 items of road sections listed in Director's report to a total amount of \$891,000, for which funds for these works are available from Mill and Resurfacing (CWC8100) section of the 1997/98 Engineering Works Programme.

(A/DPWS Report 13.6.97)

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

(B) That a Work Timetable and dates be provided for the information of all Councillors.

Motion, as amended by consent, carried.

10.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF ONE 4.5 - 5.0 M3 CAPACITY SUCTION SWEEPER - TENDER (2012574)

That approval be given to the acceptance of the tender submitted by Rosmech Pty Ltd for the supply and delivery of one Scarab Major model 5000 sweeper and selected optional extras in the total sum of \$216,680 less a trade-in allowance of \$20,603 on Council Vehicle No. 4973 Mitsubishi/Ebeling eductor in the total nett sum of \$196,077 in accordance with Council's Specification PWS 7/97 and the firm's tender dated 8 May 1997, for which funds are available in the 1996/97 Revenue Estimates.

(DPWS Report 30.5.97)

Carried.

11.

PALMER STREET, NOS.137 - 155, EAST SYDNEY - REFURBISHMENT AND UPGRADING (2015363)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That approval be given to:-

- (a) the engagement of FDC Building Services Pty Ltd to carry out the upgrading and refurbishment of Nos. 137 - 155 Palmer Street, East Sydney, for a total fixed lump sum of price of \$577,300;
- (b). a contingency allowance be made of \$86,595 for any additional cost associated with upgrading Nos. 137-155 Palmer Street, East Sydney;

-for which funds are available from the 1996/1997 and 1997/1998 Property Reserve.

(DCS Report 11.6.97)

Carried.

12.

PROPERTIES - REDFERN TOWN HALL - CONTRACT FOR CONSULTANT SERVICES (2009732)

That approval be given to accept the tender from Michael Davies Associates Pty Ltd., to carry out the consultancy work at Redfern Town Hall in the amount of \$132,400 for which funds are available from the 1996/97 Works Programme (BWP 7011).

(DCS Report 11.6.97)

Carried.

13.

ALCOHOL FREE ZONE - DARLINGHURST/SURRY HILLS (2003641, S56-10978)

That as all aspects of the proposed Surry Hills/Darlinghurst Alcohol-Free Zone conform with the Local Government Act 1993, the Local Government Amendment (Alcohol-Free Zones) Act 1995 and the Minister for Local Government's Ministerial Guidelines, Council therefore decides to publish in two newspapers circulating in the area indicating:-

- (A) The receipt of expressions of interest to establish an Alcohol-Free Zone within the following streets:

Oxford Street (both sides) between Whitlam Square and Bourke Street
 Oxford Street (southern side) between Flinders Street and South Dowling Street
 Gilligan's Island at Taylor Square
 Little Oxford Street between Crown and Campbell Streets
 Ryder Street
 Taggarts Lane
 Crown Street (eastern side) between Oxford and Campbell Street
 Campbell Street between Crown and Bourke Street
 Little Bloomfield Street
 Bloomfield Street
 Denham Street
 Denham Lane
 Little Bourke Street
 Bourke Street between Taylor Square and Albion Street
 Church Lane
 Short Street
 Maiden Lane
 Linden Lane
 Patterson Lane

-any future footway area licensed by this Council for the purpose of food and alcohol consumption that may fall within the zone would be excluded from the provisions of the zone.

- (B) That notification of these Expressions of Interest be forwarded to the persons and bodies referred to in the Director of Corporate Services report of 12 June 1997, allowing those persons and bodies the statutory period in which to lodge representations and objections.
- (C) That the prospective Alcohol-Free Zone be for a period of one year.

Carried.

14.

DONATIONS - SYDNEY GAY GAMES 2002 - APPLICATION (C52-00126)

That consideration of the report by the Director of Health and Community Services dated 17 June 1997, be deferred to the next meeting of the Finance Committee to be held on 16 July 1997, for a further report assessing the benefits to South Sydney Council and the availability of funds for the application from the Media Section's Budget.

Carried.

15.

COMMUNITY FACILITIES - FITZROY GARDENS, KINGS CROSS (2003513)

That the report by the Director of Corporate Services dated 17 June 1997, regarding the community facility at Fitzroy Gardens, Kings Cross, be received and noted.

Carried.

16.

PROPERTIES - FUTURE PROPOSALS RE SHOPS LOCATED AT NOS. 106 - 112 ERSKINEVILLE ROAD, ERSKINEVILLE (2011142)

That approval be given to:-

- (a) undertake the necessary assessments to determine the practicalities of redeveloping these shops at Nos. 106-112 Erskineville Road, Erskineville;
- (b) no funds are available and should the work proceed, a decision will have to be made for a corresponding reduction in the Works Programme;

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- (c) a further report being submitted to Council following detailed costings and financial evaluations and in particular the report look at option 2.1 detailed in the report of the Director of Corporate Services and that a timeline be established when the work is to be undertaken.

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

- (d) That the abovementioned report include the market rent available to Council should option 2.1 be approved by Council at some future date and the cost to Council of having these properties vacant in their current state.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

18 June 1997

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors - Margaret Deftereos, Sean Macken, Greg Waters.

At the commencement of business at 7.45 pm those present were -

Councillors - Deftereos, Fenton, Macken, Waters.

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

That the Report of the Community Services Committee of its meeting of 18 June 1997, be received and the recommendations set out below for Items 1 to 3, inclusive, 5 and 7, be adopted. The recommendations set out below for Items 4 and 6 having been dealt with as shown immediately following such items.

Carried.

The Committee **recommended** the following:-

1.

HEALTH - CONSTRUCTION OF A NEW NUCLEAR FACILITY AT LUCAS HEIGHTS (M54-00004)

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That arising from a report by the Acting Director of Health and Community Services, dated 6th June 1997, approval be given to:-

- (1) Council writing to the Federal Minister for Science Mr McGauran expressing concerns about the construction of a new nuclear facility within the Sydney region;
- (2) Council writing to the Premier Bob Carr urging the State Government to oppose such activity;
- (3) distributing a petition to Council's libraries, childcare centres, community centres, leisure centres, activity clubs and town halls supporting a stance against both, the construction of a new nuclear facility within the Sydney region and increased nuclear activity in the Sydney urban environment.

Carried.

2.

GRANTS - NSW WASTE REDUCTION PROGRAM GRANTS (2014520)

That the joint report by the Acting Director of Health and Community Services and the Acting Director of Public Works and Services dated 13 June 1997, with regards to the NSW Waste Reduction Program Grants, be received and noted and that the Council staff involved in the program be congratulated.

Carried.

3.

COMMUNITY FACILITIES - PUBLIC ART SURVEY (G52-00036)

That arising from a report by the Director of Health and Community Services, dated 13 June 1997, approval be given to:-

- (a) the conduct of the proposed public art survey in South Sydney;
- (b) the acceptance of an Australia Council grant of \$17,500;
- (c) the contracting of Australian Institute for Conservation of Cultural Material and sundry contractors to conduct the project;
- (d) the expenditure of \$13,500 for which there are sufficient funds in the 1996/97 Health and Community Services Budget (KHL).

Carried.

4.. **PARKS - FITZROY GARDENS PLAN OF MANAGEMENT - ADOPTION OF DRAFT. (2012727)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

The approval be given to the accompanying Draft Fitzroy Gardens & Lawrence Hargraves Reserve Plan of Management and Appendices and that the document be adopted as the Fitzroy Gardens & Lawrence Hargraves Reserve Plan of Management. (D P W & S Report 4.6.97).

Carried.

5. **COMMUNITY SERVICES - GOOD PARENTING PROGRAM (2012146)**

That arising from a report by the Director of Health and Community Services dated 16 June 1997; approval be given:-

- (1) to organise a two day camp for young Aboriginal mothers as part of Council's 'Good Parenting Program' at a cost up to \$4,000 for which purpose funds have been allocated in the 1996/97 Budget (KCB 77NO);
- (2) for a Council bus being allocated for the two day camp;
- (3) for the Good Parenting Program to run in the Woolloomooloo area, at a cost of \$2,000 for which purpose funds have been allocated in the 1996/97 Budget (KCB77NO and KCB77FO).

Carried.

6. **PARKS - CRICKET FACILITIES - SOUTH EAST SYDNEY CRICKET CLUB (2005934)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That in consideration of a report by the Director of Public Works and Services dated 16 June 1997:-

- (1) approval in principle be given to:-

- (a) supporting South East Sydney Cricket Club as the cricket club representing the South Sydney Council area recognising that the New South Wales Cricket Association have endorsed the Club to reside in the area and foster the development of local juniors in the transition to senior grade levels;
 - (b) a proposal to create one cricket ground area at Goodsell's Field, Sydney Park, incorporating a single turf wicket, picket fencing and an amenity complex which incorporates facilities for the use of other community groups and organisations;
 - (c) a second turf wicket area being established in the existing active sporting area of Alexandria Park;
 - (d) the proposal in (b) above be staged generally in accordance with details in the report subject to satisfactory funding arrangements;
- (2) and further, approval be given to:-
- (a) conversion of the two wicket areas at Goodsell's Field to one central wicket area and the provision of a single turf wicket area at Alexandria Park at an estimated cost of \$30,000 for which funds are available in the recurrent expenditure budget of the Public Works and Services Department;
 - (b) funding arrangements being investigated for further stages of the proposal and these arrangements be the subject of a further report to Council.
- (3) Council acknowledging and congratulating the Club on the name change to South Sydney District Cricket Club Incorporated.

Carried.

7.

**VICTORIA PARK CULTURAL CENTRE FEASIBILITY STUDY -
NOMINATION OF COMMUNITY REPRESENTATION ON STEERING
COMMITTEE (2002941)**

That approval be given to the appointment of Mr Michael Mobbs, Mr Michael Keogh and Ms Katherine Ellis as community representatives on the Victoria Park Cultural Centre Feasibility Study Steering Committee.

(DPWS Report 18.6.97)

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

18 June 1997

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

At the commencement of business at 6.47. pm, those present were:-

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

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 18 June 1997, be received and the recommendations set out below for Items 1,5 to 8 inclusive, 14, 19, 23 to 25 inclusive, 28, 30 and 33, inclusive, be adopted. The recommendations for Items 2 to 4 inclusive, 9 to 13 inclusive 15 to 18 inclusive, 20 to 22 inclusive, 26, 27 and 29. having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

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**FLINDERS STREET, NO 114, DARLINGHURST - RENEW WALLS,
WINDOWS AND DOORS TO REAR GROUND FLOOR - DEVELOPMENT
APPLICATION. (U97-00074)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Fibrent Pty Ltd, with the authority of Mr B Gallego, for ground floor alterations to the rear of the premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 97-2240 dated 16 January 1997;
 - (2) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (i) external finishes to walls;
 - (ii) size and proportion of windows and doors;
 - (3) That the proposed new brickwork shall match the existing;
 - (4) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation.

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision;
- (C) That the Applicant be advised that a Development Application is required to be lodged with Council for any change of use from a boarding house and also for any alterations or additions to the premises.

Carried.

CROWN STREET, NO 93, DARLINGHURST - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U97-00264)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay , seconded by Councillor Macken :-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr S Vernon, with the authority of Retemu Pty Ltd, to conduct a brothel of three bedrooms, subject to the following conditions, namely:-
- (1) That the use of the building shall be generally in accordance with plans submitted with application;
 - (2) That the hours of operation shall not exceed 5.00 p.m. to 3.00 a.m. seven days a week;
 - (3) That no advertising sign shall be displayed on the building;
 - (4) That not more than three sex workers shall be employed on the premises at any one time;
 - (5) That the ground floor shall be used only for reception and workers amenities;
 - (6) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (7) That clean linen and towels shall be provided for the use of each client in each room;
 - (8) That the proprietor shall provide and make available in the rooms an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
 - (9) That plans and specifications showing details of:-
 - (i) all proposed mechanical ventilation systems;
 - (ii) the garbage room or garbage receptacle storage area;
 - (iii) sanitary facilities;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
 - (10) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy,

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- (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
- (c) an "offensive noise" as defined in the Noise Control Act, 1975;

Note: The proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk.

- (11) That a Building Application shall be lodged within a month of the date of this consent, incorporating the requirements of parts (A) and (B) of the resolution, and the use shall cease unless the required work has been implemented within three months of building approval;

and the following adopted standard conditions:-

- (12) HSC401 - Cleanliness of premises
- (13) hsc405 - Laundering
- (14) hsc406 - Sanitary facilities
- (15) hsc411 - Contaminated waste disposal
- (16) hsc413 - STD information
- (17) hsc414 - Examination of clients
- (18) hsc416 - Health check-ups
- (19) That the premises shall not be used as a base for street workers and no display or soliciting shall take place outside the premises.

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (2) 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;
 - (3) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (4) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
 - (5) That a Building Application together with plans and specifications(5) 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 persons who made representations in respect of the proposal be advised of Council's decision;

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos that the motion be amended, by the addition of a Clause (D), namely:-

- (D) That Council keep a register of the list of premises approved for use as brothels in order to control the use of the same.

Amendment negatived.

Motion carried.

3.

PHILLIP STREET, NO. 153, WATERLOO - USE PREMISES AS A PLACE OF PUBLIC ENTERTAINMENT - DEVELOPMENT APPLICATION (U96-00921)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Jarifree Pty Ltd for permission to use the ground floor lounge for karaoke entertainment, subject to the following conditions, namely:

- (1) That the development shall be generally in accordance with the submitted plan;
- (2) That the use shall not commence until Council has signified in writing that the provisions of conditions (3) and (4) have been complied with and shall cease after a period of 7 months from the date of such letter.

(The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use).

- (3) That the applicant shall be submit a Noise Impact Assessment prepared by a suitably qualified acoustic engineer detailing what modifications are required to the building to limit the noise impact of the proposed use on surrounding properties and, subject to the approval of Council, the proposed use shall not be commenced until such works have been completed to the satisfaction of Council;
- (4) That the applicant, in consultation with the NSW Police Service, shall prepare a Management Code of Practice for the conduct of the proposed use, a copy of which shall be submitted to Council and to the NSW Police Service, and the proposed use shall not commence until the Management Code of Practice has been agreed to by the NSW Police Service;
- (5) That the hours of operation of the proposed entertainment shall be limited to 7.00 p.m.to 11.00 p.m. on Saturdays;
- (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
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (7) 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;

- (8) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 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;
- (9) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) 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;
 - (2) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCC;
 - (3) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
 - (4) That the door giving access to the stair at ground floor level shall be a self closing -/60/30 fire door;
 - (5) That exit widths shall comply fully with the requirements of Clause D1.6 of the BCC;
 - (6) That the number of persons accommodated on the premises shall

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be limited to the requirements of Clause D.1.13 of the BCC;

- (7) That discharge from exits shall comply fully with the requirements of Clause D.1.10 of the BCC;
- (8) 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 persons who made representations in respect of the proposal be advised of Council's decision;

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the figure and word "7 months" where appearing in condition (A)(2) and the insertion in lieu thereof, of the figure and word "6 months".

Motion as amended by consent, carried.

4.

OXFORD STREET, NO. 57, PADDINGTON - INTERNAL AND EXTERNAL ALTERATIONS AND ADDITIONS TO HOTEL - DEVELOPMENT APPLICATION (U97-00055)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by Councillor Waters:-

- (A) That the Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standards relating to floor space and height in Clauses 10 and 11 of the Local Environmental Plan No. 107 are well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:

That the proposed additional floor space and height is within the existing envelope of the building and will not be responsible for a loss in amenity in relation to privacy, overshadowing or design.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Feenstra and Associates Pty Ltd with the authority of Sherilyn Pty Ltd for permission to carry out alterations and additions to the hotel including extended ground floor bar, reconfigured residential accommodation on the first and second floors and a new third

level of accommodation for a total of 25 rooms subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans 900912 DA1 Rev C dated 21 April 1997;
- (2) That the garage shall be retained and amended plans be submitted with the Building Application to indicate the provision of bathroom facilities;
- (3) That the rear exit to Iona Street shall be used as a fire exit only;
- (4) That the western most doors on the Oxford Street elevation shall remain closed after 9.00pm and not be used as a entry or exit thereafter;
- (5) That the lower half of all windows along the rear/Iona Street elevation and those in the south east elevation shall be fixed translucent glass. Details to be submitted with the Building Application;
- (6) That three "U" stands shall be provided on the Rosebud Lane footpath in relation to the provision of bicycle parking facilities. Details to be submitted to the satisfaction of the Director of Public Works and Services and Director of Planning and Building;
- (7) That the hours of operation shall be restricted to between
7.00 am to 12.00 midnight Sunday to Wednesday
7.00 am on Thursdays to 1.00 am Friday
7.00 am on each of the days Friday and Saturday till 3.00am the next day;
- (8) That the premises shall not be used as a backpackers hostel;
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (10) That the alterations to the air handling systems shall not adversely affect the integrity of the existing systems approved by Council;
- (11) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (12) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;

- (13) That the construction of the premises shall comply with the requirements of Material Code for the construction and fitout of food premises;
- (14) That the premises shall comply with the requirements of Schedule 1 (Standards for places of shared accommodation) of the Local Government (Orders) Regulation 1993 under the Local Government Act 1993;
- (15) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (16) That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (17) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (18) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (19) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (20) That plans and specifications showing details of:
 - (a) all proposed and altered mechanical ventilation systems
 - (b) the location of exhaust/and intake vents
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial bar area

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

- (21) 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;

- (22) 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;
- (23) 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;

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

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

- (C) 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 tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;
 - (2) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (4) 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;

- (5) 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;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (9) 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;
- (10) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (11) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
- (12) That a residential sprinkler system shall be installed throughout the building. The system shall comply with a standard of installation and maintenance in accordance with the requirements of Australian Standard 2118.4-1995. Prior to commencing installation the installer shall obtain Council approval pursuant to Section 2 of the Code. Any variation from approved plans shall require additional approvals from Council;
- (13) That all walls bounding sole occupancy units shall be non-combustible;
- (14) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (a) Plasterboard;
 - (b) Perforated gypsum lath with a normal paper finish;
 - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;

- (15) That Fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;
- (16) That good housekeeping shall be maintained at all times;
- (17) That Egress paths are to be kept free of obstructions/storage at all times;
- (18) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.
- (19) That the certificate shall be in the form of a typed report providing the following minimum requirements:-
 - (a) the electrical contractors licence number;
 - (b) a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (c) an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
 - (d) circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

-Alternatively, a report from Energy Australia would satisfy the above requirements;

- (20) That entrance doorways to unit Nos. 5 and 15 shall be redesigned to comply with the requirements of Clause D1.4 of the BCA;
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos that the motion be amended by the addition of a Clause (E), namely:-

- (E) That the matter of non-resident parking being restricted to a 1/2 hour in Iona Street .be referred to the next meeting of the South Sydney Traffic Committee.

Motion, as amended by Councillor Bush, carried.

5.

EDWARD STREET, NO. 73, DARLINGTON - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U97-00311)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ms A L Wilson with the authority of Mr D Winterton for permission to carry out alterations and additions to include an attic room, subject to the following conditions:
- (1) That the development shall be generally in accordance with plans DA1-DA5 dated 23 April 1997 and 10 April 1997;
 - (2) That all existing trees on the site covered by Council's Tree Preservation Order shall be preserved and protected during the construction phase to the satisfaction of the Director of Public Works and Services;
 - (3) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
 - (4) That the windows on the rear at the first floor level shall be replaced with two vertically portioned windows and that the inner single first floor window shall remain, details to be submitted for the approval by the Director of Planning and Building with any BA submission;
 - (5) That the front dormer shall be redesigned to have a 2:1 ratio to comply with Council's Roof Utilisation Policy, details to be submitted to Director of Planning and Building for approval with any BA submission;
 - (6) 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;
 - (7) That any external glazing shall have a reflectivity not exceeding 20%;
 - (8) That the new windows in the front elevation shall be constructed in timber joinery;

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- (9) 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;
- (10) 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;
- (11) 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;
- (12) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 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;
- (13) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (14) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (15) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (16) That all proposed work shall be wholly within the boundaries of the subject site;
- (17) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (18) 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;

- (19) That all relevant sections of the BCA shall be complied with;
- (20) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (21) 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;
- (22) That a copy of the structural plans submitted with the Building Application shall be supplied to the next door neighbour for comment.

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 person who made representations in respect of the proposal be advised of Council's decision.

Carried.

6.

FLINDERS STREET, NOS. 29-47, SURRY HILLS - ERECT ADVERTISING PANEL - DEVELOPMENT APPLICATION (U97-00219)

That the Council as the responsible authority refuses its consent to the application submitted by Planning Overload for permission to erect an upper level illuminated flush wall sign at 29-47 Flinders Street, Surry Hills, for the following reasons:-

- (1) That the proposed sign is not compatible with the scale and architecture of the development and amenity of surrounding land uses;
- (2) That the proposal will detrimentally impact upon the Heritage Conservation Area by virtue of its size, shape and form;
- (3) That the proposal will result in the loss of residential amenity to the adjacent residential building via loss of outlook;
- (4) That the proposal does not comply with the requirements of Clauses 5 and 10.5 of DCP 7 - Guidelines for Outdoor Advertising;

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- (5) That the proposal is not in the public interest;
- (6) That the proposal will detrimentally impact upon the streetscape of Flinders Street.

Carried

7.

PARRAMATTA ROAD, NOS. 88-90, CAMPERDOWN - ALTERATIONS AND ADDITIONS TO THE GROUND FLOOR TO CREATE TWO SHOPS - DEVELOPMENT APPLICATION (U96-00967)

(A) That the Council as the responsible authority grants its consent to the application submitted by CHL Constructions Pty Ltd, with the authority of Golden Siler Trading Pty Ltd, for permission to carry out alterations and additions to form 2 shops, a new parking entrance and to replace the shop front with new glazing, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans Drawing No. 1A dated March 1997 and date stamped the 6 June 1997;
- (2) That only a third of wall along the western boundary shall be glazed and fire separated in accordance with the BCA;
- (3) That a maximum of 10 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;
- (4) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (i) external walls;
 - (ii) roofing;
 - (v) windows and doors;
- (5) That plans and specifications showing details of:-
 - (i) all proposed mechanical ventilation systems;
 - (ii) car park ventilation systems;

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

- (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;

and the following adopted standard conditions, namely:

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- (7) LDA29 - Provide sign indicating parking;
- (8) LDA37 - Loading within confines of building;
- (9) LDA38 - Articulated service prohibited;
- (10) LDA44 - Driving in forward direction only;
- (11) LDA45 - Parking and driveways to be kept clear;
- (12) LDA48 - Safe walking surface on crossing;
- (13) LDA49 - Signage for vehicular egress;
- (14) LDA153 - Reflectivity of external glazing;
- (15) LDA163 - New brickwork to match existing;
- (16) LDA201 - Make separate application for sign;
- (17) LDA351 - Building Application required;
- (18) LDA353 - New DA for separate occupancies;
- (19) LDA367 - Timing device on alarms;
- (20) LDA376 - Hours of building work;
- (21) LDA377 - Construction noise regulation;
- (22) LDA387 - Footway crossings;
- (23) LDA392 - No obstruction to public way;
- (24) LDA396 - Works within boundaries;
- (25) LDA393 - Delivery of refuse skips;
- (26) LDA399 - Cost of consequential roadworks;

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

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

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

Carried.

8.

WILLIAM STREET, NOS. 150-162, WOOLLOOMOOLOO - ERECT ADVERTISING STRUCTURE AT ROOF LEVEL - DEVELOPMENT APPLICATION (U97-00176)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Manboom Pty Ltd, with the authority of Columbus Overseas Service, for permission to erect a roof advertising sign structure measuring 18.9m x 6m for the following reasons:-
- (1) That the proposed sign is inconsistent with Council's DCP No. 7 - Guidelines for Outdoor Advertising.
 - (2) That the proposed sign if approved would set an undesirable precedent for additional roof signs in William Street.
 - (3) That the proposed sign will adversely impact on the William Street streetscape.
 - (4) That circumstances of the case in 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.

9.

IVY STREET, NOS. 74-80, DARLINGTON - DEMOLISH EXISTING BUILDINGS, ERECT 2-3 STOREY FLAT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U96-01123)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

- (A) That the Council supports the objection pursuant to State Environmental Planning Policy No. 1 against the development standard relating to the maximum height within Clause 11 of Local Environmental Plan No. 107, accepting that compliance with the development standard would be both unnecessary and unreasonable in this instance for the following reasons:-

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- (1) That the degree of non compliance is relatively minor; and
 - (2) That the overall bulk and scale of the proposal is acceptable and does not unreasonably impact upon the amenity of the surrounding area or its' qualities.
- (B) That the Council as the responsible authority, grants its deferred commencement consent pursuant to Section 91AA of Environmental Planning and Assessment Act 1979, to the application submitted by Gergely and Pinter Architects, with the authority of Bovy Buildings Pty Ltd and E.K. Nominees P/L for permission to demolish certain existing buildings, and erect a residential flat building containing 34 units, subject to the following conditions:-
- (1) That the consent shall not to operate until the applicant has satisfied the Director of Planning and Building as to the matters outlined below and details as to how the applicant proposes to satisfy Council as to those matters shall be submitted within three months of the date of this deferred commencement and shall be to the satisfaction of the Director of Planning and Building prior to lodgment of the Building Application:
 - (a) Retention of significant fabric of No. 74 Ivy Street including the building fronting Ivy Lane (though not increasing the number of units within that portion of the site) and its adoptive re-use;
 - (b) Removal of unsympathetic additions to No. 74 Ivy Street; including the building fronting Ivy Lane.
 - (2) 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;
 - (3) 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 one year);
 - (4) That the development shall be generally in accordance with plans 1650/11/20 and 15A, 16A, 12A, 15B, 21A dated 26 March 1997, 3 April 1997, and December 1996 and 23 June 1997;
 - (5) That the land shall be consolidated into one lot in a plan of subdivision lodged with Council pursuant to Part 12 of the Local Government Act, 1919 and that the plan of consolidation shall

dedicate to Council, free of charge, a splay of land 1.5 metres x 1.5 metres at the corner of Ivy Lane and Boundary Street;

- (6) That demolition shall not occur until building approval is granted by the Council for the new development;
- (7) That the developer shall, at their full expense, provide for the footpath widening on the western side of Ivy Lane, with plans being prepared by the applicant and lodged with the building application, to the satisfaction of the Director of Public Works and Services. The work shall be undertaken by Council and a bank guarantee shall be lodged with the Council for the cost estimate prepared by the Director of Public Works and Services, prior to release of the building application;
- (8) That level access for a ramp, meeting Australian standards requirements for disabled access, shall be provided to the central stair access off Ivy Street, with details being provided with the building application and to the satisfaction of the Director of Planning and Building;
- (9) That a plan for the landscaping of the site, including details any subsoil drainage, security fencing, footpaths in and around the site, planting theme and species, landscaping treatment and the like shall be lodged with the building application and shall be to the satisfaction of the Council's Landscape Section and approved prior to the release of the building application, and the landscape works shall be completed to the satisfaction of the Director of Planning and Building prior to occupation of the development and shall be maintained at all times;
- (10) That landscaped areas within the site shall be maintained by the future Body Corporate;
- (11) That mechanical ventilation outlets for the car park shall not be located on the outside of the building facing any public street, and shall be detailed in the building application;
- (12) That the first floor openings to Ivy Lane, where not directly accessing one of the three balconies, shall be windows only;
- (13) That privacy screens, to a height of 1.8m above finished floor level, shall be incorporated along the front of the three first floor balconies, for a return distance of 1.5m from the front southern end of each balcony;
- (14) That the door/gate accessing the basement car park shall be recessed 200-300mm within the outer face of the wall above and shall be detailed in the building application and to the satisfaction of the Director of Planning and Building;

- (15) That adequate provision for at least one disabled car space shall be provided and bicycle parking storage in accordance with Council's Development Control Plan No. 11 shall be provided within the car park and detailed in the building application and to the satisfaction of the Director of Planning and Building;
- (16) That a maximum of 29 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, allocated on the basis of 23 for residents and 6 for visitors;
- (17) 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	\$35,970	2 EJ-BGY 0
Child Care	\$1,889	2 EK-BGY 0
Community Facilities	\$1,870	2 EL-BGY 0
Transport and Access	\$7,005	2 EM-BGY 0
Environmental Improvements	\$1,132	2 EN-BGY 0
TOTAL:	\$47,866	

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.

- (18) That an intercom system shall be installed in the basement car park to allow visitors entry and shall be operational prior to occupation of the development;
- (19) That a minimum clear width of 5.0m for the access ramp shall be ensured;
- (20) That adequate measures shall be put in place to ensure security to surrounding properties during construction;
- (21) That detailed calculations showing compliance with the development standards relating the maximum floor space ratios for the site shall be lodged with the building application and to the satisfaction of the Director of Planning and Building and shall utilise the definition of "gross floor area" within the Model Provisions, 1980;
- (22) That a sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such;
- (23) That all vehicles shall be driven onto and off the site in a forward direction, at all times;
- (24) 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. balcony balustrade treatment;
 - D. proposed fences;
 - E. size and proportion of windows and doors;
- (25) That any external glazing shall have a reflectivity not exceeding 20%;
- (26) That the new windows and doors in the front elevation shall be constructed in timber joinery;
- (27) That a colour scheme for the building, incorporating heritage colours, shall be submitted for the approval of the Director of Planning and Building and the street elevation shall be painted in accordance with the approved colour scheme;
- (28) That details of the design of any aboveground fresh air intake and exhaust vents shall be submitted for approval and shall be in

accordance with Council's Ventilation Code and located to the satisfaction of the Director of Planning and Building;

- (29) That service ducts shall be provided to keep external walls free of plumbing;
- (30) That only one common television aerial shall be installed;
- (31) That a garbage room or equivalent shall be provided within the premises and shall be of adequate size to accommodate all garbage arising on the premises together with any facilities and equipment for handling and/or storage of such garbage to the satisfaction of the Director of Health and Community Services;
- (32) 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;
- (33) 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;
- (34) 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;
- (35) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 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;
- (36) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (37) 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;
- (38) 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;
- (39) 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;
- (40) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (41) That all proposed work shall be wholly within the boundaries of the subject site;
- (42) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (43) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (44) That the parking are shall be ventilated in accordance with the requirements of AS 1668.2-1991, Section 4;
- (45) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (46) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;

(47) 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;

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

- (a) all proposed 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;

(49) That all relevant sections of the BCA shall be complied with;

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

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

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision;
- (D) That the New South Wales Department of Urban Affairs and Planning be advised of the outcome of the SEPP No. 1 objection.
- (E) That the additional details required by Part (B) shall be notified to the Darlington Residents Action Group and adjoining property owners to the south for comment prior to being approved by Council.

Carried

10.

TUSCULUM STREET, NO 3, POTTS POINT - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U97-00182)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by Councillor Fowler:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Eabona Pty Ltd., with the authority of Mrs. J. Toppi for permission to conduct a brothel subject to the following conditions, namely:-

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- (1) That not more than ten sex workers shall be employed on the site at any one time.
- (2) That a management plan for the provision of adequate security shall be provided within one month of the date of this resolution, to the satisfaction of the Director of Planning and Building. This plan to be submitted within two months of the date of this consent.
- (3) That no advertising shall take place advertising the brothel or its sex workers by real or fictitious names, or of telephone numbers associated with the brothel in any newspaper, the Yellow Pages, or any tourist guide or similar publication, other than a local newspaper circulating in the Kings Cross locality (excluding the Sydney daily/Sunday papers) directory or tourist guide.
- (4) That the use of the building shall be generally in accordance with the plan submitted with the application.
- (5) That the hours of operation shall not exceed 10.00am to 4.00am Sundays to Thursdays and 10.00am to 6.00am on Fridays and Saturdays.
- (6) That no advertising shall be displayed on the building.
- (7) That clients shall not be permitted to wait outside the premises but shall be requested to either wait inside the building or asked to move on.
- (8) That no display or soliciting shall take place outside the premises.
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (10) That the proprietor shall ensure that all linen, toweling and other bed coverings which comes into contact with clients shall be changed immediately after each use.
- (11) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70⁰ Celsius.
- (12) That the proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients.

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- (13) That all contaminated waste including condoms, dams, gloves and tissues shall be stored in an approved container or plastic bag and be disposed of by Environment Protection Authority licensed waste collectors.
- (14) That the maintenance of swimming and spa pools shall be in accordance with the NSW Health Department "Public Swimming Pool and Spa Pool Guidelines".
- (15) That the proprietor shall provide written information, i.e. pamphlets and brochures, for sex workers and their clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating or reading the English language.
- (16) That the proprietor shall ensure that all sex workers undertake regular sexual health check-ups and that accurate records are kept indicating the frequency of such check-ups.
- (17) That plans and specifications showing details of:-
- (a) all existing proposed mechanical ventilation systems, complying with condition (9);
 - (b) the garbage room or garbage receptacle storage area;
 - (c) acoustic treatment for the spa motor and any external air conditioning units;
- shall be submitted to the Director of Planning and Building within 2 months of the date of this consent and approval obtained before any necessary installation is commenced;
- (18) That light shall be provided in accordance with the requirements of Part F.4 of the Building Code of Australia.
- (19) That the operator shall within two months of the date of this consent make an application under the Local Government Act for a change in classification of the building.
- (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 portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (2) 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;

- (3) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (4) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
 - (5) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (6) That light and ventilation shall be provided in accordance with the requirements of Part F.4 of the BCA;
 - (7) 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 proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offense to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk.

Carried.

11.

PLANNING: GREEN SQUARE STRUCTURAL MASTERPLAN - DRAFT SUBMISSION FOR COUNCIL ENDORSEMENT AND PUBLIC EXHIBITION (2013184)

That Council:-

- (a) note the contents of this report as well as the accompanying Draft Green Square Structural Masterplan; and
- (b) endorse the public exhibition of the Draft Masterplan for a period of 28 days.

(DPB Report 30.5.97)

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

- (A) That the matter be deferred to the next meeting of the Planning and Development Committee to be held on 16 July 1997,
- (B) That the Director of Planning and Building consult with the Consultant who prepared the report to have it redrafted in laymens terms so that the public and Councillors have a better understanding of the report.

Carried.

12.

HARGRAVE STREET, NOS. 16 - 18, DARLINGHURST - CONTINUE THE USE OF PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U97-00003)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Wayne Boyle and Associate on behalf of David Green Investments Pty Ltd for permission to continue to operate a brothel at the abovementioned premises, subject to the following conditions, namely:-
 - (1) That not more than 4 sex workers shall be employed on the site at any one time;
 - (2) That a management plan for the provision of adequate security shall be provided, to be to the satisfaction of the Director of Planning and Building within two months of the date of this resolution;
 - (3) That no advertising shall take place advertising the brothel or its sex workers by real or fictitious name, or of telephone numbers associated with the brothel in any newspaper, the Yellow Pages or any tourist guide or similar publication, other than a local newspaper (which excludes the Sydney daily/Sunday papers) directory or tourist guide which circulates in the Darlinghurst locality;
 - (4) That the use of the building shall be generally in accordance with plans 1 and 2 submitted with the application;

- (5) That the hours of operation shall not exceed 10.00am to 12.00 midnight seven days a week;
- (6) That no advertising sign shall be displayed on the building;
- (7) That clients shall not be permitted to wait outside the premises but shall be requested to wait either inside the building or asked to move on and no display or soliciting shall take place outside the premises;
- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (9) That full compliance shall be given to any requirement of the Director of Health and Community Services;
- (10) That the premises shall comply with the requirements of Council's Brothels Policy;
- (11) That each room shall contain its own sanitary facilities including toilet, shower\bath and hand basin for the use of both sex workers and their clients;
- (12) That adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
- (13) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70⁰ C;
- (14) That the proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
- (15) That all contaminated waste including condoms, dams, gloves and tissues shall be stored in an approved container or plastic bag and be disposed of by Environment Protection Authority licensed waste collectors;
- (16) That the maintenance of swimming and spa pools shall be in accordance with the NSW Health Department "Public Swimming Pool and Spa Pool Guidelines";
- (17) That the proprietor shall provide written information, ie; pamphlets and brochures, for sex workers and their clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating or reading the English language;

- (18) That the use of the premises shall not give rise to:-
- (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (19) That the operator shall within two months of the date of this consent make an application under the Local Government Act for a change in classification of the building.
- (20) That after the Building Application has been dealt with by Council Officers, the matter be submitted to the Planning and Development Committee for determination.

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

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

- (B) A change of classification of the building would also be required under the terms of the Building Code of Australia, and the following is required:
- (1) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (2) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (3) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
 - (4) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the

Building Code of Australia and the Local Government (approvals) Regulation.

It was moved as an amendment by Councillor Fowler, seconded by Councillor Deftereos, that the matter be refused.

Amendment negated by show of hands namely:-

6 Ayes - 3 Noes

Motion, carried.

13.

LIVERPOOL STREET, NO. 180, DARLINGHURST - USE PREMISES AS BROTHEL - DEVELOPMENT APPLICATION (U96-00591)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its deferred consentment consent pursuant to Section 91AA of Environmental Planning and Assessment Act to the application submitted by V F Stanaway, with the authority of AC B Roche and A J Bewg for permission to use the terrace house as a commercial brothel, subject to the following conditions, namely:-
- (1) That this consent shall not operate until the applicant has :-
 - (a) provided the Management Plan required by Condition (3) and that plan is to be to the satisfaction of the Director of Planning and Building ;
 - (b) submitted an application under the Local Government Act.1993, for the change in classification of the building and for the building works required by the conditions of this consent and carry out those works to the satisfaction of the Director of Planning and Building as signified in writing.
 - (2) That no more than two sex workers shall be employed on the site at any one time;
 - (3) That a management plan for the provision of adequate security shall be provided within one month of the date of the resolution, to the satisfaction of the Director of Planning and Building. This plan to be submitted within two month of the date of this consent;

- (4) That no advertising shall take place advertising the brothel or its sex workers by real or fictitious name, or of telephone numbers associated with the brothel in any newspaper, the Yellow Pages, or any tourist guide or similar publication, other than a local newspaper circulating in the Kings Cross locality (excluding the Sydney daily/Sunday papers) directory or tourist guide;
- (5) That the use of the building shall be generally in accordance with the plan submitted with the application;
- (6) That the hours of operation shall not exceed 9.00 a.m. to 12.00 midnight Mondays to Saturdays and 12.00 noon to 12.00 midnight Sundays;
- (7) That no advertising shall be displayed on the building;
- (8) That clients shall not be permitted to wait outside the premises but shall be requested to either wait inside the building or asked to move on, in this regard the glass front door shall be replaced with a solid door within one month of the date of this consent;
- (9) That no display or soliciting shall take place outside the premises;
- (10) That this consent shall lapse 12 months after the date of this resolution unless a further development application has been lodged and consent granted;
- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (12) That the shower, basement level, shall be ventilated by an approved system of mechanical exhaust ventilation;
- (13) That the premises should be maintained in a clean and sanitary condition and kept in a satisfactory state of repair at all times;
- (14) That adequate receptacles with close fitting lids should be provided for the storage of used linen separate from clean linen;
- (15) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine on the premises;
- (16) That the proprietor shall provide at all times an adequate supply of condoms, dental dams and matter-based lubricant free-of-charge to the sex workers working on the premises and their clients;

- (17) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (18) That suitably constructed waste disposal containers capable of being easily sealed shall be left on the premises for the reception of any contaminated material and, final disposal of the material shall be effected at an approved location;
- (19) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (20) That the proprietor shall provide video or written information (e.g. pamphlets, brochures) about the transmission of sexually transmitted infectious diseases in the variety of first languages used by the sex workers and their clients;
- (21) That plans and specifications showing details of:-
- (i) all required mechanical ventilation systems;
 - (ii) the garbage room or garbage receptacle storage area;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (22) That the use of the premises shall not give rise to:-
- a) transmission of vibration to any place of different occupancy, or
 - b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (23) That the outside toilet shall be relocated inside the building and in this regard the applicant shall submit a Building Application within one month from the date of this consent;
- (24) That after the Building Application has been dealt with by Council Officers, the matter be submitted to the Planning and Development Committee for determination
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is

required:

- (1) That all 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;
- (2) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (3) 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;
- (4) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (5) A multiple station smoke alarm system shall be installed throughout the building. The system shall meet the following minimum requirements:-
 - All detectors shall satisfy Australian Standard 3786 or an approved equivalent code or listing;
 - The system shall be connected to a permanent 240 Volt power supply and be equipped with a secondary means of power to activate the system in the event of failure of the primary supply;
 - All electrical works shall comply with the appropriate requirements of Australian Standard 3000;
 - The system shall be provided with approved control and monitoring equipment;
 - The system shall be placed on a maintenance and testing schedule so as to ensure ongoing operational integrity;
- (6) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (a) Plasterboard;
 - (b) Perforated gypsum lath with a normal paper finish;
 - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;
- (7) That a Building Application together with plans and specifications

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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;

- (8) That the existing stairway shall be smoke enhanced at ground floor level;
- (9) That no storage beneath stairways shall be permitted;
- (10) That all rooms shall be provided with self closing solid core doors.

Carried.

In connection with the foregoing matter, Councillors Deftereos and Fowler requested that their names be recorded as being opposed to the motion.

14.

CAROLINE STREET, NOS. 1 - 15, REDFERN - ERECT EIGHT NEW HOUSING UNITS AND GROUND FLOOR COMMUNITY ROOM - DEVELOPMENT APPLICATION (U97-00024)

Councillors Macken and Waters declared an interest and did not take part in discussions or voting on the Item.

- (A) That the Council as the consent authority, supports the objection pursuant to State Environmental Planning Policy No. 1 against the development standard relating to the maximum floor space ratio within Clause 10 of Local Environmental Plan No. 107, as compliance with the development standard is considered unnecessary and unreasonable for the following reason:-

That the bulk and scale of the development is considered acceptable and the proposal will not result in any significantly adverse impacts on the environment or amenity of the area.

- (B) That the Council grants its consent to the application submitted by the N.S.W. Department of Housing, with the consent of the Aboriginal Housing Company and the Aboriginal Medical Service to consolidate 1-15 Caroline Street, Redfern into one lot and erect a residential flat building containing eight units and a ground floor community room, subject to the following conditions:-

- (1) That the development shall be generally in accordance with plans

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ARCH01-08 dated January and March 1997 and 9704-01 and 401B, except where varied by plans contained within a facsimile dated 28 May 1997 and within a facsimile dated 11 June 1997 (Option A);

- (2) 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 Residential flat developments located in Resident Parking Scheme areas;
- (3) 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);
- (4) That "Unit 7" shall be designated as a caretaker's unit and the occupants be responsible for the maintenance and upkeep of the ground floor community room;
- (5) That appropriate external lighting shall be installed and fully maintained with details as agreed in consultation with the Director of Planning and Building prior to commencement of construction;
- (6) That legal right of access shall be established over the adjoining strip of land (1A Caroline Street) prior to construction of the building which involves any access over the land, or alternatively no direct access over adjoining land shall occur (i.e. relocate the garbage store);
- (7) That the rear fence with frontage to Caroline Lane shall not exceed 1.5m in height if of a solid form. Details of the fencing shall be as agreed in consultation with the Director of Planning and Building prior to construction;
- (8) That opportunities for a mural or public artwork shall be identified in the eastern elevation, to encourage greater community ownership and involvement, to be completed prior to occupation;
- (9) That the balcony clothes lines to Caroline Street shall be deleted or appropriately screened and, if the latter, details shall be as agreed in consultation with the Director of Planning and Building prior to construction;
- (10) That details shall be submitted, including materials proposed and colours of same for agreement in consultation with the Director of Planning and Building prior to commencement of construction, in respect of the following aspects of the proposal:-

- (i) external finishes to walls;
 - (ii) roofing finishes;
 - (iii) balcony balustrade treatment;
 - (iv) proposed fences
 - (v) size and proportion of windows and doors;
- (11) That any external glazing shall have a reflectivity not exceeding 20%;
- (12) That the new windows and doors in the north and east elevation shall be constructed in timber joinery or wide profile powder coated aluminium joinery;
- (13) That service ducts shall be provided to keep the northern western and eastern external walls free of plumbing;
- (14) That a garbage room or equivalent shall be provided within the premises and shall be of adequate size to accommodate all garbage arising on the premises together with any facilities and equipment for handling and/or storage of such garbage to the satisfaction of the Director of Health and Community Services;
- (15) That all relevant sections of the BCA shall be complied with;
- (16) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 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;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) 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;
- (19) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (20) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;

- (21) 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;

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

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

- (C) That the Council commence discussions with the N.S.W. Department of Housing, the Aboriginal Housing Company and Redfern Police, with a view to formulating a Plan of Management for Pemulwuy Square, having regard to lighting, "gateway" treatment to mark entry points, day and night use, help in emergencies, landscaping to minimise entrapment points and signage.
- (D) That those people and organisations who made a submission be advised of Council's decision.
- (E) That the NSW Department of Urban Affairs and Planning be advised of Council's decision and the outcome of the objection pursuant to State Environmental Planning Policy No. 1;

Carried.

15.

WILSON STREET, NOS. 466 - 470, DARLINGTON - TO ERECT A NEW RESIDENTIAL FLAT BUILDING WITH STRATA SUBDIVISION - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00161)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council resolves that the State Environmental Planning Policy No. 1 objections against the development standards relating to floor space and height controls in Clause 10 and Clause 11 of Local Environmental Plan No. 107 are well founded and compliance is therefore unreasonable and unnecessary for the following reasons:-

That the additional floor space and height is considered

acceptable in terms of residential amenity impacts and will not detract from the character of the existing streetscape in terms of bulk and scale.

(B) That the Council as the reasonable authority grants its consent to the application submitted by Travis McEwen Group Pty Ltd with the authority of Lawniron Pty Ltd to rebuild the existing building into 13 residential units and 16 parking spaces and to further strata subdivide the units, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA 002B - DA 007B dated 28 May 1997;
- (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 (the applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (3) 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	\$20,822	2 EJ-BGY 0
Child Care	\$1,094	2 EK-BGY 0
Community Facilities	\$1,084	2 EL-BGY 0
Transport and Access	\$4,054	2 EM-BGY 0
Environmental Improvements	\$655	2 EN-BGY 0
TOTAL:	\$27,709	

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.

- (4) That the parking area shall be ventilated in accordance with the requirements of AS 1668.2 - 1991, Section 4;
- (5) That a maximum of 17-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;
- (6) That plans and specifications showing details of:-
 - (i) all proposed mechanical ventilation systems;
 - (ii) the garbage room;
 - (iii) 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, namely:-

- (7) LDA21 - No resident parking for residential flat developments;
- (8) LDA101 - Provide landscaping plan;
- (9) LDA152 - Schedule of finishes;
- (10) LDA153 - Reflectivity of external glazing;
- (11) LDA162 - Provide common aerial for each building;
- (12) LDA376 - Hours of building work;
- (13) LDA377 - Construction noise regulation;
- (14) LDA384 - New alignment levels;
- (15) LDA387 - Footway crossings;
- (16) LDA388 - Stormwater disposal details;
- (17) LDA392 - No obstruction to public way;
- (18) LDA393 - Delivery of refuse skips;
- (19) LDA394 - Cost of alteration to signposting;

- (20) LDA373 - Disabled access provision;
- (21) HSC103 - Environmental site assessment being carried out;
- (22) HSC500 - Premises to be ventilated;
- (23) HSC018 - Sanitary facilities;
- (24) HSC705 - Construction of garbage room;
- (25) HSC800 - Use of appliances emitting intrusive noise;
- (26) LDA22 - Parking spaces required;
- (27) LDA109 - Relocating street trees;

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

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

- (C) 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 the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (2) 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;
 - (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (4) 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;

- (5) 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;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (9) 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;
- (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 vertical separation shall comply fully with the requirements of Clause C.2.6 of the BCA;
- (17) That window openings located in the void stair shaft at loft level shall be -/60/- fir windows or similar;
- (18) That adequate smoke vents shall be provided to the skylight

above the stair shaft.

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

Carried.

16.

**PLANNING - ENERGY EFFICIENCY SOLAR HOT WATER SYSTEMS -
QUESTION BY COUNCILLOR FENTON AND PARTICIPATION IN THE
ENERGY SMART HOMES POLICY (P54-00031)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by the Mayor:-

- (A) That Council adopt the proposed amendments to Draft South Sydney DCP 1997: Urban Design as set out in Section 2.5 of this report to ensure solar water heaters are installed in all new residential developments and significant alterations and additions to existing buildings which require the installation of new water heater systems, as policy and agreed to re-exhibit the Energy Efficiency Section of Draft DCP 1997.
- (B) That Council support the Energy Smart Homes Policy Program being developed by the Greenlight Consortium, to benefit from the package of energy initiatives, and that up to \$7,000 be allocated from the S.94 account for energy efficiency guidelines (Environmental Improvements account 2EN) with any balance from the 1997/98 Strategic Planning draft budget account for South Sydney Plan Implementation (GW 98002).

Carried.

17.

**PLANNING - SOUTH SYDNEY DRAFT LOCAL ENVIRONMENTAL PLAN -
DRAFT DEVELOPMENT CONTROL PLAN: URBAN DESIGN (2014746)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by Councillor Fenton:-

That Council:

- (A) Adopt the South Sydney Draft Local Environmental Plan 1997 (as amended on 29 May 1997) and refer the document to the Secretary of the Department of Urban Affairs and Planning pursuant to Section 68(4) of the Environmental Planning and Assessment Act 1979, with a request to process the Plan expeditiously;
- (B) Adopt the Draft South Sydney Development Control Plan 1997: Urban Design;
- (C) Give public notice and advise the Secretary of the Department of Urban Affairs and Planning of the decision to adopt the Draft Development Control Plan in accordance with Part 3 of the Environmental Planning and Assessment Regulation, 1994;
- (D) Adopt the Public Domain Improvement Plan as contained in the Draft Development Control Plan 1997 as Council's concept plan for carrying out improvements to the public domain, and to endorse the Plan's implementation through the development control process;
- (E) Advise those persons that made submissions or participated in the Reference Group meetings of Council's decision.

(DPB Report 29.5.97)

It was moved Councillor Fenton that the motion be amended by the addition of the word "household" before the word "goods" where appearing in the Clause 12(1)(d) of the Draft LEP.

Amendment lapsed for want of a seconder.

It was moved as an amendment by Councillor Deftereos, seconded by Councillor Bush that the motion be amended by the deletion of the word "goods" where appearing in Clause 12(1)(d) of the Draft LEP.

Amendment negatived.

It was moved as a further amendment by Councillor Fowler, seconded by Councillor Deftereos that the word "preserve" where appearing in Clause 2B(1)(a) be replaced by the word "enhance".

Amendment carried.

Motion as amended by Councillor Fowler, carried.

In reply to a question by Councillors Macken and Waters, the Mayor directed that letters of congratulation be sent to staff involved in the preparation of the Draft LEP and DCP.

18.

PLANNING - URBAN VILLAGE PLAN FOR ERSKINEVILLE AND UPDATE ON THE PREPARATION OF URBAN VILLAGE PLANS FOR SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2009125)

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

That Council

- (a) resolves to prepare an Urban Village Concept Plan for the Erskineville Road Centre and adjoining areas.
- (b) agrees to the calling of quotations from suitably qualified Consultants or alternatively to be done in house to undertake the Erskineville Urban Plan;
- (c) request the Director of Planning and Building to submit a further report to Council if a Consultant is preferred and the funds required to prepare that plan.

Carried.

19.

PLANNING - PUBLIC DOMAIN IMPROVEMENTS IN ULTIMO - PROPOSED STUDY OF BROADWAY AND WATTLE STREET INTERSECTION (2010931)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by Councillor Macken:-

That Council resolves to carry out a study to investigate potential public space, pedestrian and traffic management improvements at the Broadway and Wattle Street intersection as detailed in this report and call quotations for suitably skilled consulting firms.

(DPB Report 13.6.97)

Carried.

20.

YURONG STREET, NO.70, DARLINGHURST - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - DEVELOPMENT APPLICATION (U97-00230)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr G Iacovazzi, with the authority of Mr J Simpson and Ms W Forder, for permission to carry out alterations and additions at 70 Yurong Street, Darlinghurst, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans numbered 01A and dated March 1997 and as amended on the 20 May 1997;
 - (2) That the proposed attic level rear dormer window shall be vertically proportioned with a ratio of 2:1. Details are to be submitted with the building application;
 - (3) That the existing ground floor rear skillion roofline shall be maintained. The proposed rear ground floor addition shall be set back to accommodate this. Details are to be submitted with the building application;
 - (4) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) windows and doors;
 - (5) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (Approvals) Regulation;

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- (6) 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;
- (7) 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);

and the following adopted standard conditions:

- (8) HSC500 - Premises to be ventilated;
- (9) HSC800 - Use of appliances emitting intrusive noise;
- (10) LDA376 - Hours of building work;
- (11) LDA384 - New alignment levels;
- (12) LDA387 - Footway crossings;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) LDA396 - Works within boundaries;

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.

YURONG STREET, NO.72, DARLINGHURST - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - DEVELOPMENT APPLICATION (U97-00231)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay , seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr G Iacovazzi, with the authority of Mr W Grant, for permission to carry out alterations and additions at the abovementioned premises, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans numbered 01A and dated March 1997 and as amended on the 20 May 1997;
 - (2) That the proposed attic level rear dormer window shall be vertically proportioned with a ratio of 2:1. Details are to be submitted with the building application;
 - (3) That the existing ground floor rear skillion roofline shall be maintained. The proposed rear ground floor addition should be set back to accommodate this. Details are to be submitted with the building application;
 - (4) That the removal of the tree is not approved by way of this consent. An application for its removal shall be made to Council's Public Works and Services Department;
 - (5) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) windows and doors;
 - (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (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;
 - (8) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to

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which it relates is commenced. (The application is advised that an application can be made to the Council before the period expires, for an extension of 1 year);

and the following adopted standard conditions:

- (9) HSC500 - Premises to be ventilated;
- (10) HSC800 - Use of appliances emitting intrusive noise;
- (11) LDA376 - Hours of building work;
- (12) LDA384 - New alignment levels;
- (13) LDA387 - Footway crossings;
- (14) LDA389 - Stormwater disposal requirements;
- (15) LDA392 - No obstruction to public way;
- (16) LDA396 - Works within boundaries.

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.

22.

KNOX STREET, NO.1, CHIPPENDALE - CONTINUE USE AS A FURNITURE SHOWROOM - DEVELOPMENT APPLICATION (U97-00373)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by Councillor Fenton:-

- (A) That the Council, as the responsible authority, grants consent to the application submitted by S I Sherwood with the authority of Lion Cafe Pty Ltd to use the premises as a custom built furniture factory with associated showroom and studio and ancillary retail, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans submitted with the application;
 - (2) That the applicant shall submit a noise impact assessment prepared by a suitably qualified acoustic engineer detailing what modifications are required to the building to limit the noise impact of the proposed use on surrounding properties and, subject to the approval of Council. The proposed use shall not commence until such works have been completed to the satisfaction of Council;
 - (3) That the hours of operation shall be restricted to between 8.00am and 6.00pm, Mondays to Fridays inclusive and between 9.00am and 2.00pm Saturdays;
 - (4) That all loading and unloading shall be carried out only between the hours of 9.00am and 5.00pm Mondays to Fridays inclusive and 9.00am to 2.00pm Saturdays;
 - (5) That at no time shall vehicles associated with the use shall be permitted to stand in Elim Place;
 - (6) That a maximum of 2 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
 - (7) That any vehicle servicing the site via Elim Place shall be limited to a size which is capable of manoeuvring into and out of the garage;

and the following adopted standard conditions.

- (8) LDA44 - Driving in forward direction only;

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- (9) LDA47 - Loading, parking and access to be kept clear;
- (10) LDA167 - No garbage on public way;
- (11) LDA201 - Make separate application for sign;
- (12) LDA252 - Discharge to atmosphere to comply;
- (13) LD253 - Dust collection for woodworking machines;
- (14) LDA254 - No burning of sawdust or off-cuts;
- (15) LDA258 - Regulation of emissions;
- (16) LDA351 - Building Application required;
- (17) LDA367 - Timing device on alarms;
- (18) LDA376 - Hours of building work;
- (19) LDA377 - Construction noise regulation;
- (20) hsc111 - Liquid wastes to sewer;
- (21) hsc500 - Premises to be ventilated;
- (22) 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 traffic and parking congestion, and would not be in the public interest.

- (B) That the persons who made representations regarding the proposal be notified of Council's decision.

Carried.

23.

ABERCROMBIE STREET, NOS. 82-84, CHIPPENDALE - CONVERT EXISTING BUILDING INTO RESIDENTIAL APARTMENTS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00129)

(A) That Council is satisfied that the State Environmental Planning Policy No.1 objections against the development standards relating to the maximum Floor Space Ratio in Clause 11 of Local Environmental Plan No.6 and Clause 16 (2) of the Model Provisions, 1980 relating to parking are well founded and compliance is therefore unnecessary and unreasonable in this instance for the following reasons:-

(1) That the bulk and scale of the proposed development is acceptable and will not result in significant adverse impacts on the amenity of the area or the surrounding streetscapes (subject to the proposed FSR not exceeding the FSR of the existing building); and

(2) That adequate provision for parking has been made.

(B) That the Council as the responsible authority grants its consent to the application submitted by the Carlyle Group Pty Ltd for permission to convert an existing industrial/commercial building to a residential flat building/mixed development comprising 38 units and a ground floor gymnasium, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans DA200C, DA202F, DA205G, DA207E, DA208D, DA209E;

(2) That the building shall be redesigned to comply with Part G# of the Building Code of Australia. Council would only consider supporting an objection under Section 82 of the Local Government Act, 1993 if the following two criteria are met (in the event of the proposal not complying with Part G3 of the BCA);

(a) The roof being open on all four sides to the central atrium; and

(b) An independent consultant with expertise in smoke management certifies in written report that, in the event of a fire, smoke would discharge adequately.

Details regarding this matter and compliance with the BCA need to be addressed with any Building Application and to the satisfaction of the Director of Planning and Building;

(3) That the roof top pergola elements shall be deleted;

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- (4) That the existing parapet shall be retained to reduce the perceived visual impact of the additional two levels;
- (5) 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;
- (6) That the Floor Space Ratio of the building shall not exceed 3.94:1 with the required reduction in floor space being dedicated as useable open space or a reduction in the additional bulk, and detailed calculations showing compliance with this condition shall be lodged with the Building Application, utilising the definition of gross floor area within the Model Provision 1980, and to the satisfaction of the Director of Planning and Building;
- (7) That the roof top terrace shall be accessible to all units as a common area and shown on the strata plan as such;
- (8) That the entry lobby to Abercrombie Street shall be redesigned to accommodate disabled access from the street to the lift;
- (9) As a consequence of this development, Council has identified an additional demand for public facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Contributions Plan 1993, the following monetary contributions towards the cost of providing facilities are required:

FACILITY	AMOUNT	ACCOUNT
Civic Improvement, Open Space and Recreation	\$32,540	2 EJ-BGY 0
Child Care	\$1682	2 EK-BGY 0
Community Facilities	\$1652	2 EL-BGY 0
Transport and Access	\$5808	2 EM-BGY 0
Environmental Improvements	\$1043	2 EN-BGY 0
TOTAL	\$42,725	

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

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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.

- (10) That a system of lights and/or mirrors shall be incorporated to the proposed car park ramp(s), to the satisfaction of the Director of Planning and Building prior to issuing a certificate of classification;
- (11) That a separate development application shall be lodged for the portion of the ground floor intended as a "studio/office" prior to use of the space, it being noted that commercial premises are not permitted in LEP 66 or LEP 138;
- (12) That plans and specifications showing details of:-
 - (i) all required mechanical ventilation systems;
 - (ii) the garbage room;
 - (iii) the recycling storage area;

shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (13) That an approved mechanical exhaust system shall be installed in the car park ;
- (14) That a maximum of 22 off-street car parking spaces shall be provided, with at least 4 to 6 allocated to visitors 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;

and the following adopted standard conditions:-

- (15) LDA36 - Loading only within confines of the site;
- (16) LDA152 - Schedule of finishes;
- (17) LDA201 - Make separate application for sign;
- (18) LDA351 - Building Application required;
- (19) LDA367 - Timing device on alarms;
- (20) LDA368 - Display of street numbers;

- (21) LDA369 - Allocation of street numbers;
- (22) LDA376 - Hours of building work;
- (23) LDA377 - Construction noise regulation;
- (24) LDA384 - New alignment levels;
- (25) LDA387 - Footway crossings;
- (26) LDA388 - Stormwater disposal details;
- (27) LDA392 - No obstruction to public way;
- (28) LDA393 - Delivery of refuse skips;
- (29) LDA396 - Works within boundaries;
- (30) HSC500 - Premises to be ventilated;
- (31) HSC001 - Compliance to Director of Health and Community Services;
- (32) HSC103 - Environmental site assessment being carried out;
- (33) HSC101 - Not give rise to emissions into the environment;
- (34) HSC018 - Sanitary facilities;
- (35) HSC704 - Garbage storage area;
- (36) HSC706 - Storage of recyclables;
- (37) HSC711 - Commercial contract (trade waste);
- (38) HSC800 - Use of appliances emitting intrusive noise;

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

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

- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:

- (1) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (2) 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;
- (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (4) 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;
- (5) 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;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (9) 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;
- (10) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (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

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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 Fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;
 - (15) That Automatic Fire Alarms with photo-optical type detectors shall be installed throughout the building complying in all respects with the requirements of Australian Standard AS1670. In kitchens and other approved areas thermal type detectors may be installed;
 - (16) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (a) Plasterboard;
 - (b) Perforatd gypsum lath with a normal paper finish;
 - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;
 - (17) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.

The system shall comply with a standard of Installation and Maintenance in accordance with the requirements of Australian Standard 2118 and be connected to the NSW Fire Brigade.

Certification shall be provided by the installer of the sprinkler system that the entire system is installed in accordance with the provisions of Australian Standard 2118;
 - (18) 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;
 - (19) That the proposed western fire stair shall be redesigned to comply fully with the requirements of Parts C and D of the BCA.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

- (E) That the Department of Urban Affairs and Planning be advised of the outcome of the objection pursuant to State Environmental Planning Policy No.1.

Carried.

24.

ABERCROMBIE STREET, NOS.87 - 91, CHIPPENDALE - TO REINSTATE HOTEL USE ON GROUND FLOOR - DEVELOPMENT APPLICATION (U97-00186)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by J Chaggar for permission to reinstate hotel and restaurant use on the ground floor of the existing premises and to strata subdivide the building subject to the following conditions, namely:-

- (1) That the development shall be carried out generally in accordance with plans reference 95-1796/1 to 4 inclusive;
- (2) That the applicant, in consultation with the N.S.W. Police Service, shall prepare a Management Code of Practice for the conduct of the proposed use, a copy of which shall be submitted to Council and to the NSW Police Service and the proposed use shall not commence until the Management Code of Practice has been agreed to by the NSW Police Service and written confirmation submitted to Council;
- (3) That the hours of operation shall be restricted to between 10.00am and 12.00 midnight Mondays to Saturdays inclusive and between 10.00am and 10.00pm Sundays;
- (4) That no entertainment shall be conducted on the premises;

and the following adopted standard conditions.

- (5) LDA34 - Maintain existing loading dock;
- (6) LDA206 - Sign requirements;
- (7) LDA351 - Building Application required;
- (8) LDA367 - Timing device on alarms;
- (9) LDA376 - Hours of building work;
- (10) LDA377 - Construction noise regulation;
- (11) LDA392 - No obstruction to public way;

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- (12) LDA393 - Delivery of refuse skips;
- (13) hsc200 - Compliance with Food Premises Code;
- (14) hsc201 - Plans and specifications for food premises;
- (15) hsc246 - Garbage storage area;
- (16) hsc247 - Garbage room;
- (17) hsc300 - Air handling systems for future food premises;
- (18) hsc500 - Premises to be ventilated;
- (19) hsc706 - Storage of recyclables;
- (20) hsc710 - Commercial contract (daily);
- (21) hsc715 - Trade waste;
- (22) hsc802 - Noise from plant;

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 regarding the proposal be notified of Councils determination.

Carried.

25.

SELWYN STREET, NO.16, PADDINGTON - CONSTRUCTION OF REAR EXTENSION OF THREE LEVELS - DEVELOPMENT APPLICATION (U97-00310)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Jason Mandalidis, with the authority of J Mandalidis and B Derbyshire, for permission to construct a rear extension to the existing terrace house, subject to the following conditions, namely:
 - (1) That the development shall be generally in accordance with plans 97/81 A01 to 4 as modified by the conditions of this consent;

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- (2) That the addition shall not extend further back than 4250mm beyond the eastern wall of the existing building in the case of the basement and ground floors or beyond the alignment of the first floor of No.14 Selwyn Street in the case of the first floor;
- (3) That the first floor balcony shall be screened on its northern and southern sides to a minimum height above floor level of 1.5m. The screening to the southern side shall be of glass or otherwise designed to transmit light while maintaining privacy to the satisfaction of the Director of Planning and Building;
- (4) That the ground floor balcony shall be deleted and its space incorporated in the living room;
- (5) That the fenestration at the rear of the ground floor shall be redesigned to the satisfaction of the Director of Planning and Building
- (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (7) That the colours and materials of the addition shall match the existing building;
- (8) That this consent shall lapse if work is not commenced within two years of the date of this resolution;
- (9) 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;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 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;

- (12) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (13) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (14) 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;
- (15) That all proposed work shall be wholly within the boundaries of the subject site;

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

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

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

Carried.

26.

FLINDERS STREET, NO.58A, DARLINGHURST - ERECT NEW MIXED RESIDENTIAL - RETAIL DEVELOPMENT - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U96-01078)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fowler:-

- (A) That the Council resolves it is satisfied that the objections against the development standards relating to floor space ratio and height in LEP 107 are well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:

That the proposed additional height and floor space incorporated into the new building fronting Flinders Street represent a good

quality infill development matching the height of adjoining development and will contribute to the diverse streetscape in this segment of Flinders Street.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Selwan Property Holdings, with the authority of Mr A and Mrs Efthimiou and Others, for permission to demolish the existing building fronting Flinders Street (Bodyline) and erect a new four storey mixed use development containing basement car parking, ground level retail tenancies to Flinders Street and three levels of residential units above and to make alterations and roof attic additions to the existing sandstone building fronting Chisholm Street and to convert it for use as residential units, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans drawing 9705- DA01 to DA07, DA10 & DA11 submitted on 10 June 1997;
- (2) That the two central units on the first, second and third floor levels of the Flinders Street building shall be amalgamated to form a single two bedroom unit;
- (3) 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	\$22,513	2 EJ-BGY 0
Child Care	\$ 1,184	2 EK-BGY 0
Community Facilities	\$ 1,181	2 EL-BGY 0
Transport and Access	\$ 4,423	2 EM-BGY 0
Environmental Improvements	\$ 707	2 EN-BGY 0
TOTAL:	\$30,008	

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

- (4) That a minimum of 11 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;
- (5) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) roofing;
 - (c) balustrade treatment;
 - (d) windows and doors;
- (6) That the use or occupation of the ground floor shops shall be the subject of a further development approval to the use or the occupation;
- (7) 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).
- (8) 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 approved building plans/prior to the release of the final linen plan (delete as applicable)
- (9) That the basement car park shall be ventilated in accordance with the requirements of Australian Standard 1668.2-1991, Section 4;

That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's Waste Management/Minimisation Fact Sheets;
- (10) That the garbage room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;

- (11) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the location of exhaust/and intake vents;
 - (d) the recycling storage area;
 - (e) the garbage room or garbage receptacle storage area;
 - (f) sanitary facilities for commercial premises;
 - (g) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;
 - (h) shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (12) 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;
- (13) and the following adopted standard conditions:
- (14) LDA21 - No resident parking for residential flat developments;
 - (15) LDA31 - Provision of cycloracks in parking area;
 - (16) LDA44 - Driving in forward direction only;
 - (17) LDA49 - Signage for vehicular egress;
 - (18) LDA101 - Provide landscaping plan;
 - (19) LDA158 - Treatment of exposed walls;
 - (20) LDA161 - Provide common television aerial;
 - (21) LDA167 - No garbage on public way;
 - (22) LDA201 - Make separate application for sign;
 - (23) LDA257 - Regulation of noise transmissions;
 - (24) LDA351 - Building Application required;
 - (25) LDA366 - Liaise with Natural Gas Company;

- (26) LDA367 - Timing device on alarms;
- (27) LDA376 - Hours of building work;
- (28) LDA377 - Construction noise regulation;
- (29) LDA387 - Footway crossings;
- (30) LDA388 - Stormwater disposal details;
- (31) hsc103 - Environmental site assessment being carried out;
- (32) hsc100 - Removal of spoil from site;
- (33) hsc500 - Premises to be ventilated;
- (34) hsc555 - Bathroom ventilation;
- (35) hsc300 - Air handling systems for future food premises;
- (36) hsc513 - Ventilation dangerous gases
- (37) hsc018 - Sanitary facilities;
- (38) hsc101 - Not give rise to emissions into the environment;
- (39) hsc111 - Liquid wastes to sewer;
- (40) hsc706 - Storage of recyclables;
- (41) hsc715 - Trade waste;
- (42) LDA384 - New alignment levels;

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.

- (C) 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 openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (4) 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;
- (5) 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;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (9) 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;
- (10) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (11) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;

- (12) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
 - (13) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
 - (14) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
 - (15) That the walls between the flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
 - (16) 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;
 - (17) That all relevant sections of the BCA shall be complied with;
 - (18) That the underside of the existing timber floors to the building adjacent to Chisholm Street shall be constructed of materials having resistance to the incipient spread of fire of one hour;
 - (19) That exit travel distances shall comply fully with the requirements of Part D.1.4 of the BCA;
 - (20) That openings in external walls shall comply fully with the requirements of Clause C.3.2 of the BCA, with specific attention directed to openings in the eastern external wall of the new building.
 - (21) That the proposed stairway shall be fire-isolated and redesigned to comply fully with the requirements of Parts C & D of the BCA with specific attention directed to Clauses D.1.7(b) and D.2.4 of the BCA;
 - (22) That an additional exit shall be provided to the basement car park;
 - (23) That walls and openings in walls shall comply fully with the requirements of Clause D.1.7(c) of the BCA.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision;
- (E) That the location of the garbage room and recycling facilities for domestic refuse and recyclables shall be referred to the Cleansing Services Branch of approval.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of an additional Condition (B)(43), namely:-

- (B)(43) That the Building Application shall be notified to surrounding property holders, so that details of parking garbage and recycling facilities can be commented upon.

Carried.

27.

CLEVELAND STREET, NO. 103, CHIPPENDALE - BRENDAN BEHAN HOTEL (FORMERLY BRITANIA HOTEL) SECTION 102 APPLICATION (U96-00168)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay., seconded by Councillor Macken:-

- (A) That the Council, as the consent authority, grant its consent to the application submitted pursuant to Section 102 of the Environmental Planning Assessment Act, 1979, by Mr M Samual and Dexplain Pty Ltd for permission to vary conditions A(1), (2) and (3) relating to development consent U96-00168 for No. 103 Cleveland Street, Chippendale (dated 16 May 1996), but only insofar as outlined below:
- (i) Deletion of Condition A(1) and insertion in lieu thereof the following new condition:
 - (1) That the use (i.e. live entertainment) shall only operate for a trial period ending 22 September 1997 and only in accordance with all other conditions of consent. (The applicant is advised that a further development application may be lodged before the end of the trial period for Council's consideration of the continuation, or extension, of the proposed use);
 - (ii) Deletion of condition A(2) and insertion in lieu thereof the following new condition:
 - (2) That the hotel licensee and/or manager shall ensure that both sets of doors to the entrance and exit to Cleveland Street shall be kept closed while bands are playing, except for short periods only to allow direct ingress or egress of patrons; and
 - (iii) Deletion of condition A(3).
- (B) That the Council seek orders in the Land and Environment Court of New South Wales that the terms of the (amended) development consent shall be fully complied with.
- (C) That the people who made submissions regarding the application be advised of the Council's decision.

Carried.

28.

KINGS CROSS TUNNEL NO.1, ELIZABETH BAY - TELECOMMUNICATION FACILITY AND SIGNAGE - DEVELOPMENT APPLICATION (U96-00894)

- (A) That the Council as the responsible authority grants its consent to the application for permission to erect a UHF/VHF Television Relay Facility on the building at the abovementioned premises, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans submitted by facsimile to Council on 13 June 1997;
 - (2) That no signage or strata lot for signage shall be created as a result of this approval;
 - (3) That the telecommunications facility is used as a UHF/VHF relay service only;
 - (4) That the proposed additional structures to the approved mast shall be of a dull colour to the satisfaction of the Director of Planning and Building;
 - (5) That no structures external to the building envelope shall be created in association with the proposed facility, except for those shown on the submitted plans, without the consent of Council;
 - (6) That if the facility fails to comply with the Australian Standards relating to emission of electromagnetic radiation the proposed facility shall cease to operate;
 - (7) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;

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

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

- (B) That Council advise those who have made representation in respect of the Development Application of Council's decision and that they may

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attend the hearing at the Land and Environment Court;

Carried.

29.

FLINDERS STREET, NOS. 11 - 21, SURRY HILLS - DEMOLISH EXISTING AND CONSTRUCT 27 RESIDENTIAL UNITS, 6 SHOPS AND 2 CAFE/ RESTAURANTS WITH BASEMENT PARKING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U96-00374)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Deftereos:-

- (A) That the Council resolves it is satisfied that the objection against the development standard relating to height in Clause 11 of Local Environmental Plan No 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

That the height of the proposal is generally consistent with the draft 15m height limit and the additional height would not add significantly to the impact of the proposal on the streetscape and adjacent buildings.

- (B) That the Council resolves not to support the objection to the floor space ratio control in Clause 10 of Local Environmental Plan No.107 for the following reason, namely:

That the proposed additional floor space would adversely affect the amenity of adjacent residents and residents of the proposed building and would constitute overdevelopment of the site.

- (C) That the Council as the responsible authority grants its consent to the application submitted by Selwan Property Holdings Pty Ltd, for permission to demolish the existing building and erect a new building comprised of a basement car park, six shops and a restaurant at ground level, a cafe at first floor level and 27 residential units over four levels with a roof top garden, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with submitted drawings No 1 and 2 dated 2 January 1997 and 3 to 8 inclusive dated 28 April 1997;
- (2) As a consequence of this development, Council has identified an additional demand for public facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Contributions Plan 1993, the following monetary contributions towards the cost of providing facilities are

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required:

Civic Improvement, Open Space and Recreation	\$26,620	2 EJ-BGY 0
Child Care	\$ 1,408	2 EK-BGY 0
Community Facilities	\$ 1,437	2 EL-BGY 0
Transport and Access	\$ 5,382	2 EM-BGY 0
Environmental Improvements	\$ 831	2 EN-BGY 0
TOTAL:	\$35,678	

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.

- (3) That, subject to a satisfactory outcome of action under S.116 of the Roads Act 1993, the applicant shall meet the cost of design, construction and supervision of the following and shall lodge \$50,000 bank guarantee before approval of a building application (any surplus to be refunded at completion of work);
- A. Closure of Linden Lane at Flinders Street and works to create a shared zone between Flinders Street and Maiden Lane accommodating the driveway into the subject property;
 - B. A flush threshold in Linden Lane at Bourke Street;
 - C. Required signposting modifications and linemarking in Bourke Street, Linden Lane and Maiden Lane;
 - D. Footpath widening in Short Street between Flinders Street and Clare Street;
 - E. Footpath extension in Short Street at Bourke Street;

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- F. Landscaped islands at Short Place and driveways in Short Street to create angled parking bays; and
 - G. Linemarking and sign posting modifications in Short Street between Clare Street and Bourke Street to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (4) That the proposal shall be adjusted so that it does not exceed a floor space ratio of 3:1, to the satisfaction of the Director of Planning and Building;
 - (5) That the vehicle ramp to the basement shall be capable of safely accommodating a 99th percentile vehicle to the satisfaction of the Director of Planning and Building;
 - (6) That a maximum of 20 car spaces shall be provided on site at floor level within the basement (as dictated by the final ramp design) to the satisfaction of the Director of Planning and Building;
 - (7) That inverted U stands for parking for a minimum of five (5) bicycles shall be provided adjacent to the shops on Flinders Street in accordance with Council's Development Control Plan No 11 - Transport Guidelines for Development to the satisfaction of the Director of Planning and Building;
 - (8) That secure parking for a minimum of 9 bicycles shall be provided in the car park in accordance with DCP 11 for use by residents, to the satisfaction of the Director of Planning and Building;
 - (9) 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;
 - (10) That the 1st floor internal garden terrace shall be for the use of residents of the building only and shall be open to the air above a height of 1m from the floor on the southern side to the satisfaction of the Director of Planning and Building;
 - (11) That the roof top recreation area shall be re-configured as a communal area so that all residents have access to open space in accordance with Clause 4.2 of DCP No 1. Details to be submitted with the building application and to be to the satisfaction of the Director of Planning and Building;

- (12) That facilities shall be provided in the roof top garden area (e.g. seating, tables, shade structure, etc.)so as to encourage residents to make use of the space and to provide protection from the sun and wind to the satisfaction of the Director of Planning and Building;
- (13) That the upper level of the roof garden shall be embellished with low scale structures and plant species set back from the eastern and southern edges so that they are not visible from the ground, to the satisfaction of the Director of Planning and Building
- (14) 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;
- (15) That the 1st floor cafe balcony shall be reduced in width to a maximum of 3m to the satisfaction of the Director of Planning and Building;
- (16) That any roof top clothes drying facilities shall be screened to the satisfaction of the Director of Planning and Building;
- (17) That only one common television aerial shall be installed;
- (18) That a separate Development Application(s) shall be submitted for the use of the shops and cafes;
- (19) That a system of traffic lights and/or mirrors shall be installed to the satisfaction of the Director of Planning and Building to indicate traffic movement on the single lane ramp;
- (20) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - external finishes to walls;
 - balcony balustrade treatment;
 - windows and doors;
- (21) That no part of the building or attachments thereto shall project beyond a street alignment, except as permitted pursuant to the Building Code of Australia;

- (22) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (23) That an environmental site assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land.
- (24) That all asbestos fibre demolition material and asbestos dust from the building renovation work shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation, 1984, as amended.
- (25) That the site shall be cleaned up of any asbestos dust, waste paints (particularly lead) and other contaminants from previous industrial activities to the criteria endorsed by the Environmental Protection Authority and the Workcover Authority.
- (26) That a Plan of Management shall be submitted to the Director of Health and Community Services Department for approval, prior to work commencing, of proposed control methods to be used, during the course of construction, for preventing liquid waste running off the site, the emission of loose solids (particularly leaded waste paints) and the manner of disposal of liquid and solid wastes arising on the premises.
- (27) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (28) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an approved air handling system shall be installed;

- (29) That the car park shall be ventilated in accordance with Australian Standard 1668.1 - 1991, Section 7 and Australian Standard 1668.2 Section 4.
- (30) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (31) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (32) That the construction of the premises shall comply with the requirements of Material Code for the construction and fitout of food premises;
- (33) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (34) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (35) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (36) That the storage and handling of garbage and recyclable materials shall comply with the requirement of the Director of Health and Community Services Department. Details to be submitted with the building application; attention is drawn to Council's "Waste Management - Minimisation Fact Sheets, Garbage Storage Areas, Facilities and Receptacles."
- (37) That the applicant shall enter into a commercial contract for the daily removal of trade waste;
- (38) That the use of the premises shall not give rise to:-
- A. transmission of vibration to any place of different occupancy, or
 - B. a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - C. an "offensive noise" as defined in the Noise Control Act,

1975;

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

- A. mechanical ventilation systems;
- B. the car park ventilation system;
- C. the location of exhaust and intake vents;
- D. the garbage room or garbage receptacle storage area;
- E. the facilities for the retention and storage of excess packaging material;
- F. sanitary facilities;
- G. the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finished to all commercial food preparation and storage areas;

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

NOTE 1: The location of domestic garbage and recycling facilities should be referred to Council's Public Works and Services Department, Cleansing Services Branch, for approval.

NOTE 2: For the purpose of child safety it is recommended that all new or replacement domestic hot water systems be designed to deliver hot water to a maximum of 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

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.

(D) 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 the openings in the external wall/s shall be protected by wetting sprinklers or 60/30 fire doors or 60/- fire windows or fire shutters or by construction having an FRL of not less than 60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (2) 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

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BCA;

- (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (4) 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;
- (5) 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;
- (6) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (7) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (8) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (9) 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;
- (10) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (11) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
- (12) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (13) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
- (14) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;

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- (15) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
 - (16) 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;
 - (17) That all relevant sections of the BCA shall be complied with;
 - (18) That an additional exit shall be provided to the basement car park level;
 - (19) That rising and descending stairways shall be separated in accordance with the requirements of Clause D.2.4 of the BCA.
 - (20) 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;
- (E) That the Secretary of the Department of Urban Affairs and Planning be notified of Council's determination under State Environmental Planning Policy No. 1 in accordance with the Department's circular No.117 dated 9 December 1986.

Carried.

30.

PLANNING - QUESTION BY THE MAYOR - REVIEW OF IMPACTS OS EXTENDED HOURS OF LICENSED PREMISES IN THE KINGS CROSS AREA (2015398)

That:-

- (a) the Director of Planning and Building finalise on brief for consultants to review the social implications of the extended hours licenses in the Kings Cross area, in liaison with the Kings Cross Place Management Project Team.
- (b) Council establish a Steering Committee to assist the consultancy as outlined in this report and seek confirmation of the willingness of representatives of those organisation in being part of a Steering

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Committee.

- (c) Council to call quotations from suitably qualified consultants and that a further report be submitted to Council upon receipt of these quotations making recommendations on the final composition of the Steering Committee and preferred consultant.

(DPB Report 17.6.97)

Carried.

31.

**RAILWAY PARADE, NOS.127 - 143, ERSKINEVILLE - ERECT
RESIDENTIAL UNITS AND BASEMENT CAR PARK - DEVELOPMENT
APPLICATION (U97-00148)**

That consideration of the application submitted by George Elkhouri, with the authority of Finma Pty Ltd, for permission to retain two facades and the chimney of the existing building for incorporation in a new building containing approximately 45 residential units with basement parking, be deferred to the next meeting of the Planning and Development Committee to be held on 16 July 1997.

Carried.

32.

**BARCOM AVENUE, NOS. 30 - 62, DARLINGHURST - ERECT SECOND
FLOOR TO EXISTING WAREHOUSE - DEVELOPMENT APPLICATION
(U97-00140)**

That consideration of the application submitted by Jackson Poole Rabinowitz Architects, with the authority of Clanricarde Investments Pty Ltd, for the erection of a new second floor level to the existing building with internal alterations, be deferred to the next meeting of the Planning and Development Committee to be held on 16 July 1997.

Carried.

33.

**DARLINGHURST ROAD, NOS. 61 - 65, KINGS CROSS - ALTERATIONS
AND ADDITIONS TO EXISTING BUILDING AND CHANGE OF USE TO
AMUSEMENT CENTRE, BROWLEY - DEVELOPMENT APPLICATION (U97-
00141)**

That consideration of the application submitted by Jackson Poole Rabinowitz Architects, with the authority of Clanricarde Investments Pty Ltd, for the

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erection of a new second floor level to the existing building with internal alterations, be deferred to the next meeting of the Planning and Development Committee to be held on 16 July 1997.

Carried.

At 8.11 p.m. the meeting terminated..

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

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER