

197TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 26 November 1997

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.45 pm on Wednesday, 26 November 1997.

PRESENT

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

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

INDEX TO MINUTES

Subject	Page No.
Urgency Motion - Apology Sought From Councillor Fowler	1515
Urgency Motion - Council Employee, Mr. Simon Cook – Selection In Australian Cricket Team - First Test	1515
Minutes by the Mayor	1515
Minute by the General Manager	1519
Petitions	1520
Questions Without Notice	1521
Report on Management Review Committee	1526
Report of Finance Committee	1527
Report of Community Services Committee	1534
Report of Planning and Development Committee	1537

At this stage it was moved by the Mayor, seconded by Councillor Lay, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, that an apology be sought from Councillor Fowler regarding comments made to the Director of Planning and Building.

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

COUNCILLORS - APOLOGY SOUGHT FROM COUNCILLOR FOWLER

That an apology be sought from Councillor Fowler regarding comments made to the Director of Planning and Building at the Planning and Development Committee Meeting that was held on 19 November 1997.

Carried.

Councillor Fowler then extended an apology to the Director of Planning and Building, which was accepted.

At this stage it was moved by the Mayor, seconded by Councillor Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, selection of Council employee, Mr. Simon Cook in the Australian Cricket Team.

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

PUBLIC RELATIONS - COUNCIL EMPLOYEE, MR. SIMON COOK – SELECTION IN AUSTRALIAN CRICKET TEAM- FIRST TEST

That a letter of congratulations be forwarded to Council employee, Mr. Simon Cook on his selection in the team and his achievement in the first Test against New Zealand, and that a Civic Reception be held for him at the end of the season.

Carried.

MINUTE BY THE MAYOR

26 November 1997

**COMMUNITY SERVICES – COMMONWEALTH STATE
HOUSING AGREEMENT (2013955)**

As you may be aware the Senate Community Affairs Reference Committee held hearings for its Inquiry into Housing Assistance in Sydney on Tuesday 5 August 1997.

GENERAL MANAGER

Following Council's Campaign against the reforms of the Commonwealth State Housing Agreement (CSHA), I spoke on Council's written submission to the Senate Committee. As yet the committee has not formally reported on the Senate hearings.

Since August 1997, Shelter NSW has been researching the fiscal implications of the proposed Commonwealth reforms. By letter dated 13 November, 1997 Shelter has requested the endorsement of a letter to be sent to Senator, the Hon. Jocelyn Newman, the Minister for Social Security. Shelter have written to a number of local Council's and peak community organisations seeking endorsement of the letter regarding:

- The balance of funding between public and private tenants, including the Commonwealth's need to address these issues as part of any tax reform; and
- The role of the public rental housing sector in assisting those most in need.

It is considered that these are issues that will have far-reaching impacts on both public and private rental tenants in our community. It is with this in mind that I would suggest Council endorse Shelter's request.

RECOMMENDATION:

I propose that Council agree to give it's support to the letter to be sent by Shelter to the Commonwealth Minister for Social Security in our continuing campaign to oppose the reforms and budgetary cuts to Housing assistance proposed by the Federal Government.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

In reply to a question from Councillor Fowler, the Mayor directed that the letter dated 13 November 1997 from Shelter, be circulated to all Councillors.

Councillors Bush and Fowler requested that their names be recorded as being opposed to the foregoing motion.

MINUTE BY THE MAYOR

26 November 1997

**FINANCE – 1997/98 DEPARTMENT OF SPORT AND RECREATION
CAPITAL ASSISTANCE GRANTS (2016926)**

Each year the NSW Government Department of Sport and Recreation (DSR), through its Capital Assistance Program, makes grants available to assist Local Government Authorities and sporting and recreation organisations to assist in the development of their facilities.

A review of this program has recently been completed by the Department. The review was undertaken to ensure that the Program was delivering value for money spent and resources used. The review was further necessitated by the Government requirements to achieve greater efficiencies within the administration of all Government Departments and to ensure that funding programs are administered in a manner consistent, equitable and in compliance with the recommendations of the Independent Commission Against Corruption.

An initial assessment of this year's applications has been completed by the DSR and the second stage is currently underway. As the Department values the input and advice of Key Stakeholders it has requested Council's assistance in assessing and prioritising the applications received for the South Sydney Local Government area. Unfortunately, the review of the program has led to this feedback being required in an extremely tight time frame.

The applications received for the South Sydney Local Government area and the proposed priority order are mentioned below.

Owing to the difficulties currently being experienced by the South Sydney PCYC, it is suggested that Council gives this project the highest priority. The Council applications mentioned below have been listed in order of the priority recommended by staff.

Applicant	Project	Project cost	Grant requested	Priority Rating
South Sydney Police and Community Youth Club	Replacement of ceiling in Basketball Gym / re-sand floors	\$31,946	\$15,000	1
South Sydney Council Goodsells Field, Sydney Park	Erection of Picket fence and gates around cricket oval	\$40,000	\$10,000	2
South Sydney Council, Alexandria Park	Upgrade toilet/change area including tiling, waterproofing and painting	\$50,000	\$25,000	3

GENERAL MANAGER

South Sydney Council, Alexandria Park	New floodlighting and fencing for court area	\$35,000	\$17,500	4
South Sydney Council, Turruwul Park, Rosebery	New floodlighting and fencing for court area	\$35,000	\$17,500	5
South Sydney Council, Beaconsfield Park	New floodlighting and fencing for court area	\$35,000	\$17,500	6

RECOMMENDATION

I recommend that the abovementioned priority ratings for applications for grants from the Department of Sport and Recreation proposed for the South Sydney Local Government area be adopted and forwarded to the Department for the final consideration.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

26 November 1997

STREETS – CAROLINE LANE PROPOSAL FOR CLOSURE (2010907)

I have received correspondence from the Caroline and Lawson Streets Action Committee regarding the closure of Caroline Lane.

The Committee claims that out of the eighty residents who back on to the lane, the overwhelming majority support the lane being closed with only seven residents identifying objections to the proposal. The Committee also believes that a number of those seven objections can be accommodated while still allowing the closure of the lane to proceed.

Recently Council was advised that the Minister for Land and Water Conservation did not approve the application to close the lane in accordance with the Roads Act 1993. The basis for this decision was that the Minister is lawfully unable to approve a road closure when there are objections from residents relating to maintenance of access.

GENERAL MANAGER

The Caroline and Lawson Streets Action Committee have asked for clarification of this point and have asked Council to obtain an authoritative legal opinion on the matter.

The Committee have also stated that whilst they believe that the closure and annexation of Caroline Lane is essential to resolve problems of violence, noise and vandalism in the lane. The Committee does, however, recognise that needle exchange facilities are necessary in the Redfern area.

RECOMMENDATION:

1. That Council obtain a legal opinion that interprets the Roads Act 1993 in respect of closures.
2. That a copy of this advice be provided to the Caroline and Lawson Streets Action Committee.
3. That following the obtaining of this legal advice Councillors and Council officers meet with the Committee to further discuss residents' concerns.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

26 November 1997

FINANCE – PRESENTATION OF COUNCIL'S FINANCIAL REPORTS (2000631)

Council formally adopted its Accounts for the year ended 30 June 1997, at the Council Meeting held on Wednesday 12 November 1997. By letter of the same date, Council's Auditors, Spencer Steer and Associates, Chartered Accountants, reported that they had completed the audit of the Council's books, records and financial statements for the year ended 30 June 1997 and there were no changes to be made to the adopted accounts.

These accounts have been prepared in accordance with Australian Accounting Standards 27 (AAS27) and indicate an operating surplus for the year of \$ 130,000 and

GENERAL MANAGER

a total equity of \$845,911,000.

Also at this prior meeting, Council resolved to present both sets of reports to the public at its next meeting on the 26 November 1997, and fourteen (14) days public notice was given of its intention to do so.

The public notice and a summary of the accounts in the approved format were displayed in various locations during this period, it was also advised that the full set of reports could be inspected at Council's Administrative office. Members of the public were requested to lodge any enquiries about the accounts at Council's office in writing by Friday 21 November 1997.

Council officers advise that no written questions have been submitted.

RECOMMENDATION:

That arising from the General Manager's minute of 26 November 1997, and in accordance with section 419 (1) of the Local Government Act 1993, Council presents its audited financial reports together with the auditor's reports for the year ended 30 June 1997.

J.W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Deftereos:-

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

Carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 42 signatures appended from business people in Foveaux Street and surrounding streets at Surry Hills, objecting to the constant pressure by Parking Officers on their clients, resulting in the loss of business.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 58 signatures appended from residents and visitors of Elizabeth Bay, supporting the approval of a kiosk on the wharf at Nos. 1 - 3 Ithaca Road, Elizabeth Bay.

GENERAL MANAGER

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 56 signatures appended from residents of Erskineville requesting Council investigate the health hazards to the community due to contaminated soil from the development on the corner of Flora and Coulson Streets, Erskineville.

Received.

4.

Councillor Fenton tabled a petition with 16 signatures appended from residents supporting the proposed development at Nos. 231 - 235 Queen Street and Nos. 25 and 29 Beaconsfield Road, Beaconsfield.

Received.

5.

Councillor Macken tabled a petition with 18 signatures appended from residents objecting to the proposed development to extend the trading hours of the Camelia Grove Hotel.

Received.

6.

Councillor Fowler tabled a petition with 21 signatures appended from residents of Goodchap Street and Samuel Street, objecting to the proposed Five Door Restaurant Car Parking.

Received.

QUESTIONS WITHOUT NOTICE

1.

CELEBRATIONS/GAY GAMES/1998 AND 2002 SYDNEY BID PREPARATIONS COUNCIL FACILITIES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (C52-00126)

Question:

Could the Director of Community Services prepare a report regarding steps that can be taken to assist the planning for the recently announced success of the bid to host the 2002 Gay Games?

GENERAL MANAGER

- (a) Within this context can he liaise with the Special Events Co-ordinator to suggest what involvement Council can have when such a large number of events are within the city area. These are:-
- ▷ Paddington Town Hall
 - ▷ Belvoir Street Theatre, Surry Hills
 - ▷ Company B at ATP Redfern
 - ▷ Kinsellas
 - ▷ SFS Moore Park for the closing ceremony
- (b) Concurrently can he liaise with Sydney City Council, who have also supported the bid with similar donation, in order to co-ordinate planning for the use of venues that involve it or other bodies such as:-
- ▷ Centennial Park
 - ▷ City Aquatic Centre
 - ▷ Botanic Garden Trust
- (c) Can he at the same time liaise with the Director of Finance with a view to offering office support in the way of accommodation for the administrative function of the Sydney 2002 Gay Games Ltd., especially in the short term as all contractual items regarding sponsorships for the games cannot be finalised until the terms of agreement between the 2002 Gay Games Bid Inc and the Federation of Gay games are signed in April?
- (d) Concurrently, the General Manager write to the Marc Janssens, Executive Director, Gay Games, P.O. Box 2857, 1000 CV Amsterdam, The Netherlands, in order to inquire for Council to have an observer status at the 1998 Gay Games on August 1 – 8?

Answer by the Mayor:

I will ask the Director of Health and Community Services to respond to those questions through Committee.

2.

MACLEAY STREET, NOS. 50-58, POTTS POINT – ERECT ILLUMINATED ADVERTISING SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U97-00419)

Question:

Residents of Byron Hall in Macleay Street were written to by Council in September regarding the approval of the advertising sign on the Rex Hotel noting their concerns regarding loss of privacy through the intensity and hours of operation for the sign. However they report no further action by Council.

GENERAL MANAGER

Can a report be prepared for the next committee in order for Council to seek appropriate amendment to the consent conditions for the advertising structure?

Answer by the Mayor:

That question has already been raised by Councillor Deftereos and I think that matter is already under investigation.

Answer by the Director of Planning and Building:

We have as of yesterday received a response from the Rex Hotel. A report will be going to the next Committee.

3.

PLANNING - STRATEGY PLANS - SOUTH SYDNEY RESIDENTIAL STRATEGY - QUESTION WITHOUT NOTICE BY COUNCILLOR WATERS (2011990)

Question:

Graeme John from Central Sydney Planning Committee has discussed in the media a new Planning regime for apartments.

His theme was to improve liability as so many new residential apartments are being built and bought off plan, or sold on the basis of views which they subsequently lose.

Could the Officers discuss with Sydney City Council their plans in this area, a report on whether the idea has potential for South Sydney.

Answer by the Mayor:

I will ask the Director of Planning and Building to prepare a report for Committee in relation to that matter.

4.

PROPERTY FILE – FOX STUDIOS – MOORE PARK ROAD, MOORE PARK. - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2014833)

Question:

I have received complaints from residents at No.105, Cook Road, Moore Park.

The complaint is that noise from dogs barking through the night at the Fox Studios at the Sydney Showground.

There are between 20-30 dogs at the studio for the filming of "Babe" The dogs

are housed in a shed adjacent to No.105 Cook Road. The residents are aware of the SEPP that is over the showground and have contacted Fox Studio – The Security Company employed and Kennedy Miller the Animal Husbandry Department of Kennedy Miller, all with no success. Each referring it to another department.

Can Council investigate the noise complaint as soon as possible and take immediate action?

Answer by the Mayor:

I will ask the Director of Health and Community Services to investigate that matter, but as you stated, Council has no power over the showground. We will find out if we have any power over the barking dogs.

5.

**STREETS – LIGHTING – ABERCROBIE STREET, DARLINGTON -
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2016947)**

Question:

I understand that a letter regarding the need for lighting around the Pharmacy in Abercrombie Street, Darlington was sent to the General Manager within the last week or so. Given that this area has had a number of incidents in recent months. Could the request for further lighting be investigated as a matter of urgency?

Answer by the Mayor:

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

6.

**PARKING/RESIDENT SCHEMES – AREA 32 DARLINGTON PRECINCT -
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P51-00009)**

Question:

Could the survey of resident parking in the Darlington/Chippendale area be undertaken as soon as possible so that implementation if resident request of a 1 hour rather than the current 2 hours limit could occur before the University commences in 1998 teaching year?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter for you and then have it referred to the Traffic Committee.

7.

**HENDERSON ROAD, NO.260, ALEXANDRIA – USE FOR SERVICING
MAINTENANCE OF RADIO TELECOMMUNICATION EQUIPMENT -
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (U95-00070)**

Question:

I have received representations from a resident in Henderson Road, Alexandria regarding the use of 260 Henderson Road, by Australian Mobile Radio.

I understand that some investigations have taken place but the problems continue. Could this issue be further investigated and I be advised of the situation.

Answer by the Mayor:

I will ask the Director of Planning and Building to investigate that matter and contact you personally before the end of the week as to the outcome.

8.

**GARBAGE – RECYCLING – COUNCIL’S ONGOING PROGRAM -
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (C56-00053)**

Question:

Could residents of South Sydney please be reminded of their garbage collection days and the need to put garbage out in bins with lids rather the plastic bags? With the weather hotting up and the prevalence of flies already, a timely reminder might be in order.

Answer by the Mayor:

I will ask the Director of Public Works and Services in conjunction with the Director of Health and Community Services to look at an education programme being implemented immediately for the residents of South Sydney advising them how to place their garbage in the street.

9.

**COMMUNITY SERVICES – SUPPORT- ABORIGINAL RECONCILIATION -
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2013755)**

Question:

Several of the Councillors have just returned from the National General Assembly of Local Government. I would like to advise Council that the

Assembly unanimously supported a statement of apology to the Aboriginal people impacted by the removal of children from their families, and that the National General Assembly overwhelmingly passed a motion recognising the validity of Native Title. Given that this Assembly represents over 700 Councils Australia wide, I believe that the passing of these motions is very significant.

Answer by the Mayor:

I will do that through the Mayoral Office for you Councillor Lay.

REPORT ON THE MANAGEMENT REVIEW COMMITTEE

19 November, 1997

PRESENT

Business commenced at 5.40pm. Those in attendance were:

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

The Committee **recommended** the following:

ADMINISTRATION – MANAGEMENT PLAN 1997/2000 – REPORT FOR QUARTER ENDED 30 SEPTEMBER, 1997 (2013185)

Council receives and notes the report on the Management Plan 1997/2000 for the quarter ended 30 September, 1997.

(GM Minute 13.11.97)

Carried.

GENERAL MANAGER

REPORT OF THE FINANCE COMMITTEE

19 November 1997

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton, and Greg Waters

At the commencement of business at 6.36 pm those present were:-

Councillors - Margaret Deftereos, Sonia Fenton, Sean Macken and Greg Waters.

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

That the Report of the Finance Committee of its meeting of 19 November 1997, be received and the recommendations set out below for Items 1 to 6, inclusive, and 8 to 10, inclusive, be adopted. The recommendations set out below for Items 7, 11 and 12 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

FINANCE – ROADS AND TRAFFIC AUTHORITY 1997/98 REGIONAL ROADS BLOCK GRANT (2006668)

That:

- (1) Council accept the 1997/98 Regional Roads Block Grant of \$103,000 from the Roads and Traffic Authority;
- (2) the General Manager be authorised to sign the necessary agreement with the RTA;
- (3) the item CWF 8300 Regional Roads – Block Grant in the 1997/98 Budget Provisions be adjusted accordingly;
- (4) Council vote funds totaling \$103,000 from item CWF 8300 Regional Roads – Block Grant for rehabilitation treatments on the following sections of roads:
 - (a) William St, Woolloomooloo
Between Crown Street and Boomerang Street \$40,000;

GENERAL MANAGER

- (b) Carillon Ave, Camperdown
Missenden Road to King Street \$63,000

(DPWS Report 3/11/97)

Carried.

2.

**FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS
FOR PERIOD ENDED 26 SEPTEMBER 1997 (A52-00240)**

That the report by the Director of Finance dated 27 October 1997, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

3.

FINANCE – REGIONAL ROAD FUNDS – RTA (2006668)

That the report outlining the "RTA Regional Road Funds to Local Government", be received and noted.

(DPWS Report 28.10.97)

Carried.

4.

**LEASING – COUNCIL'S COMMERCIAL PROPERTIES – RENTAL
INCREASES – WEEKLY AND MONTHLY TENANCIES (L52-00191)**

That approval be given to:-

- (1) the weekly commercial tenancies outlined in Schedule "A" accompanying this report being increased by 4.0% and rounded off to the nearest One Dollar (\$1) in Council's favour, as and from Monday, 5 January, 1998;
- (2) the monthly commercial tenancies outlined in Schedule "B" accompanying this report being increased by 4.0% and rounded off to the nearest One Dollar (\$1) in Council's favour as and from Thursday, 1 January, 1998.
- (3) the Lessees be advised by letter of the rental increases accordingly.

(DCS Report 11.11.97)

Carried.

5.

PROPERTIES – RELOCATION OF WORLD WAR 1 MEMORIAL HONOUR ROLL BOARD AND MEMORIAL PLAQUE AND UPGRADING AND RELOCATION - REDFERN TOWN HALL (2009732)

That approval be given to:-

- (1) the re-location of existing War memorial Honour Roll Board and Memorial Plaque from its present location on the Ground Floor, to Hall "B" on the First Floor;
- (2) the re-location is to be carried out by the Council's Property Maintenance Group, including its removal and storage off site before work commences and re-installation after completion of the Refurbishment Contract;
- (3) the suggestion by RSL Australia (NSW Branch) to have a simple but dignified re-dedication service after the re-location is completed.

(DCS Report 12.11.97)

Carried.

6.

FINANCE – ACCOUNTS – INVESTMENTS – MONTHLY REPORT – PERIOD ENDING 31 OCTOBER 1997 (2015594)

That the investment report for period ending 31 October 1997, of the Director of Finance dated 12 November 1997, be received and noted.

Carried.

7.

LICENSING – ABERCROBIE STREET, NOS. 158-160, REDFERN – PROPOSED FOOTWAY LICENCE (2016140)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That approval be given to:-

- (1) the granting of a licence to Nikola Vicelic over an area of 7.2 square metres of the footway of Abercrombie Street adjacent to The Berkeley Hotel at No. 158-160 Abercrombie Street, Redfern as shown stippled on

GENERAL MANAGER

Plan No. S4-130/676 and subject to the conditions in the attached schedule;

- (2) the licence commencing only following the satisfactory compliance with conditions 7 and 8 accompanying the Director's report, the Licensee executing the licence agreement and the issuing of written permission to occupy the site;
- (3) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney;
- (4) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the Licence agreement;
- (5) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by conditions 7 and 8, or failed to execute the licence agreement.

(DPWS Report 13.11.97)

Carried.

8.

LICENSING – WATERLOO OVAL – APPLICATION FOR AN ABATEMENT OF RENT BY PADDINGTON CRICKET CLUB (L06-00038)

That approval be given for Paddington Cricket Club's Licence fee for the use of Waterloo Oval for the 1997/1998 Cricket Season, being reduced by \$72. to \$1,498 due to the unavailability of the Oval on 1 November, 1997.

(DCS Report 11.11.97)

Carried.

9.

SYDNEY PARK – WETLANDS AND CAR PARK DESIGN – APPROVAL TO EXHIBIT DRAWINGS FOR COMMENT (2014535)

That approval be given to:

- (a) the exhibition of the design drawings for the Sydney Park wetlands (stage 1), Sydney Park Rd car park and Kiln area car park on site at Sydney Park, Erskineville Town Hall and Council's Administrative Offices for public comment for a period of 4 weeks;

- (b) the acceptance of the offer by South Sydney Cricket Club to contribute \$20,000 towards the cost of constructing a picket fence around the oval on Goodsell's Field.

(DPWS Report 17.11.97)

Carried.

10.

VICTORIA PARK POOL – BUSINESS PLAN 1998-2003 (2009715)

That approval be given to the adoption of the Victoria Park Pool Business Plan 1998 – 2003, accompanying the report by the Director of Public Works and Services dated 17 November 1997.

Carried.

11.

PARKS – NAVY CAR PARK, COWPER WHARF ROADWAY, POTTS POINT – LEASE OF ROOF AREA FOR PARK (5080788)

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

That approval be given to:-

- (1) Council formally entering into a lease with the Australian Navy for the lease of the Navy Car Park Garden at Potts Point as of 1 December 1997;
- (2) maintenance of the area being accepted from the Sydney City Council as of 1 December 1997.

(DPWS Report 17.11.97)

At the request of Councillor Waters, and by consent, the motion was amended by the addition of the words "including the historic walkway".

Motion, as amended by consent, carried.

12.

DONATION – APPLICATION FROM CLOVER MOORE M.P. FOR FREE USE OF PADDINGTON TOWN HALL/MEETING (P56-00416)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Macken:-

That approval be given in this instance only to the free use of Paddington Town Hall as requested by Clover Moore M.P., and that the policy be adopted on no further free use of Council's Halls and Activity Clubs be given to any political groups or politicians, unless Council decides that the application be of wide public interest.

Carried.

REPORT OF THE FINANCE COMMITTEE

(CONFIDENTIAL MATTERS)

19 November 1997

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee during consideration of the undermentioned Items, and further, access to correspondence and reports being 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 are as follows, namely:-

Item 1 – Lease Matter

Items 2 and 3 - Personnel Matters

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

That the Report of the Finance Committee of its meeting of 19 November 1997, be received and the recommendations set out below for Items 1 and 2, be adopted. The recommendation for Item 3 having been dealt with as shown immediately following such items.

Carried.

The Committee **recommended** the following:-

1.

LEASING OXFORD STREET, NO.122, DARLINGHURST – APPLICATION BY KYNFIELD PTY LTD. T/AS BLACK BAYOU RESTAURANT FOR AN ABATEMENT OF RENT (2011145)

That Kynfield Pty Limited T/as: Black Bayou Restaurant, be offered an abatement of rent in connection with their lease of Council owned premises,

GENERAL MANAGER

Basement and Shopfront, No. 122 Oxford Street, Darlinghurst, due to fire damage causing premises to be closed for period 20 September, 1997 until 20 November, 1997, such lease to be in accordance with the recommendation of the Director of Corporate Services in the report dated 12 November 1997.

Carried.

2.

**DONATIONS - COUNCIL STAFF CHRISTMAS FUNCTIONS – 1997
(5044326)**

That arising from a report by the General Manager dated 19 November 1997, it be resolved that on a cost per head basis of approximately \$10 to run the 1997 Christmas Party function, an additional donation of \$3,500 be made from the Community Grants Program to fund this function.

Carried.

3.

**PERSONNEL – WASTE SERVICES BRANCH, PUBLIC WORKS AND
SERVICES DEPARTMENT - RESTRUCTURE (2003078)**

That arising from a report by the Director of Public Works and Services it is recommended that:-

- (1) Two Waste Service – Ordinance Inspector positions be created within the Waste Services Branch based on the structural changes referred to in the report;
- (2) The Waste Education Officer position replaces the Manager Waste Education and Minimisation and the Waste Project Officer contract is extended until the Southern Sydney Regional Waste Plan is adopted by the NSW State Government and assistance levels are determined;

or alternatively

- (3) The Waste Education Officer position replaces the Manager Waste Education and Minimisation, and the Waste Project Officer be replaced by a cadet.

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of clause (3) of the recommendation.

Motion, as amended by consent, carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

19 November 1997

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Greg Waters and Sean Macken.

At the commencement of business at 7.40 pm those present were -

Councillors:- Deftereos, Fenton, Macken, Waters.

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

That the Report of the Community Services Committee of its meeting of 19 November 1997, be received and the recommendations set out below for Items 3 to 5, inclusive, and 7, be adopted. . The recommendations set out below for Items 1, 2 and 6 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PARKS - GEORGE, JAMES AND WILLIAM STREETS, CORNER OF REDFERN - RECOMMENDED NAME FOR THE NEW PARK (2016730)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That the recently upgraded park bounded by George Street, James Street and William Street, Redfern, be named "Reconciliation Park", and that the industrial heritage of the site as one of the oldest working Foundries in Australia be acknowledged.

(DPWS Report 10/11/97)

Carried.

GENERAL MANAGER

2.

CODE OF CONDUCT FOR OFF - LICENCE BOTTLE SHOPS – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2002560)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the report by the Director of Health and Community Services dated 5 November 1997, be received and noted.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of the words “and that Council’s Officers be requested to approach the Police to investigate the formulation of a Code of Conduct for all licensed premises”.

Motion, as amended by consent, carried.

3.

COMMUNITY SERVICES – DRAFT LOCAL ETHNIC AFFAIRS POLICY STATEMENT (LEAPS) (2012935)

That arising from a report by the Director of Health and Community Services dated 10 November 1997:-

- (1) approval in principal be given to the Draft Local Ethnic Affairs Policy Statement;
- (2) the Draft Local Ethnic Affairs Policy Statement be placed on Public Exhibition for a period of two months;
- (3) a budget estimate be formulated in consultation with the inter departmental LEAPS Committee for the period January 1998 - July 1998, to be submitted to Council for consideration following the public exhibition of the Draft LEAPS.

Carried.

4.

COMMUNITY SERVICES – COMMITTEES – CULTURAL COMMITTEE REPORT 20 OCTOBER 1997 (D51-00135)

That the report by the Director of Health and Community Services dated 12 November 1997, and the accompanying minutes of Council’s Cultural Committee meeting held on 20 October 1997, be received and the undermentioned recommendations be adopted, namely:-

- (1) That the report by the Director of Health and Community Services dated 16 August 1997, regarding the status of Council's Cultural Services Program, be received and noted;
- (2) That the report by the Special Events Co-Ordinator regarding Council's 1997/98 Cuisine on the Green Program, be received and noted.

Carried.

5.

COMMUNITY SERVICES – UPDATE RE THE IMPACT OF THE WITHDRAWAL OF COMMONWEALTH FUNDING FOR OUT OF SCHOOL CARE AND THE STATE GOVERNMENT BLOCK GRANTS FOR VACATION CARE ON THE SERVICES AND RESIDENTS IN SOUTH SYDNEY (2016191)

That the report by the Director of Health and Community Services dated 5 November 1997, about the above matter, be received and noted.

Carried.

6.

PARKS – APPROVAL TO VARY 1997/98 WORKS PROGRAMME - APPROVAL TO CALL QUOTATIONS AND FORM STEERING COMMITTEE FOR RUSHCUTTERS BAY PARK PLAN OF MANAGEMENT (2010532)

That approval be given to:-

- (1) vary the 1997/98 Works Programme by preparing a Plan of Management for Rushcutters Bay Park instead of the previously nominated Beare Park;
- (2) the calling of quotations for the preparation of a Plan of Management / Masterplan for Rushcutters Bay Park for a fee not exceeding \$50,000, for which funds are available in the 1997/98 Works Programme;
- (3) the formation of a steering committee comprising of Councillors, Council Officers and local residents to oversee and provide input into the Plan and that two Councillors be nominated to sit on the Steering Committee.

(DPWS Report 13.11.97)

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of the words "of Councillors" where appearing in the

first line of clause (3) and the insertion in lieu thereof of the words "North Ward Councillors".

Motion, as amended by consent, carried.

7.

COMMUNITY SERVICES – COMMUNITY RESOURCES AND ARTS AND CULTURAL SERVICES – CLOSURE OF COUNCIL FACILITIES OVER CHRISTMAS (2009968)

That arising from a report by the Director Health & Community Services dated 18 November, 1997, that Council receive and note the information regarding the closure of its Community Resources and Arts & Cultural Services facilities over the Christmas/New Year period.

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

19 November 1997

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillors - John Bush, John Fowler, Jill Lay, Sean Macken.

At the commencement of business at 6.45 pm, those present were -

The Mayor and Councillors - John Bush, John Fowler, Jill Lay, Sean Macken.

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 19 November 1997, be received and the recommendations set out below for Items 1, 2, 4 to 6, inclusive, 9, 11, 15, 16, 19, 21 to 25, inclusive, 28, 30, 33 to 35, inclusive, and 39, be adopted. The recommendations for Items 1, 3, 7, 8, 10, 12 to 14, inclusive, 17, 18, 20, 26, 27, 29, 31, 32 and 36 to 38, inclusive, having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

KELLETT STREET, NOS. 13-15 , POTTS POINT – TO CONTINUE HOURS OF OPERATION ON PERMANENT BASIS (U97-00750)

(A) That the Council as the responsible authority grants its consent to the application submitted by Ulyssess Flevotomos with the authority of Sven Pty Ltd to allow the continued use of the existing restaurant with live entertainment operating 24 hour daily on a permanent basis subject to the following conditions:-

(1) That the use of the premises shall be in accordance with the terms of the previous consents relating to the provision of entertainment and shall continue to operate in accordance with the Code of Practice adopted under U96-00370.

(2) That the use of the premises shall not give rise to:-

(a) transmission of vibration to any place of different occupancy;

(b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;

(c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;

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

-the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984.

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.

GENERAL MANAGER

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

At the request of Councillor Harcourt, and by consent, the motion was amended by the following, namely:-

- (a) the addition of the following new conditions, namely:-
- (3)(a) That a Plan of Management shall be entered into with the Kings Cross Police Patrol and South Sydney Council prior to the extended hours of operation commencing incorporating all conditions of consent. The plan shall also include security arrangements for the premises.
 - (b) That the security arrangements for the premises shall not include the use of dogs and security personnel shall not patrol any public streets;
 - (4) That the applicant shall participate in developing the licensing accord for Kings Cross and shall sign onto the accord when finalised. In this regard the applicant shall contact the Kings Cross Place Manager prior to the extended hours commencing.

Motion, as amended by consent, carried.

2.

BELMONT STREET, NOS. 326-328, ALEXANDRIA – ERECTION OF TWO NEW TWO STOREY DWELLINGS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00739)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Tulum Pty Ltd, with the authority of Mrs M & Mr B Vanzella & Mrs L Borg, for permission to demolish the existing building and to erect 2 terraces and to further subdivide into two lots., subject to the following conditions:-
- (1) That the development shall be generally in accordance with plans Drawing No DA01-DA02, dated August, 1997;
 - (2) That two boundary fences along Nos. 324 and 330 Belmont Street shall be erected with a maximum height of 1800mm;
 - (3) (A) Section 94 Contributions

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 9,477	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 2,832	2E97002.BGYO
Accessibility And Transport	\$ 36	2E97006.BGYO
Management	\$ 144	2E97007.BGYO
Total	\$12,489	

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

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

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

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

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

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

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

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

and the following adopted standard conditions:-

- (4) LDA152 - Schedule of finishes;
- (5) LDA153 - Reflectivity of external glazing;
- (6) LDA351 - Building Application required;
- (7) LDA367 - Timing device on alarms;
- (8) LDA376 - Hours of building work;

- (9) LDA377 - Construction noise regulation;
- (10) LDA21 - No resident parking for residential flat developments;
- (11) LDA101 - Provide landscaping plan;
- (12) LDA384 - New alignment levels;
- (13) LDA386 - Road Opening Permit;
- (14) LDA387 - Footway crossings;
- (15) LDA389 - Stormwater disposal requirements;
- (16) LDA391 - Builder's Hoarding Permits;
- (17) LDA392 - No obstruction to public way;
- (18) LDA393 - Delivery of refuse skips;
- (19) LDA394 - Cost of alteration to signposting;
- (20) HSC103 - Environmental site assessment being carried out;
- (21) HSC500 - Premises to be ventilated;
- (22) HSC501 - Plans and specification of ventilation;
- (23) HSC555 - Bathroom ventilation;
- (24) HSC800 - Use of appliances emitting intrusive noise.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to 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.

3.

MITCHELL ROAD, NOS. 278-282, ALEXANDRIA – PREMISES TO BE USED AS LICENSED MOTOR DEALER – DEVELOPMENT APPLICATION (U97-00745)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Neltik Pty Ltd with the authority of Mr J & Mrs S Rossi for permission to use the premises for the sale of motor vehicles in conjunction with the continued use of the premises for panel beating and spray painting, subject to the following conditions:-

- (1) That only vehicles which have been repaired or restored on the premises shall be sold from the premises;
- (2) That not more than three vehicles shall be for sale at any one time;
- (3) That the vehicles for sale shall not be displayed or parked on street, in the rear lane or on the footpath and shall only enter and exit the site via the Mitchell Road driveway;
- (4) That the hours of operation of the motor vehicle sales activity shall be restricted to between 7.30am and 5.30pm Mondays to Fridays and 7.30am and 1.00pm Saturdays;
- (5) That any new signage other than painted wall sign shall be the subject of a separate development application;

And the following adopted standard condition.

- (6) hsc019 - Plans and specifications;
 - (7) hsc101 - Not give rise to emissions into the environment;
 - (8) hsc106 - Spray painting in booth;
 - (9) hsc500 - Premises to be ventilated;
 - (10) hsc701 - Contaminated material.
- (B) That Council's Health and Community Services Department be requested to inspect the premises with regard to noise and odour emissions.

GENERAL MANAGER

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

Carried.

4.

SWANSON STREET, NO. 108, ERSKINEVILLE – ADDITIONS TO AN EXISTING HOTEL – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00625)

- (A) That the Council supports the objection pursuant to State Environmental Planning Policy No. 1 against the development standards relating to the maximum floor space ratio and maximum height limit within Local Environmental Plan No. 107, as it is satisfied compliance with the standards would be unnecessary and unreasonable in relation to the proposal (as amended), for the following reasons:
- (1) That the additional level does not project above the parapet line of the existing hotel and will add only limited visible bulk to the building; and
 - (2) That the proposal will not result in any significantly adverse environmental impacts.
- (B) That the Council, as the consent authority, grants its consent to the development application submitted by Mr Phillip Comfort, with the authority of Mr and Mrs Thompson, to carry out alterations and additions to the existing hotel to create a publican's residence, subject to the following conditions:
- (1) That the development shall be generally in accordance with the plans numbered 1-4, dated May 1997 and received by the Council on 29 September, 1997;
 - (2) That the residence shall only be for the use of the publican/ licensee, manger, caretaker or owner of the hotel (including family), and the residence shall not be subdivided under the Strata Titles Act, 1973;
 - (3) That the roof of the addition shall, at no point, be above the parapet line to the south, east or north, and detailed sections to demonstrate compliance with this condition shall be lodged with the building application;
 - (4) That the finish of the western wall shall closely match the brickwork of the existing hotel;

GENERAL MANAGER

- (5) That the first floor residence shall be constructed and insulated to prevent the transmission of noise and vibration from the existing hotel into the proposed dwelling;
- (6) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$3,723	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,115	2E97002.BGYO
Accessibility And Transport	\$ 14	2E97006.BGYO
Management	\$ 58	2E97007.BGYO
Total	\$4,910	

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

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

- C** is the original contribution amount as shown above;
- CPI₂** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI₁** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

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

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

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

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

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

and the following standard conditions:

- (7) BC26 - Comply with BCA;

- (8) LDA351 - Building Application required;
- (9) LDA376 - Hours of building work;
- (10) LDA377 - Construction noise regulation;
- (11) LDA389 - Stormwater disposal requirements;
- (12) LDA391 - Builder's Hoarding Permits;
- (13) LDA392 - No obstruction to public way;
- (14) LDA393 - Delivery of refuse skips;
- (15) LDA394 - Cost of alteration to signposting;
- (16) LDA396 - Works within boundaries;
- (17) HSC500 - Premises to be ventilated;
- (18) HSC501 - Plans and specification of ventilation;
- (19) HSC800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

5.

DURDANS AVENUE, NO.13, ROSEBERY – SECOND ONE BEDROOM DWELLING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00668)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mrs A Gundogar, with the authority of Mrs A and Mr N Gundogar, for permission erect a single storey, one bedroom dual occupancy dwelling at the rear of the site, subject to the following conditions:-

- (1) That the development shall be generally in accordance with Drawing Nos. 9710 - 1,2,3 and 4;
- (2) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,466	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 437	2E97002.BGYO
Accessibility And Transport	\$ 6	2E97006.BGYO
Management	\$ 22	2E97007.BGYO
Total	\$1,931	

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

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary

GENERAL MANAGER

Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

(B) Works in Kind

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

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

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

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

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

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

- (3) That a minimum of one additional parking space making a total provision of two spaces for the site 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 if either or both of the dwellings are occupied by unrelated persons the parking layout shall be altered such that there is unimpeded access to both spaces;
- (5) That no parking shall be provided in front of the existing building line other than in the existing driveway;

and the following adopted standard conditions:-

- (6) LDA376 - Hours of building work;
- (7) LDA389 - Stormwater disposal requirements;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips;
- (10) LDA396 - Works within boundaries;
- (11) HSC500 - Premises to be ventilated;
- (12) HSC800 - Use of appliances emitting intrusive noise;
- (13) LDA351 - Building Application required.

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

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

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

Carried.

6.

EVELEIGH STREET, NO. 90, REDFERN – DEMOLITION OF DWELLING – DEVELOPMENT APPLICATION (U97-00878)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by the Aboriginal Housing Company Pty, for permission to demolish No. 90 Eveleigh Street, Redfern, subject to the following conditions, namely:-

- (1) That no party wall to any adjoining occupied terrace shall be demolished;
- (2) That a structural engineer shall supervise demolition work to ensure the structural ability of remaining terraces not approved for demolition and the Aboriginal Housing Company Pty shall be responsible for carrying out any remedial work recommended by the structural engineer to maintain the structural integrity of adjoining remaining terraces;

and the following adopted standard conditions:-

- (3) LDA376 - Hours of building work;
- (4) LDA377 - Construction noise regulation;
- (5) LDA392 - No obstruction to public way;
- (6) LDA391 - Builder's Hoarding Permits;
- (7) LDA258 - Regulation of emissions.

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

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

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

Carried.

7.

CHIPPEN STREET, NOS. 47-49, CHIPPENDALE – ERECT 72 UNIT MOTEL AND CAFE – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00477)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That consideration of the application submitted by Allen Jack & Cottier Architects, with the authority of Reed Business Publishing Pty Ltd, for permission to demolish the existing buildings and to erect a 4 storey motel building with 72 suites, 65 car parking spaces and a cafe, be deferred to allow the council to notify residents of the options put forward by the applicant for the replacement of parking on the Dale Street frontage with active floor space and

GENERAL MANAGER

for the applicant to submit an objection under SEPP 1 to the maximum 2:1 floor space ratio as well as further discussion with the applicant on the Chippendale Residents Interest Group proposition that all parking be underground.

Carried.

8.

CROWN STREET, NO.169, DARLINGHURST – AMENDMENT TO CONSENT TO ERECT GARAGE WITH STUDIO ACCOMMODATION – DEVELOPMENT APPLICATION (U96-00830)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fenton:-

That consideration of the application submitted by Mr. R. Manchester for permission to amend development consent number U96-00830 to relocate the approved balcony, be deferred to allow the applicant the opportunity to submit a revised application.

Carried.

9.

BINNING STREET, NO.17, ERSKINEVILLE – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00683)

- (A) That the Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to FSR and height standards in LEP 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

That the proposed additions will not have an unreasonable impact on the streetscape or the amenity of the adjacent properties.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr N Fraser, for permission to make alterations and additions to the existing dwelling including a new attic room, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawings number 1036/95 and 1037/95 dated July 1997;

- (2) That the proposed rear facing second floor addition shall be setback from the side walls, the rear wall and ridgeline in accordance with the provisions for additions to single dwelling houses in Part F of DCP 1997;
- (3) That the applicant shall provide evidence with the Building Application to demonstrate that the proposed ground floor front window is identical to or in keeping with the original front windows, to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:

- (4) LDA376 - Hours of building work;
- (5) LDA389 - Stormwater disposal requirements;
- (6) LDA386 - Road Opening Permit;
- (7) LDA391 - Builder's Hoarding Permits;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips;
- (10) hsc500 - Premises to be ventilated;
- (11) hsc800 - Use of appliances emitting intrusive noise;
- (12) LDA154 - Windows to be of timber joinery;
- (13) LDA157 - Provide details of heritage colour scheme;
- (14) LDA163 - New brickwork to match existing;
- (15) LDA351 - Building Application required.

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

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

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

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

Carried.

10.

BELMONT STREET, NO.251, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00704)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard limiting the floor space ratio to 1:1 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

That the proposal, as amended in Part (B) below, will not have a significant impact on the amenity of adjacent premises and the departure will be numerically small (approximately 2%).

- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr V S Paparo, with the authority of Mr V & Mrs C Papara, for permission to demolish part of the rear laundry, to erect a first floor rear extension containing a bedroom and bathroom and to recess the front porch, subject to the following conditions:-

- (1) That the development shall be generally in accordance with drawings submitted on 12 August 1997, as amended by letter dated 27 October 1997;
- (2) That the length of the proposed first floor extension shall be reduced by a minimum of 3 metres and the southern parapet height of the proposed extension shall be reduced by a minimum of 500mm so as not to exceed 6.85 metres;
- (3) That the proposed extension shall be rendered and painted to match the existing building;
- (4) That the height of any fence or wall replacing the side boundary wall of that part of the laundry, which is to be demolished, shall not exceed 1.8 metres;

and the following adopted standard conditions:

GENERAL MANAGER

- (5) LDA351 - Building Application required;
- (6) LDA376 - Hours of building work;
- (7) LDA389 - Stormwater disposal requirements;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips;
- (10) LDA396 - Works within boundaries;
- (11) HSC500 - Premises to be ventilated;
- (12) HSC800 - Use of appliances emitting intrusive noise.

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

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

- (C) That the person who made representations in respect of the proposal be advised of Council's decision.
- (D) That the Secretary of the Department of Urban Affairs and Planning be notified of Council's determination under State Environmental Planning Policy No.1. in accordance with the Department's Circular No.117 of December 1986.

Carried.

11.

REGENT STREET, NO.11, PADDINGTON – PROPOSED BRICK GARAGE WITH FIRST FLOOR LOFT – BUILDING APPLICATION (Q97-00491)

That consideration of the application submitted by Archivision, for permission to construct a garage with loft at the rear of the abovementioned premises, all in accordance with the submitted plan numbered A2665, dated 29 May 1997, be deferred to the meeting of the Planning and Development Committee to be held on 3 December 1997, for further resident notification.

Carried.

12.

O'DEA AVENUE, NO.54A, WATERLOO – INSTALLATION OF NEON SPECTACULAR SIGNAGE – DEVELOPMENT APPLICATION (U97-000558)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Bush:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Claude Neon Aust Pty Ltd, with the authority of Pias Settlements Pty Ltd, for permission to erect an illuminated general advertising (4.85 x 5.82m) sign to four sides of the top of the former EPL tower, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans on file dated 2 July 1997;
- (2) That the proposed sign on the east elevation (that faces South Dowling Street) shall not be erected before 30 October 1999;
- (3) That the sign shall only be illuminated between 7am and 10pm daily;
- (4) That the proposed advertising structures shall be removed after the 30 October 2000;
- (5) That no part of the advertising structure shall extend beyond the top or sides of the tower;
- (6) That details of the advertising to be erected on the panels shall be submitted for approval with any building application;
- (7) That the advertising shall only be limited to Olympic sponsors and a letter from SOCOG confirming such sponsorship shall be submitted with any Building Application;
- (8) That a building application be submitted with every new advertising structure to be erected on the three panels;

and the following adopted conditions:

- (9) That the proposed sign(s) shall:-
 - (a) not flash, move, be animated, scintillate or be decorated with rotating or flashing lights at any time without the consent of Council;
 - (b) not have any apparatus attached to it which will provide sound of any description, whether associated with the sign(s) or other object or activity;

GENERAL MANAGER

- (c) be neatly affixed to the building and any damage caused to the exterior of the building by the erection of the sign(s) shall be promptly repaired with materials to match the existing, to the satisfaction of the Director of Planning and Building;
- (10) 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;
- (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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (14) That all proposed work shall be wholly within the boundaries of the subject site.

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

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

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

Carried.

13.

CROWN STREET, NO.154, DARLINGHURST – EXTENSION OF KITCHEN AND LAUNDRY FACILITY – DEVELOPMENT APPLICATION (U97-00677)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

That consideration of the application submitted by Mr J J Whittington, to extend the ground floor level rear section of the existing boarding house into part of the existing lightwell, be deferred at the applicant's request so that further discussions can take place with the objectors.

Carried.

14.

FRANCIS STREET, NOS. 33-35, DARLINGHURST – USE FIRST FLOOR AS A BROTHEL – DEVELOPMENT APPLICATION (U97-00856)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr J Brian with the authority of DOM Holdings Pty Ltd for permission to use the first floor area of the premises as a brothel for the following reasons, namely:-
- (1) That the proposal, given its scale and location within the heart of the Residential 2(b) zone is inconsistent with the zone objectives.
 - (2) That the proposal would have an adverse impact on the amenity of the residential area by virtue of clients arriving and leaving the premises as well as congregating outside the premises.
 - (3) That there is no evidence to suggest that the premises will cater to local demand generated by residents of East Sydney.
 - (4) That the cumulative impact of a concentration of sex industry premises is inconsistent with the residential amenity of the area.
 - (5) That the premises has only been in existence for approximately two years and therefore represents a recent increase in the number of brothels in the area;
 - (6) Given the circumstances of the case the proposal if approved would not be in the public interest.

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

Carried.

15.

FORBES STREET, NO.293, DARLINGHURST – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-00850)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Peter Le Gras to carry out alterations and additions including rear first floor and attic balconies at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 9723/2B and 9723/1C and as amended on the 11 September, 1997;
 - (2) That the proposed attic level Juliet balcony shall have a maximum depth of 1.0m. Details are to be submitted with the building application;
 - (3) That the proposed rear first floor balcony shall not extend beyond the ground floor built form. It shall consequently have the general dimensions of 2.0m x 3.28m. Details are to be submitted with the building application;
 - (4) That screening measures are to be undertaken on the northern elevation of the proposed rear first floor balcony and, if the neighbour at 295 Forbes Street is in agreement, on the southern elevation as well. Details are to be submitted with the building application to the satisfaction of Council;
 - (5) That the attic level addition shall not exceed the existing roof ridgeline. Details are to be submitted with the building application;

and the following adopted standard conditions:-

- (6) LDA351 - Building Application required;
- (7) HSC800 - Use of appliances emitting intrusive noise;
- (8) LDA376 - Hours of building work;
- (9) LDA389 - Stormwater disposal requirements;
- (10) LDA392 - No obstruction to public way;

GENERAL MANAGER

(11) LDA393 - Delivery of refuse skips.

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

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

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

Carried.

16.

PALMER STREET, NOS. 27-51, WOOLLOOMOOLOO – ERECT RESIDENTIAL FLAT BUILDING COMPRISING 64 UNITS – DEVELOPMENT APPLICATION (U97-00617)

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by OZ LEB Development Pty Ltd, with the authority of Bregatang Pty Ltd for the erection of a residential flat building containing 64 units for the following reasons:-
- (1) That the proposal does not comply with Council's Local Environmental Plan No. 101 in respect to Clauses 11 (FSR) and 18 (Height Limit) and that the State Environmental Planning Policy No. 1 objections cannot be supported by Council;
 - (2) That the proposal does not comply with Council's Development Control Plan 1997 in respect of privacy, overshadowing, height, FSR, bulky form and appearance;
 - (3) That the proposal is an overdevelopment of the site;
 - (4) That the proposal does not have a satisfactory relationship to the adjoining development in terms of the bulk and scale;
 - (5) That the design of the streetscape elevation to Palmer Street is unsatisfactory;
 - (6) That the development will adversely impact upon the Conservation Area generally;
 - (7) That the development will have an adverse impact upon the Items of Environmental Heritage;

GENERAL MANAGER

- (8) That the proposal will have an adverse impact on the amenity of the area;
 - (9) That the proposal does not provide an adequate level of internal amenity;
 - (10) 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.

17.

BAYSWATERS ROAD, NOS. 19-35, POTTS POINT – EXTEND HOURS OF RESTAURANT/NIGHTCLUB – DEVELOPMENT APPLICATION (U97-00754)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by The Millennium Room Pty Ltd, with the authority of Straits Properties (Bayswater) for extended operating hours, a new advertising sign and facade alterations at 19-35 Bayswater Road, Potts Point (lower ground floor level), subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans and the Plan of Management submitted with the Development Application U97-00754;
 - (2) That the submitted Plan of Management shall be agreed to by the Kings Cross Policy and an endorsed copy forwarded to Council prior to occupation of the premises. The premises shall be run in accordance with the Plan of Management;
 - (3) That the hours of operation shall be restricted to 6.00am to 10.00pm for the restaurant and 8.00pm to 6.00am for the nightclub. These hours shall cease after a period of 12 months of operation, after which the nightclub/restaurant has to revert back to the previously approved operating hours under development consent U97-00278.

(The applicant is advised that a further application may be lodged before the expiration of this trial period for Council's consideration of the continuation of the extended nightclub/restaurant operating hours).
 - (4) That no alcohol will be served on the premises between 6.00am and 12.00 midday each day;

and the following adopted standard conditions:-

GENERAL MANAGER

- (5) LDA257 - Regulation of noise transmissions;
- (6) LDA259 - Provide acoustic consultant's report;
- (7) LDA379 - Spruikers not permitted;
- (8) LDA351 - Building Application required;
- (9) LDA203 - No lights or sound equipment on public way;
- (10) LDA204 - Change sign lighting if Council requires;
- (11) LDA206 - Sign requirements;
- (12) LDA207 – Sign requirements.

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

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

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

At the request of Councillor Harcourt, and by consent, the motion was amended by the following, namely:-

- (a) the deletion of Conditions (1) and (2) and the insertion in lieu thereof of the following new conditions, namely:-
 - (1) That the development shall be generally in accordance with the plans submitted with the development application.
 - (2)(a) That a Plan of Management shall be entered into with the Kings Cross Police Patrol and South Sydney Council prior to the extended hours of operation commencing incorporating all conditions of consent. The plan shall also include security arrangements for the premises.
 - (b) That the security arrangements for the premises shall not include the use of dogs and security personnel shall not patrol any public streets.
- (b) the following additional conditions, namely:-
 - (13) That the outside of the premises shall be kept in a clean, tidy and presentable condition at all times;

- (14) That a copy of trade waste arrangements shall be submitted to the Director of Public Works and Services for approval detailing the times, nature and frequency of services as well as the name(s) of the specific contractors, prior to the extended hours commencing;
- (15) That the applicant shall participate in developing the licensing accord for Kings Cross and shall sign onto the accord when finalised. In this regard the applicant shall contact the Kings Cross Place Manager prior to the extended hours commencing.

Motion, as amended by consent, carried.

18.

RANDLE STREET, NO.8, NEWTOWN – ALTERATIONS AND ADDITIONS TO SINGLE STOREY DWELLING – DEVELOPMENT APPLICATION (U97-00672)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr M A Beattie, with the authority of Mr B & Mrs P Beattie, for permission to carry out alterations and additions to the existing dwelling, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with the plans submitted with the development application, as amended by the plans dated 15 September, 1997 and conditions of this consent;
 - (2) That the new attic level shall be deleted and any revision be subject to a separate development application;
 - (3) That the new northern side walls shall be painted or finished a light colour to assist the reflection of indirect light;
 - (4) That any changes to the fence shall be by mutual agreement between the parties, in accordance with the dividing fences Act;
 - (5) That the window opening to the new bathroom and the western joining bay window shall be obscure and fixed glazing to a height of at least 1600mm;

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;

GENERAL MANAGER

- (7) LDA367 - Timing device on alarms;
- (8) LDA376 - Hours of building work;
- (9) LDA377 - Construction noise regulation;
- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA392 - No obstruction to public way;
- (12) LDA393 - Delivery of refuse skips;
- (13) LDA396 - Works within boundaries;
- (14) hsc500 - Premises to be ventilated;
- (15) hsc800 - Use of appliances emitting intrusive noise.

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.

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos, that the application be approved with the original design that was submitted by the applicant.

Amendment negatived.

Motion, as moved by Councillor Harcourt, carried.

19.

**CERTIFICATION FOR DETAILS OF THE DRAINAGE SYSTEM –
DRAINAGE SYSTEM WORKSHOP (2003013)**

That arising from consideration of a report by the Directors of Planning and Building and Public Works and Services dated 31 October 1997, it be resolved that:-

- (1) Council adopt the following proposal for Stormwater Certification namely:

GENERAL MANAGER

- (i) A Stormwater Certificate accompanying details of the Discharge of Stormwater, as part of a Building Application shall only be accepted on the standard form from:
 - (a) For Major Development:-

a Civil Engineer with NPER3 Registration in the appropriate category or satisfactory experience in design of drainage systems;
 - (b) For Small Scale Development:-

a licensed builder or architect;
 - (ii) Council shall by public notice, advise that as from the 1st January 1998, will require that details of discharge of stormwater be accompanied by a certificate from an approved certifier.
 - (iii) A register of Certifiers for Major Developments shall be kept by Council. Firms of Consulting Engineers who wish to certify Major Developments should outline the names of individuals who would be included in the design of the Discharge of Stormwater and whose names would be authorised to sign the certificate.
 - (iv) A certificate shall be submitted at the end of the job or as required by Council during construction from an approved certifier confirming that construction has been carried out in accordance with the certified design.
 - (v) Council shall reserve the right to engage the services of an independent consulting engineer to check any stormwater design and/or to carry out site inspections in the event of an unusual design or when the question of doubt arises as to the adequacy of the proposal.
- (2) Council adopt the draft standard certificate accompanying the report as the approved format for any certificate issues under Section 93 of the LGA 1993.
 - (3) where additional inspections are deemed necessary these will be charged to the developers in accordance with Council's current fees and charges.
 - (4) Council adopt the following definitions:

- (a) small scale developments are single dwellings, rows of terraces with individual drainage system and terraces that are used as an office/shop or mix of dwelling and office/shop without direct connection to the underground drainage system.
 - (b) major developments are the developments that are not listed under "Small Scale Developments" or have direct connection to the underground drainage system.
- (5) Extension of the buildings shall be treated in the same category .

Carried.

20.

**SYDNEY CRICKET GROUND, MOORE PARK ROAD, MOORE PARK –
ELTON JOHN AND BILLY JOEL CONCERT (U97-00631)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Sydney Cricket Ground Trust, with the authority of Trustees of Sydney Sports Ground and Sydney Cricket Ground, for permission to conduct concerts on 12, 14 and 15 March 1998, with wet weather dates of 13 and 16 March and a rehearsal on 13 March, subject to the following conditions, namely:-
- (1) That any requirements of the Environment Protection Authority shall be adhered to;
 - (2) That during the rehearsal, tests and concerts the A-weighted maximum sound pressure level (L_{Amax}) measured within 1 (one) metre of the boundary of any residential premises and/or sensitive receivers shall not exceed 70dB(A);

The L_{Amax} shall be measured:
 - (a) in the absence of any influential sound, that is audibly distinguishable and extraneous to the sound from the amplification equipment; and
 - (b) with the sound level meter set to the "fast" time response, and the microphone placed 1.5 metres above the ground.
 - (3) That the applicant shall engage an accredited acoustic consultant to measure the noise at residential premises during the concerts, sound tests of amplification, equipment and rehearsal. While carrying out the measurement, the consultant must be in constant

GENERAL MANAGER

contact (via two-way radio or mobile telephone) with the person authorised to reduce the level of sound. This person must reduce the volume specified or amplified sound whenever the noise measured at the monitoring point specified in Condition (2) is approaching the limits set in Condition (2);

- (4) That sound amplification equipment used during the concerts and rehearsal shall be installed and maintained to minimise the noise impact on residential premises without limitation. The applicant must ensure that:
- (a) the stage and main speakers face away from nearby residences;
 - (b) all main speakers are directed downwards where practicable;
 - (c) all speakers to be positioned and controlled so that the noise level limit in Condition (2) is complied with;
 - (d) the volume of music from all (main and fold back) speakers shall be controlled only at the mixing console which should be fully controlled by Trust Officials and capable of overriding any other system.
- (5) That a report shall be prepared by the qualified person in charge of the noise monitoring required in Condition (3) above showing compliance or otherwise with the noise restrictions in Condition (2) no later than 21 days after the event.

NOTE 1: Sensitive receivers include such places as nursing homes, hospitals and schools.

The L_{Amax} is defined as the absolute maximum sound pressure level that must never be exceeded at any incident. It is not the L_{A10} or the $L_{Amax, T}$.

NOTE 2: This report is to incorporate the following:

Measurement techniques

- (a) Type of instrumentation
- (b) Description of time aspect of the measurement (1 sec. etc)
- (c) Position of measurements including any adjustments made for reflecting surfaces

Meteorological conditions

- (a) Wind direction and speed (hourly)
- (b) Temperature and humidity

Qualitative data

- (a) L_{Amax} as defined in Note 1
 - (b) Sound pressure levels - L_{Abg} . T(T equals time)
 - (c) Character of the sound, eg. broad band impulsive total
 - (d) Nature of sound source, eg. music, "White noise generator"
- (6) That the trust shall arrange with the Centennial Park and Moore Park Trust for the provision of parking areas with a capacity of approximately 10,000 car spaces and that proof of this capacity shall be provided prior to the concert;
 - (7) That the concerts on any of the 12, 13, 14 and 16 March 1998 shall not commence earlier than 7.30pm or extend beyond 11.00pm, and the concert on the 15 March shall not commence earlier than 6.30pm or extend beyond 10.00pm;
 - (8) That the applicant shall make arrangements with the New South Wales Police for the streets surrounding the venue to be patrolled for one hour after the finish of the concerts to ensure the orderly dispersal of the crowd;
 - (9) That the applicant shall be responsible for ensuring announcements both prior to and upon completion of the concerts requesting patrons to leave the area quietly and to avoid littering. The applicant shall be responsible for ensuring the removal of litter from Driver Avenue and in the event that Council is required to provide additional cleaning services to the surrounding public road system, to reimburse Council's reasonable costs;
 - (10) That no helicopters shall hover above the Cricket Ground during the performance except those authorised for news purposes;
 - (11) That the applicant shall be responsible for supplying a properly qualified technician to control an overriding volume control, capable of reducing the volume of sound from the main and feedback speakers independent of any background engineer, to ensure the sound level complies with the conditions of consent and the requirements of the Environmental Protection Authority;

- (12) That practice and sound testing shall take place only between 9.00am and 5.00pm on the 13 March 1998 and on the days of performance and no other day and shall not involve a total time of more than two hours on any day;
 - (13) That the applicant shall ensure all advertising of the event to include information of public transport access to the site;
 - (14) That the promoter shall liaise with Sydney Buses to ensure special services with priority lane treatment between Central and the Sydney Football Stadium.
- (B) That the persons who made representations in respect of the proposal be advised of council's decision.

Carried.

21.

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

- (A) That the Council resolves to support the SEPP 1 objection submitted with respect to non-compliance with Clause 15 of LEP 101, being satisfied that compliance with the standard would be both unnecessary and unreasonable in the circumstances as:-
- (1) the non-residential usage does not rely on any major internal or external modification to the residential terrace.
 - (2) the intensity of usage is unlikely to cause any adverse impact on adjoining properties.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr M B Haley for permission to use the premises as a brothel subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans unnumbered and undated plans submitted with the application.;
 - (2) That the use shall cease after a period of 1 year from the date of commencement.
 - ◆ (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 no more than 5 sex workers shall be allowed on the premises at any one time;
- (4) That clients (and any associates) and sex workers shall not be permitted to wait or congregate outside the premises and shall be requested to wait inside the building in a designated waiting room or asked to move on.
- (5) That no display or soliciting shall take place outside the premises.
- (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 premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (8) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (9) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (10) That the premises shall be maintained in a clean and sanitary condition and kept in a satisfactory state of repair at all times;
- (11) That adequate receptacles with close fitting lids shall be provided for the storage of used linen separate from clean linen;
- (12) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine on the premises;
- (13) 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;
- (14) 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;

- (15) 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;
- (16) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (17) That the proprietor shall provide video or written information (eg pamphlets, brochures) about the transmission of sexually-transmitted infectious diseases in the variety of first languages used by the sex workers and their clients.
- (18) That the use of the premises shall not give rise to:
 - (a) a sound level at any point on the boundary of a site greater than the background levels specified in Australian Standard 1055, "Acoustic – Description and Measurement of Environmental Noise" or
 - (b) an "offensive noise" as defined in the Noise Control Act, 1975.
- (19) That plans and specifications showing details of:
 - (i) all 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.
- (20) That the Management of the premises co-operate and maintain effective liaison with the Kirkton Road Centre and Sex Workers Outreach Group;
- (21) That the details of the works required to be carried out in Part (C) of this consent shall be submitted to Council within 3 months from the date of this approval and all works shall be carried out within six months from the date of building approval.

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, 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 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) 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 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;
 - (7) That all rooms shall be provided with self closing doors;
 - (8) That no storage shall be permitted under the existing stairway;

- (D) That the persons who made representations with respect to the proposal be advised of Council's decision.
- (E) That the applicant be advised that Council will reserve its right to possibly request to provision of additional sanitary facilities within rooms as a condition of consent on the development application which will be required to continue the brothel use beyond the 12 months trial period.

Carried.

Councillor Deftereos requested that her name be recorded as being opposed to the foregoing motion.

22.

SHEPHERD STREET, NOS. 52 – 64 , CHIPPENDALE – CONVERT EXISTING WAREHOUSE BUILDING INTO 26 RESIDENTIAL UNITS WITH PARKING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00655)

- (A) That the Council resolves it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the requirement in LEP No.66 for one car space per unit is well founded and that compliance is unnecessary for the following reasons:
 - (1) That the requirement for one car space per unit would result in unacceptable impact with regard to additional traffic, a lack of human activity at ground level and the impact on the heritage and streetscape value of the building.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Wolfe Architecture Pty Ltd, with the authority Hanave S Pty Ltd, for permission to convert the subject building into 26 residential units with 16 parking spaces, subject to the following conditions, namely:
 - (1) That the development shall be generally in accordance with drawings numbered DA001 – DA004 inclusive dated July 1997;
 - (2) **(A) Section 94 Contributions**

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

GENERAL MANAGER

Contribution Category	Amount	Account
Open Space Land Acquisition	\$52,901	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$15,845	2E97002.BGYO
Accessibility And Transport	\$ 202	2E97006.BGYO
Community	\$pending	
Library	\$pending	
Management	\$ 798	2E97007.BGYO
Total	\$69,746	

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

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

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

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

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

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

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

- (3) That a total of 16 off street parking spaces shall be provided, to the satisfaction of the Director of Planning and Building;
- (4) That 9 secure bicycle parking spaces for residents shall be provided and 3 bicycle spaces for visitors located and prepared to the satisfaction of the Director of Planning and Building;
- (5) That the communal open space shall be embellished (eg. With landscaping, seating, paving, etc.) to encourage residents to make use of the space, to the satisfaction of the Director of Planning and Building;

- (6) That the applicant shall provide one additional tree along Shepherd Street to implement Council's Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services;
- (7) That the car parking area and layout of the lowest level shall be re-configured to contain not more than 16 car parking spaces that comply more closely with the specifications set out in DCP 11 and AS 2890.1 to the satisfaction of the Director of Planning and Building;
- (8) That the developer shall construct, or meet the cost of design, construction and supervision, of a pedestrian threshold across Moorgate Lane near Daniels Street to Council's specifications and to the satisfaction of the Director of Public Works and Services and the Director of planning and Building;
- (9) That a landscape plan for the roof terrace shall be prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and softworks including decorative paving types, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container size and height) and irrigation;
- (10) That construction details for terrace planting include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (11) That the Developer shall arrange with the Parks Development Branch for a final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application;
- (12) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (13) That the car parks shall be ventilated in accordance with AS 1668.2-1991, Section 4.4;
- (14) That only clean and unpolluted water shall be permitted to discharge from the subject development to Council's stormwater drainage system;
- (15) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building

Application, for the approval of the Director of Planning and Building, in respect of the following:-

- (a) external walls;
- (b) roofing;
- (c) balustrade treatment;
- (d) windows and doors;

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

- (a) all proposed mechanical ventilation systems;
- (b) car park ventilation systems;
- (c) the garbage room or garbage receptacle storage area;

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

and the following adopted standard conditions:

- (17) LDA12 - Applicant to liaise with Sydney Water;
- (18) LDA21 - No resident parking for residential flat developments;
- (19) LDA161 - Provide common television aerial;
- (20) LDA163 - New brickwork to match existing;
- (21) LDA29 - Provide sign indicating parking;
- (22) LDA368 - Display of street numbers;
- (23) LDA376 - Hours of building work;
- (24) LDA251
- (25) LDA384 - New alignment levels;
- (26) LDA387 - Footway crossings;
- (27) LDA389 - Stormwater disposal requirements;
- (28) LDA391 - Builder's Hoarding Permits;
- (29) LDA392 - No obstruction to public way;
- (30) LDA394 - Cost of alteration to signposting;
- (31) LDA396 - Works within boundaries;
- (32) LDA399 - Cost of consequential roadworks;

- (33) hsc103 - Environmental site assessment being carried out;
- (34) HSC500 - Premises to be ventilated;
- (35) hsc700 - Compliance with code for Garbage Handling System;
- (36) hsc706 - Storage of recyclables;
- (37) HSC800 - Use of appliances emitting intrusive noise;
- (38) LDA351 - Building Application required.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood 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 the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or subcontractors provide and maintain sediment control measures.

Carried.

23.

GREENKNOWE AVENUE, NO.9, ELIZABETH BAY – REFURBISH 4 STOREY AND 3 STOREY BUILDING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00730)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Arthur Velliss (Architects), with the authority of Widarto Pty Ltd, for permission to alter and add to existing building and convert to 22 x 1 and 2 x 2 bedroom units, subject to the following conditions:-
 - (1) That the development shall be generally in accordance with plans numbered DA 1-11, submitted on 11 November, 1997;

GENERAL MANAGER

- (2) That this consent shall lapse after a period of two years from the date this consent becomes effective. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (3) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (4) That 8 secure bicycle lockers be provided to the satisfaction of the Director of Planning and Building. Details to be submitted with the building application;
- (5) 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;
- (6) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$5,864	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,756	2E97002.BGYO
Accessibility And Transport	\$ 24	2E97006.BGYO
Management	\$ 88	2E97007.BGYO
Total	\$7,732	

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

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

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

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

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

Security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to

the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (7) That coloured elevations and a schedule of finishes 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) fences;
 - (e) windows and doors;

- (8) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with requirements of the Building Code of Australia and Council's Ventilation Code;

- (9) 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;
- (10) That a management plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted to the Director of Planning and Building and approval obtained prior to commencement of any work on site;
- (11) That construction details accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer.
- (12) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped or removed. A letter of application is to accompany the development application marked to the attention of the Tree Preservation Officer.
- (13) That the developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre container size, 2.5 metres high, 75mm caliper and planted at 10 metre centres.
- (14) That the developer arrange with the Parks Development Branch for final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application.
- (15) That the developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion.
- (16) That the developer shall provide a maintenance schedule for landscape for the 12 months with evidence of a contract to carry out such works after practical completion;

NOTE 1:

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

NOTE 2:

Appropriate arrangements should be made for the removal of the garbage to the satisfaction of Council's Public Works and Services Department and the Cleansing Services Group.

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

- (a) all required mechanical ventilation systems;
- (b) the garbage room;
- (c) the recycling storage area;

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

and the following adopted standard conditions:-

- (18) LDA155 - Windows and doors to be of timber joinery;
- (19) LDA351 - Building Application required;
- (20) HSC001 - Compliance to Director of Health and Community Services;
- (21) HSC018 - Sanitary facilities;
- (22) HSC100 - Removal of spoil from site;
- (23) HSC101 - Not give rise to emissions into the environment;
- (24) HSC111 - Liquid wastes to sewer;
- (25) HSC800 - Use of appliances emitting intrusive noise;
- (26) LDA376 - Hours of building work;
- (27) LDA377 - Construction noise regulation;

- (28) LDA391 - Builder's Hoarding Permits;
 - (29) LDA392 - No obstruction to public way;
 - (30) LDA393 - Delivery of refuse skips;
 - (31) LDA396 - Works within boundaries;
 - (32) LDA102 - Maintain existing landscaped area;
 - (33) LDA103 - Upgrade existing landscaped area;
 - (34) LDA106 - Preserve existing trees.
- (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 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 storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
 - (5) 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;
 - (6) 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;

- (7) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (8) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (9) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (10) 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;
- (11) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (12) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
- (13) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (14) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (15) 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;
- (16) 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;
- (17) That good housekeeping shall be maintained at all times;
- (18) That egress paths shall be kept free of obstructions/storage at all times;
- (19) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.

- (20) That the certificate shall be in the form of a typed report providing the following minimum requirements:-
- (a) the electrical contractors licence number;
 - (b) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (c) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
 - (d) that 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;

- (21) That the northern stairway shall be smoke enclosed in construction using one or more of the following and shall be provided with direct discharge to a road or open space leading to a road:-
- (a) non-combustible, non-shattering materials, or
 - (b) toughened glass with a minimum thickness of 10mm or wired glass with a minimum thickness of 6mm in steel frames with a maximum pane size of 1.0m², or 3.0m² in a sprinklered building;
 - (c) ceilings within the enclosure shall be constructed of non-combustible material, appropriately fixed to a suitable non-combustible structure;
 - (d) doors opening into the enclosure shall be smoke doors;
 - (e) all other openings (e.g. transoms, grills, etc.) shall be protected by non-combustible material.
- (22) That ceilings beneath all timber floors of the building shall be constructed of material having resistance to the incipient spread of fire of one hour.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

24.

ELIZABETH STREET, NOS. 475 – 479, SURRY HILLS – BROTHEL (U97-00540)

That the Council as the responsible authority advises the applicant that it will consent to the Court making orders approving the application, subject to:

- (a) deletion of condition (3) (12 month trial)
- (b) amending condition (6) to read:
 - (6) That the use of the rear pedestrian entrance/exit to Little Buckingham Street shall not be used by clients (except in the case of bona fide emergency) between 8.00 p.m. and 7.00 a.m. and that suitable internal/external signage shall be erected advising clients of this restriction;
- (c) insertion of a new condition reading:

If the brothel's use is advertised and the advertisement makes reference to rear lane access, then the time restriction on client use shall also be advertised;
- (d) deletion of condition (20)
- (e) deletion of the word "daily" in condition (28)

Carried.

25.

BELMONT STREET, NO. 299, ALEXANDRIA – CONSTRUCT 3 X 2 BED UNITS WITH PARKING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00402)

- (A) That the Council resolves it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 1:1 maximum FSR contained in Local Environmental Plan No.107 is well founded and that compliance is unnecessary for the following reason:
 - (1) That the proposed building has the same FSR as the existing building, will reinforce the street corner and satisfactorily complies with the provisions of DCP 1997;
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr T Farhart for permission to demolish the existing building and erect a new building containing 3 residential units

GENERAL MANAGER

with 3 parking spaces and for strata subdivision, subject to the following conditions, namely:

- (1) That the development shall be generally in accordance with drawing numbered 97039 with amendments dated 28 September 1997;
- (2) **(A) Section 94 Contributions**

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

Contribution Category	Amount	Account
Open Space Land Acquisition Open Space/Townscape/ Public Domain	\$ 790	2E97001.BGYO
Accessibility And Transport Community	\$ 236 \$ 2	2E97002.BGYO 2E97006.BGYO
Library	\$pending	
Management	\$ 12	2E97007.BGYO
Total	\$1,040	

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

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

where:

C is the original contribution amount as shown above;
CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

GENERAL MANAGER

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

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

(B) Works in Kind

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

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

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

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

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

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

- (3) That a total of 3 off street parking spaces shall be provided to the satisfaction of the Director of Planning and Building;
- (4) That the design of the facade of the building shall be refined in consultation with Council officers to provide a level of detail and interest consistent with the principles and criteria in DCP 1997, to the satisfaction of the Director of Planning and Building;
- (5) That the corner splay shall be increased to 1.5m in length, to the satisfaction of the Director of Planning and Building;
- (6) That the applicant shall provide for any additional trees required along the frontages of the property to implement Council's Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services;
- (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 one year)
- (8) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (9) LDA21 - No resident parking for residential flat developments;
- (10) LDA152 - Schedule of finishes;
- (11) LDA161 - Provide common television aerial;
- (12) LDA101 - Provide landscaping plan;
- (13) LDA368 - Display of street numbers;
- (14) LDA376 - Hours of building work;
- (15) LDA384 - New alignment levels;
- (16) LDA387 - Footway crossings;
- (17) LDA389 - Stormwater disposal requirements;
- (18) LDA391 - Builder's Hoarding Permits;

- (19) LDA392 - No obstruction to public way;
- (20) LDA394 - Cost of alteration to signposting;
- (21) HSC500 - Premises to be ventilated;
- (22) hsc700 - Compliance with code for Garbage Handling System;
- (23) LDA351 - Building Application required.

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

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

- (C) That the applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.
- (D) That the persons who made representations in respect of the proposal be notified of the Council's decision.

Carried.

26.

CAMPBELL STREET, NOS. 145 – 151, SURRY HILLS – ERECT A 25 UNIT RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00521)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

- (A) That the Council having considered a SEPP 1 objection against the need to comply with the height limit and floor space ratio standards in LEP 107, agrees that compliance is unnecessary for the following reasons:
 - (1) That although the height of the building at the Campbell Street frontage exceeds the maximum this has no significant adverse

GENERAL MANAGER

effect and is compensated by the reduced building height at the rear of the site;

- (2) That the widening of Little Riley Street has already been dedicated to the Council, on the understanding that the area of the site dedicated could be used in the calculation of floor space ratio, and on this basis the floor space ratio complies with the standard.

- (B) That the Council, as the responsible authority, grants its consent to the development application submitted by David Emerson Architects, with the authority of Teller Stocks Pty Ltd, for permission to erect a building containing 25 flats and a commercial tenancy, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA01 to DA07 dated June 1997, as amended by the conditions of this consent;
- (2) That this consent shall lapse two years from the date of this resolution unless a building application has been approved and construction commenced in accordance with it;

- ((3) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$19,058	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$30,684	
	\$14,870	2E97002.BGYO
Accessibility And Transport	\$ 190	2E97006.BGYO
Management	\$ 750	2E97007.BGYO
Total	\$65,552	

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

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

where:

- C** is the original contribution amount as shown above;
- CPI₂** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI₁** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank check and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

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

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

Security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held

until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

- (4) That prior to the submission of a Building Application an application shall be made under S.116 of the Roads Act, and subject to a satisfactory outcome, the applicant shall carry out at his own cost the following works to the satisfaction of the Director of Public Works and Services and the Director of Planning and Building:-
 - (a) a pedestrian threshold at Campbell Street;
 - (b) decorative paving on the Campbell Street frontage;
 - (c) tree planting along Little Riley Street;
 - (d) construction of a wider splay at the Little Riley Street/Campbell Street intersection.
- (5) That prior to demolition or construction commencing a dilapidation survey shall be done of the adjoining property to the west;
- (6) That a maximum of 20 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 of the car spaces required in Condition (6), one space shall be allocated to the commercial unit and four spaces for visitors to the site, and shall be located and marked to the satisfaction of the Director of Planning and Building;

- (8) That of the total of off-street car parking spaces required in condition (6), at least one space shall be 3m x 5.5m minimum and clearly marked for disabled driver's parking;
- (9) That in any strata subdivision the 15 residential car spaces shall be so allocated that no flat shall have the benefit of more than one space;
- (10) That cycle racks for not fewer than five cycles shall be provided for the use of residents located to the satisfaction of the Director of Planning and Building;
- (11) That the courtyard shall be so constructed that there is no water penetration or damage to adjoining property;
- (12) 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;
- (13) That a separate application shall be submitted at the appropriate time for the specific use of the commercial tenancy;
- (14) That the doorways from stairs 5 and 6 to Little Riley Street shall be redesigned so as not to swing over the boundary of the property;
- (15) That the basement car parking areas shall be ventilated in accordance with Australian Standard 1668.1; Section 7 and Australian Standard 1668.2; Section 4;
- (16) That the construction of any commercial food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (17) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;
 - (c) car park ventilation systems;
 - (d) the recycling storage area;
 - (e) the garbage room or garbage receptacle storage area;

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

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

NOTE 1: 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.

NOTE 2: The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

NOTE 3: Details relating to the residential garbage and recycling facilities should be referred to Council's Waste Services Section, Public Works and Services Department, for approval of the location and type of storage containers.

- (18) That the top floor (5th storey) to Campbell Street shall be deleted and the roof ridge height of the building on Little Riley Street and Goodchap Street elevations shall be reduced by a minimum of 1 metre and the building to Goodchap Street set back by 1 metre, details to be to the satisfaction of the Director of Planning and Building;
- (19) 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;

and the following adopted standard conditions:-

- (20) LDA21 - No resident parking for residential flat developments;
- (21) LDA29 - Provide sign indicating parking;

- (22) LDA44 - Driving in forward direction only;
- (23) LDA48 - Safe walking surface on crossing;
- (24) LDA49 - Signage for vehicular egress;
- (25) LDA101 - Provide landscaping plan;
- (26) LDA161 - Provide common television aerial;
- (27) LDA351 - Building Application required;
- (28) LDA367 - Timing device on alarms;
- (29) LDA368 - Display of street numbers;
- (30) LDA376 - Hours of building work;
- (31) LDA384 - New alignment levels;
- (32) LDA386 - Road Opening Permit;
- (33) LDA387 - Footway crossings;
- (34) LDA389 - Stormwater disposal requirements;
- (35) LDA391 - Builder's Hoarding Permits;
- (36) LDA392 - No obstruction to public way;
- (37) LDA394 - Cost of alteration to signposting;
- (38) LDA398 - Road dedication;
- (39) LDA404 - Cost of roadworks;
- (40) HSC103 - Environmental site assessment being carried out.
- (41) HSC101 - Not give rise to emissions into the environment;
- (42) HSC500 - Premises to be ventilated;
- (43) HSC555 - Bathroom ventilation;
- (44) HSC301 - Cooking of food only if air handling system is provided;

- (45) HSC700 - Compliance with code for Garbage Handling System;
- (46) HSC705 - Construction of garbage room;
- (47) HSC706 - Storage of recyclables;
- (48) HSC711 - Commercial contract (trade waste);
- (49) HSC800 - Use of appliances emitting intrusive noise;
- (50) That appropriate space shall be provided for garbage and recycling at the corner of Little Riley Street and Campbell Street, which also provides for the storage of recycling for the Five Doors Restaurant at the corner of Campbell Street and Riley Street, details to be submitted with the Building Application and to the satisfaction of Council.

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.

27.

TRAFFIC – KING STREET, NEWTOWN – 20 TONNE LIMIT (2012754)

It be resolved that Council:

- (1) receive and note the decision of the Traffic Committee;
- (2) approves the 20 Tonne weight limit on King Street, Newtown from Carillon Avenue to Sydney Park Road and also on City Road, Darlington, from Carillon Avenue to Cleveland Street.
- (3) accepts the alternative routes of Sydney Park Road, McEvoy Street, Euston Road Botany Road, Regent Street, Gibbons Street and Cleveland Street;

- (4) make with Marrickville Council, a joint submission to the RTA to confirm this weight limit.

(DPWS Report 7/11/97)

Carried.

28.

BOUNDARY STREET, NO. 12, REDFERN – ERECT 36 RESIDENTIAL UNITS WITH OFF STREET PARKING – DEVELOPMENT APPLICATION (U97-00619)

- (A) That the Council support the objection pursuant to State Environmental Planning Policy No.1, against the development standard relating to the maximum height limit within Local Environmental Plan No.107, as compliance with the development standard in relation to the proposal would be unnecessary and unreasonable for the following reasons;
- (1) The degree of non-compliance is largely restricted to the attic bedrooms and is generally consistent with the height limit in Development Control Plan 1997;
 - (2) The bulk and scale of the building are acceptable, subject to minor changes;
 - (3) Subject to conditions (including lowering the building), the proposal will have acceptable environmental impacts and will result in some public domain improvements.
- (B) That the Council grant its consent to the development application submitted by Perumal Partners Pty Ltd, with the authority of J R Manufacturing Industries, to erect a residential flat building containing basement parking and 36 units, subject to the following conditions, namely;-
- (1) That the development shall be generally in accordance with plans DA01 - 09, dated July 1997;
 - (2) That the balconies on the first and second floor of the southern-most 5 units fronting Cornwallis Lane shall be deleted;
 - (3) That the lower halves of all windows fronting Cornwallis Lane on the first and second level of the 5 southern-most units shall be fixed and have obscure glazing, with details to be submitted with the building application and to the satisfaction of the Director of Planning and Building;

GENERAL MANAGER

- (4) That the 'ensuites' on all three levels to Cornwallis Lane shall be deleted at the southern and northern ends of the building, resulting in a 2 metre setback to the lane at those points;
- (5) That the developer/owner shall dedicate to Council, for public road purposes, a strip of land at least 1.0 metre wide for the full length of the site fronting Cornwallis Street, with a plan of consolidation/subdivision being lodged with the Council pursuant to Part 12 of the Local Government Act, 1919 prior to occupation of the building;
- (6) That the building shall be set back a minimum of 1 metre from Boundary Street to allow planting within the site;
- (7) That the building shall be lowered so that it is roughly level with the lane at ground level;
- (8) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (9) That the required redesign imposed through conditions of this consent shall be detailed in the building application and the resulting floor space ratio shall not exceed 2:1, with plans showing compliance with this limit being lodged with the building application;
- (10) That a planter box with a minimum width of 1 metre shall be provided along the full length of Cornwallis Lane on the roof garden, to a height of 1.2 metres above finished floor level and designed to also give specific attention to disallow overlooking to the rear yards of residential properties across Cornwallis Lane, all to be detailed in the building application;
- (11) That demolition of the existing building on the site shall not occur until building approval is granted;
- (12) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$90,472	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$27,054	2E97002.BGYO
Accessibility And Transport	\$ 332	2E97006.BGYO
Management	\$ 1368	2E97007.BGYO
Total	\$119,226	

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

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

where:

C is the original contribution amount as shown above;

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

GENERAL MANAGER

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

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

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

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

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

- (13) That the developer/owner shall pay for the widening and upgrading of the footpath along Cornwallis Street, including mature trees at 6m intervals to match in detail the footpath on the other side of Cornwallis Street, with the amount or an acceptable bank guarantee being paid/lodged prior to release of the building plans;
- (14) That the applicant shall liaise with the Water Board to obtain its requirements for connection to the Board's sewerage system and these shall be submitted with the Building Application.
- (15) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) vertical lift food conveyor;

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

- (16) That the car park shall be ventilated in accordance with A.S. 1668;
- (17) That the 30 car spaces be allocated on the basis of 4 for visitors and the remainder for units, with no more than 1 space being provided per unit;
- (18) That the car park shall be easily accessible to visitors, through the installation of a suitable intercom or the site, prior to occupation of the building;

and the following adopted standard conditions;

- (19) LDA101 - Provide landscaping plan;
- (20) hsc103 - Environmental site assessment being carried out;
- (21) LDA161 - Provide common television aerial;
- (22) LDA351 - Building Application required;
- (23) LDA367 - Timing device on alarms;
- (24) LDA368 - Display of street numbers;
- (25) LDA376 - Hours of building work;
- (26) LDA377 - Construction noise regulation;
- (27) LDA384 - New alignment levels;
- (28) LDA387 - Footway crossings;
- (29) LDA387 - Footway crossings;
- (30) LDA389 - Stormwater disposal requirements;
- (31) LDA392 - No obstruction to public way;
- (32) LDA393 - Delivery of refuse skips;
- (33) LDA396 - Works within boundaries;
- (34) LDA260 - On-site stormwater detention;
- (35) LDA386 - Road Opening Permit;

- (36) LDA391 - Builder's Hoarding Permits;
- (37) LDA394 - Cost of alteration to signposting;
- (38) LDA398 - Road dedication;
- (39) LDA399 - Cost of consequential roadworks;
- (40) hsc500 - Premises to be ventilated;
- (41) hsc555 - Bathroom ventilation;
- (42) hsc700 - Compliance with code for Garbage Handling System;
- (43) hsc706 - Storage of recyclables;
- (44) hsc702 - Plans and specifications of grease trap room;
- (45) hsc800 - Use of appliances emitting intrusive noise;
- (46) BC26 - Comply with BCA.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, privacy loss, 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 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.

29.

PARKS – VICTORIA PARK – SYDNEY GAY AND LESBIAN MARDI GRAS – FAIR DAY 1998 (5237246)

- (1) That in consideration of a report by the Director of Public Works and Services dated 14 November 1997 approval be given to the Sydney Gay and Lesbian Mardi Gras to conduct a Fair Day in Victoria Park on Sunday 8 February 1998;

GENERAL MANAGER

- (2) That conditions concerning the conduct of the event be delegated to the Director of Public Works and Services to determine;
- (3) That the fee for use of the Park be set at \$200 / hour;
- (4) That any use of the Park not extend to the Victoria Park swimming pool.
- (5) That all publicity advertising the event to include that access to be by public transport as no car parking can be provided.

At the request of Councillor Fowler, and by consent, the motion was amended by the deletion of Condition (5) and the insertion in lieu thereof of the following new Condition (5), namely:-

- (5) That the applicant ensure all advertising of the event to include information of public transport to access the site and further that the promoter liaise with Sydney Buses to ensure special services between Redfern/Central and Victoria Park.

Motion, as amended by consent, carried.

30.

ELIZABETH BAY ROAD, NO. 17, ELIZABETH BAY – TO USE PREMISES AS SECOND HAND RECONDITIONED FURNITURE SHOP – DEVELOPMENT APPLICATION (U97-00836)

- (A) That Council as the responsible authority grant its consent to the application submitted by Make Functional Products with the authority of Bouman Services Pty Ltd for permission to use the site as second hand furniture store, subject to the following conditions, namely;
 - (1) That the development shall be generally in accordance with the submitted plans accompanying Development Application U97 – 00836.;
 - (2) That a Building Application for the proposed sign 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;
 - (3) That the hours of operation shall be restricted to between 9.30 a.m. until 7.00 p.m., daily .

GENERAL MANAGER

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

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

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

Carried.

31.

PLANNING – POLICY – SECTION 123 LODGEMENT OF SURETY

- (A) That Council as a matter of policy seek sureties in all matters brought under Section 123 of the Environmental Planning and Assessment Act and that the amount be equivalent to the estimate of the cost to defend the matter as determined by Council Solicitors.

- (B) That Council's Solicitors be advised of this resolution.

(PBD Report 14.11.97)

Carried.

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

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

32.

BEACONSFIELD STREET, NO. 25, BEACONSFIELD – TERRACE – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00807)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That consideration of the application submitted by KDI Project Management Development, with the authority of Mr J Heirtrey, for permission to demolish the 5 existing dwellings and warehouse and to erect 17 townhouses and 3 studio units and 20 parking spaces, be deferred for further discussions between the applicant, the Ward Councillors, Director of Planning and

Building and residents, and the matter be then submitted to the next meeting of the Planning and Development Committee to be held on 3 December 1997.

It was moved by Councillor Bush, seconded by Councillor Fenton, that the application be approved with the deletion of the rear lane.

Amendment negatived.

Motion, as moved by Councillor Harcourt, carried.

33.

CHURCH STREET, NO. 114, CAMPERDOWN (R.P.A.H. PRIVATE) – CAR PARK – SECTION 102 APPLICATIONS (U97-00153)

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

That in proceedings 10201 and 10202 of 1997, involving two applications by Pace Property Management Services Pty Ltd pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979, for 114 Church Street, Camperdown to which the Land and Environment Court of New South Wales is the consent authority (to be heard on 3 and 4 December, 1997), the Court be advised:

- (A) That South Sydney City Council does not oppose the proposed amendment to condition (21) of the Car Park development consent (10201 of 1997) and condition 19 of the development consent for the new hospital and medical centre (10202 of 1997), to delete the word “walking” from the condition (such to allow the 600 displaced staff to park at Harold Park Paceway and Camperdown Children’s Hospital), provided:
- (1) That the Court is satisfied that the provision of R.P.A.H. staff parking in Harold Park is lawful;
 - (2) That the Central Sydney Area Health Service accept in writing that active steps to promote the use of the alternative parking will be put in place, together with weekly monitoring of surrounding residential streets to identify staff not using alternative parking areas and punitive measures; and
 - (3) That the Court gives consideration to the request by Marrickville Council that the cost of providing a Resident Parking Scheme for an area adjoining the development site be met by the developers or owners of the land;
- (B) That if the Court is of the opinion that the use of Harold Park is unlawful, all displaced parking should be provided within the

Camperdown Children's Hospital site (subject to any necessary development approval);

- (C) That while no objection is raised to the principle of providing Stage 2 of the car park in an alternative form (rather than not providing a ramp to the upper level), the proposed s102 application relating to condition 62 not be supported in its present form. It is considered:
 - (1) That the car park should be redesigned so that the section of the car park not to be built at stage 1 be the full length of the car park to Church Street (to increase the setback to Church Street), rather than the south-western corner, as proposed; and
 - (2) That the design of the revised car park in terms of its architectural treatment (the reduction in height and the deletion of the roof is not opposed) is unacceptable.
- (D) That representatives from Leichhardt Council, Marrickville Council and objectors be advised of the Court case and given the opportunity to seek the Court's leave to make representations.
- (E) That the matter be referred to Council's solicitors.
- (F) That the objectors be advised of the outcome of the Court case.

Carried.

34.

WILLILAM STREET, NOS. 234 – 236, POTTS POINT – ERECTION OF SERVICED APARTMENT BUILDING WITH GROUND FLOOR RETAIL USE – DEVELOPMENT APPLICATION (U97-00883)

That consideration of the application submitted by Wolff Architecture Pty Ltd, with the authority of Commonwealth Bank of Australia for permission to erect a serviced apartment building, be deferred for further discussions between the applicant and the Director of Planning and Building, taking into account all matters (including Floor Space Ratio) discussed at the Committee Meeting.

Carried.

35.

BAPTIST STREET, NOS. 2 – 38, REDFERN (SURRY HILLS SHOPPING VILLAGE) – SECTION 102 AMENDMENT TO DELIVERY HOURS AND ACCESS (2001348)

- (A) That the Council grant consent to application submitted by Corrs, Chambers, Westgarth, pursuant to Section 102 of the Environmental

Planning and Assessment Act 1979, to modify the development consent, submitted August 1997 by deletion of the following conditions:

- (6) That the hours of operation shall be restricted to between 6.00am and 10.00pm Mondays to Saturdays and 8.00am and 5.00pm Sundays and the deliveries of goods shall be restricted to between 8.00am and 8.00pm Mondays to Saturdays and between 8.00am and 3.00pm Saturdays;
- (8) That a revised plan for the car park shall be lodged and implemented, incorporating kerb dividers oriented north-south to prevent direct through traffic flow between Baptist and Cooper Streets and to separate, so as to prevent vehicle access, the loading areas accessible via Marriott Street and the main car parking areas to the satisfaction of the Controller of Planning and Building;

and the insertion in lieu thereof of the following new conditions:

- (6)(a) That the hours of operation shall be restricted to between 6.00am and 10.00pm Mondays to Saturdays and 8.00am and 5.00pm Sundays and the deliveries of goods and collection of garbage shall be restricted to between 6.30am and 8.00pm Mondays to Saturdays and between 7.30am and 3.00pm on Sundays subject to the only deliveries prior to 8.00am being deliveries of bread, milk and cakes (one vehicle each) in vehicles up to 4 tone capacity and the bread and cake trucks to commence using Baptist Street driveway (if practical) within 14 days of this consent;
 - (6)(b) That the extended hours of deliveries shall be for a one year trial, to commence 3 months from the date of the approval referred to in Condition 8 and the subject of a further application prior to expiry of that period;
 - (8) That a revised plan for the car park shall be lodged with the Council within six weeks and implemented within three months of approval by the Council incorporating the existing car park layout in order to prevent direct traffic flow between Baptist and Cooper Streets but with minor modifications to enable deliveries to the Coles Supermarket prior to 8.30am to be made via the Baptist Street driveway and at the same time the five missing trees and protective surrounds within the car park area (as per 1994 layout) shall be reinstalled/planted, and appropriate measures (for example plastic chain covers or the like) shall be installed on all gates to minimise the noise of gates opening and closing;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

36.

DUNBLANE STREET, NOS. 16 – 30, CAMPERDOWN – CONSTRUCT 29 UNIT MOTEL COMPLEX WITH PARKING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00523)

That consideration of the application submitted by A & C Design Team, with the authority Mrs T and Mr M Hwang, for permission to demolish the existing buildings and erect a new building containing 29 motel units and 28 parking spaces, be deferred for discussions between the applicant, residents and the Director of Planning and Building and the matter be submitted to the next meeting of the Planning and Development Committee to be held on 3 December 1997.

Carried.

37.

STEWART STREET, NO. 81, PADDINGTON – ALTERATIONS AND FIRST FLOOR ADDITION TO RESIDENCE – BUILDING APPLICATION (Q97-00913)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Deftereos:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Ms V A Kerridge for permission to carry out alterations and additions to the ground floor and to erect a first floor extension incorporating three bedrooms, two bathrooms and verandah to the existing building at the abovementioned premises, all in accordance with the submitted plans numbered A1/4, A2/4, A3/4, A4/4 dated 9 October, 1997, subject to the following conditions, namely:
- (1) That the adequate sound proofing shall be provided for the pool equipment to comply with the Environment Protection Authority requirements.
 - (2) That for the purpose of child safety, it is **recommended** that all new or replacement hot water systems shall be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;
 - (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements. Details shall be submitted prior to the commencement of work and shall include pavers to be laid so

GENERAL MANAGER

that water does not flow to the common boundary with 83 Stewart Street;

- (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (5) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (6) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
- (7) That clothes washing facilities shall be provided comprising at least one washtub and space for a washing machine in accordance with Part 3.8.3 of the BCA;

and the following adopted standard conditions:

- (8) BC2 - Compliance with Local Government Act 1993;
- (9) BC3 - Compliance with conditions on plan;
- (10) BC21 - Compliance with Swimming Pools Act;
- (11) BC23 - Swimming Pool warning notice;
- (12) BC64 - Applicant to make good damage to party walls;
- (13) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (14) BC111 - Hours of work;
- (15) BC113 - Work to comply with noise standards;
- (16) BC114 - Existing building to be kept in stable condition;
- (17) BC116 - New work not to encroach boundaries;
- (18) BC120 - Letter of consent to underpinning;
- (19) BC123 - Demolition to comply with standard;
- (20) BC167 - Structural details and certification to be submitted;

- (21) BC352 - Glazing materials;
 - (22) BC421 - Private stairs construction;
 - (23) BC609 - Natural light and ventilation;
 - (24) BC608 - Ceiling heights;
 - (25) BC603 - Damp and weatherproofing;
 - (26) BC615 - Common walls sound transmission;
 - (27) BC617 - Rain or dampness penetration;
 - (28) BC618 - Flashing to be provided;
 - (29) BC601 - Water closets and shower compartments;
 - (30) BC337 - Construction of boundary walls;
 - (31) BC339 - Construction of common walls and party walls;
 - (32) BC340 - Non-flammable sarking materials;
 - (33) BC341 - Roof lights in dwellings;
 - (34) BC529 - Smoke alarm systems;
 - (35) HSC500 - Premises to be ventilated;
 - (36) HSC543 - Sanitary ventilation;
 - (37) HSC501 - Plans and specification of ventilation;
 - (38) HSC800 - Use of appliances emitting intrusive noise.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

38.

FLINDERS STREET, NOS. 88 – 102, DARLINGHURST – UNAUTHORISED BUILDING WORK (2013073)

- (1) That the report of the Director of Planning and Building dated 14 November 1997, be received and noted.

GENERAL MANAGER

- (2) That advice be sought from Council's solicitors regarding the strength of Council's case in pursuing a prosecution in the court regarding the unauthorised building works.
- (3) That this matter be listed on the agenda for the next meeting of the Legal Services Committee on Monday 8 December 1997 for discussion with Council's Solicitors.

(DPB Report 18.11.97)

It was moved as an amendment by Councillor Fowler, seconded by the Mayor, that a further report be submitted on the 32 questions tabled by Councillor Fowler at the Council Meeting.

Motion, as amended by Councillor Fowler, carried.

39.

DRAFT SECTION 94 CONTRIBUTIONS PLAN – MULTI-FUNCTION ADMINISTRATION CENTRE – EXHIBITION (2008313)

It be resolved that Council:-

- (1) endorse the exhibition of the Draft Section 94 Contributions Plan for a Multi Function Administration Centre dated November 1997;
- (2) receive a copy of the final draft to all Councillors prior to the Council meeting. That a further report be prepared after the close of the exhibition period;
- (3) request the Minister for Urban Affairs and Planning to give a direction that the public amenities and public services for which a condition under Section 94 can be imposed may include the building of a new administration building.

(DPB Report 17.11.97)

Carried.

At 8.10 p.m. the meeting terminated.

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

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER