

201ST Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 25 February 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.37 pm on Wednesday, 25 February 1998.

PRESENT

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

Councillors - John Bush, Margaret Deftereos, Sonia Fenton, John Fowler, Christine Harcourt, Jill Lay.

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 11 February 1998, be taken as read and confirmed.

Carried.

Apology

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

Moved by Councillor Macken, seconded by Councillor Lay:-

That the apology be received and acceptance and leave of absence from the meeting be granted.

Carried.

MINUTE BY THE MAYOR

24. February, 1998

CELEBRATIONS - REUSE OF MARDI GRAS FLOATS - DONATIONS (2016720)

The Mardi Gras parade has a record number of 300 entrants this year. Many of the set elements of the floats are intact at the end of the parade and have the potential to be used or sold. Mardi Gras will be providing large skips at the end of the parade for entrants to discard materials.

The amount of resources and time that are put into making these sets is enormous and the reuse potential is great. As a waste minimisation exercise, it would be valuable for these elements to be recycled somehow.

Reverse Garbage have advised Council's Waste Project Officer that they are willing to be involved in the recycling process, however, have requested that Council give consideration to the donation of \$600 towards the costs of this waste minimisation project.

The Reverse Garbage team will be able to select reusable sets and recover approximately 60 cubic metres of reusable materials, diverting this from landfill and returning it to the community for other creative purposes.

Council has a longstanding association with Reverse Garbage through their School Education Program and the associated BOWER Project.

GENERAL MANAGER

This salvage activity is in line with Council's draft Waste Management Plan and provides an ideal opportunity to be part of the overall plan to reduce waste during this event.

RECOMMENDATION

That a donation of \$600 be made to Reverse Garbage under Section 356 of the Local Government Act for the purpose of reducing waster at the conclusion of the Mardi Gras Parade.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

19 February 1998.

PROPERTIES – RESTORATION AND REFURBISHMENT OF REDFERN TOWN HALL (2016385)

A minute by the General Manager dated 19 February 1998, was circulated to all Councillors.

The Council resolved that the press and the public be excluded during consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

Moved by Councillor Macken. seconded by Councillor Lay:-

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

Carried.

GENERAL MANAGER

QUESTIONS WITHOUT NOTICE

1.

STREETS - REPAIR AND REPLACING OF STREET SIGNS BEARING COUNCIL'S LOGO - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2017567)**Question:**

Could Council Officers please check the location and condition of street signs bearing Council's logo and repair or replace them as necessary? There is a sign on the south side of Moore Park Road, between Lang Road and Cook Road, which still bears the old logo. It is also very worn and leaning at an angle.

Answer by the Mayor:

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

2.

CLEANING - GRAFFITI ART PROGRAM - INCREASED GRAFFITI ON PRIVATE AND PUBLIC WALLS THROUGHOUT SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (C56-00023)**Question:**

Council currently has plans to support a graffiti art program in Surry Hills. Would it be possible for the artists and community members involved to take steps to identify and contact some of the people who are responsible for the increased graffiti on private and public walls throughout Surry Hills? This activity is particularly evident in areas adjacent to Albion Street and Foveaux Street.

Answer by the Mayor:

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

3.

**PERSONNEL - ATTENDANCE OF COUNCILLORS AT BRIEFINGS -
QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2013383)****Question:**

Consultants and officers were invited to brief Councillors at 5.30 p.m. this evening on the Kings Cross pedestrian safety proposals. Councillors Bush and Fowler were in this xdid not bother to attend and Councillors Deftereos and Waters were also absent. I understand two weeks notice was given.

This is an important proposal and will be highly controversial. Could you please arrange another briefing for the absent Councillors?

Answer by the Mayor:

The answer to that is no. I am not going to make the staff and consultants available. If Councillors are in the building and take it upon themselves not to attend briefings, they can obtain the report in respect of that matter when it comes forward to Committee.

4.

**SIGNS - REMOVAL OF 'ACQUATIC CLUB' SIGN AT CORNER OF
MACLEAY STREET AND GREENKNOWE AVENUE , POTTS POINT -
QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2004379)****Question:**

Could we have the "Aquatic Club" sign removed from the corner of Macleay Street and Greenknowe Avenue?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have it removed forthwith.

5.

**MACLEAY STREET, NOS. 50-58, POTTS POINT - BREACH OF
CONDITIONS BY THE REX HOTEL, KINGS CROSS - QUESTION WITHOUT
NOTICE BY COUNCILLOR DEFTEREOS (U95-00133)****Question:**

Residents living in Baroda Street, behind the Rex Hotel in Kings Cross, have raised concerns that the Hotel is in breach of one of their conditions of consent, namely:-

- (34) That the use of the Hotel swimming pool shall be limited to daylight hours only, no night lighting shall be installed.

The residents have reported that:-

- (a) lights have been installed;
- (b) the pool is in use at night and at times in the early hours of the morning.

Could Council investigate as soon as possible and take appropriate action to ensure the Hotel observes the conditions of consent that were granted by Council in October 1995?

Answer by the Mayor:

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

6.

MACLEAY STREET, NOS. 50-58, POTTS POINT - INVESTIGATION INTO INTRUSIVE BLUE LIGHT AT THE REX HOTEL, KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U95-00133)

Question:

Could Council investigate the blue light outside the Rex Hotel, Kings Cross? Residents have reported the intrusive light is illuminated on some nights and not illuminated on other nights.

Answer by the Mayor:

I will ask the Director of Planning and Building to investigate that matter and have a response prepared for the Councillors Information Service.

7.

PLANNING - POSSIBLE FINANCIAL ASSISTANCE FROM COUNCIL TO THE SOUTH SYDNEY BUSINESS ENTERPRISE CENTRE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012313)

Question:

I have had representations from the South Sydney Business Enterprise Centre requesting financial assistance from Section 94 funds that have accrued from industrial and business development.

Could the General Manager report on the extent and form of the assistance available to the South Sydney Business Enterprise Centre?

Answer by the Mayor:

I don't think it is available under Section 94, but I will have the General Manager prepare a report.

8.

PUBLIC RELATIONS - UPDATE OF COUNCIL'S HOME PAGE ON THE INTERNET - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2013327)**Question:**

While happy to see www.sccc.nsw.gov.au, whose responsibility is the home page for South Sydney City Council on the Internet? The current page has not been updated since December 1997 and the Mayor's message contains rather annoying typographical errors, such as apostrophes both on screen and when downloaded!

Answer by the Mayor:

I will ask the General Manager to have a report prepared for the Councillors Information Service.

9.

DEPARTMENT - CHANGE OF ROSTERED SHIFTS FOR COUNCILS ORDINANCE INSPECTORS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (D51-00002)**Question:**

Could the shifts rostered for Ordinance Officers be configured to take in the hours when by reports from residents the greatest breaches occur and from 11.00 p.m. onwards on Fridays and Saturdays, such as amplified buskers and hawkers?

Answer by the Mayor:

The only way that can be done at the present time is through overtime and that is out of the scope of the current award, so I will have the General Manager prepare a report.

10.

**BOURKE STREET, NO.201, AND LIVERPOOL STREET NO.182,
DARLINGHURST STREET - RESPONSE TO EAST SYDNEY
NEIGHBOURHOOD ASSOCIATION - QUESTION WITHOUT NOTICE BY
COUNCILLOR FOWLER (2014259 - 2002660)**

Question:

Could Council provide the East Sydney Neighbourhood Association with a written response as to:-

- (1) What action has been taken over the brothel at No. 201 Bourke Street?
- (2) What action is proposed to be taken over No. 201 Bourke Street?
- (3) Whether the Council proposes to take action to notify the brothel at No. 182 Liverpool Street to remove unauthorised advertising?
- (4) Whether a Building Application has been approved for No. 182 Liverpool Street and whether works have been completed?
- (5) Whether inspections have been done of No. 182 Liverpool Street to ensure that it is operating in accordance with the brothels policy and when these inspections occurred?

Answer by the Mayor:

That is already underway.

11.

**STREETS - REPLACING OF BUS SHELTERS AT REDFERN STREET,
HARCOURT PARADE AND ROTHSCHILD AVENUE - REPLACEMENT -
QUESTION WITHOUT NOTICE BY THE MAYOR (2002400)**

Question:

Currently there are three bus shelters owned by Council. One that is outside the mission home in Redfern Street, Redfern on the corner of Walker Street, has been vandalised to some degree and I have been asked by the mission home to have that removed and replaced with another suitable bus shelter. There are two in Rosebery, one in Harcourt Parade near Dunning Avenue that is in the same state, damaged and covered in graffiti. There is also one in Rothschild Avenue near the Roads and Traffic Authority.

Could I have them removed and replaced as soon as possible?

12.

**CELEBRATIONS - VICTORIA PARK SWIMMING POOL - OFFICIAL
OPENING, 22 FEBRUARY 1998 - QUESTION WITHOUT NOTICE BY
COUNCILLOR LAY (2013161)**

Question:

I have received numerous congratulations to Council residents who attended the official opening of the Victoria Park Swimming Pool on Sunday, 22 February 1998.

The opening was an outstanding success and I wish to extend congratulations to all staff involved in the project and opening on behalf of Council. Special thanks also goes to Joel Johnson, Parks Special Projects Manager, who co-ordinated the project.

At this stage it was moved by the Mayor, seconded by Councillor Fenton:-

That a letter of congratulations under the General Manager's signature on behalf of Council be forwarded to all staff involved in the Victoria Park Swimming Pool Project.

Carried.

REPORT OF THE FINANCE COMMITTEE

18 February 1998

PRESENT

Councillor Sean Macken (Chairperson)

**Councillors – The Mayor, Vic Smith Margaret Deftereos, Sonia Fenton,
Greg Waters**

At the commencement of business at 6.32 pm those present were:-

The Mayor and Councillors - Deftereos, Fenton, Macken.

Moved by the Chairperson (Councillor Macken), seconded by Councillor Fenton.

That the Report of the Finance Committee of its meeting of 18 February 1998, be received and the recommendations set out below for Items 1 to 5 inclusive and 8 to 12 and 14 inclusive, be adopted. The recommendations for items 6, 7 and 13 having been dealt with as shown immediately following such items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

**COMMUNITY FACILITIES - VICTORIA PARK BOWLING CLUB –
DEVELOPMENT INTO TENNIS COURT – QUESTION WITHOUT NOTICE BY
COUNCILLOR BUSH (2016325)**

That the joint report by the Director of Public Works and Services and the Director of Finance dated 22 January 1998, regarding the feasibility of using the Victoria Park Bowling Club site for the development of tennis courts, be received and noted.

Carried.

2.

**STREETS – ALCOHOL FREE ZONES – KING STREET, NEWTOWN
(2005892 & 2012385)**

That the report by the Director of Corporate Services' dated 6 February 1998, concerning the future of establishing an Alcohol-Free Zone in King Street, Newtown, be received and noted.

Carried.

3.

**FINANCE – ACCOUNTS – INVESTMENTS – MONTHLY REPORT – PERIOD
ENDING 30 JANUARY 1998 (2015594)**

That the Investment Report of the Director of Finance dated 10 February 1998, be received and noted.

Carried.

4.

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

That the report of the Director of Finance dated 4 February 1998 certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

5.

**COMMUNITY SERVICES – RILEY STREET, NOS. 402-404, SURRY HILLS
(THE BOYS BRIGADE/SURRY HILLS CHILDREN’S PROGRAM) – 1997/98
WORKS PROGRAMME (L02-00120)**

That arising from consideration of a report by the Director of Health and Community Services dated 6 February 1998, approval be given to the re-allocation of \$10,000 listed in the 1997/98 Works Program for the refurbishment of the toilets at the South Sydney Youth Centre (The Boys Brigade/Surry Hills Children’s Program) which has not been utilised and that this be transferred for application to the priority of resurfacing the basement floor.

Carried.

6.

**COMMUNITY SERVICES - PROPOSED WORK FOR THE DOLE PROGRAM
- YOUNG UNEMPLOYED PEOPLE (C56-00023)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the matter be deferred for the submission of further information

Carried.

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

Carried.

7.

**LICENSING – OXFORD SQUARE, NOS.16-18, DARLINGHURST –
PROPOSED FOOTWAY LICENCE (2016948)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler seconded by Councillor Fenton.

That the above matter be deferred for the submission of further information.

Carried.

8.

PLANT AND ASSETS – SUPPLY AND DELIVERY OF 14 MOTOR VEHICLE FLEET ITEMS – REVALUATION OF COUNCIL’S VEHICLE NO.4543 (2015532)

That confirmatory approval be given to the revaluation of Council vehicle No 4543 Holden Commodore ‘S’ Pack utility from \$21,000 to \$20,500.

(DPWS Report 27.1.98)

Carried.

9.

LEASING – ELIZABETH STREET, ADJACENT TO NO.639 WATERLOO – PROPOSED LEASE OF PART (2012119)

That the application to lease part of Elizabeth Street, Waterloo, adjacent to No. 639 Elizabeth Street, Waterloo and as shown on Plan No. S4-130/638, be refused.

(DPWS Report 12/2/98).

Carried.

10.

PLANNING - GREEN SQUARE CENTRE - REQUEST FOR FUNDING ASSISTANCE - SOUTH SYDNEY DEVELOPMENT CORPORATION (2016397)

At the Council meeting the Mayor declared an interest and did not take part in discussions or voting on the item.

That the Council endorse the request from the South Sydney Development Corporation for \$2,500 funding assistance towards a Green Square Centre Study and that the money be transferred to the Corporation Plan Account (GW97001).

(DPB Report 16.2.98)

Carried.

11.

DEPARTMENTS - PLANNING AND BUILDING DEPARTMENT - INCREASE IN OVERTIME BUDGET FOR FINANCIAL PERIOD 1 JULY 1997 TO 30 JUNE 1998 (2017515)

- (A) That, in order to reduce the number of outstanding Development Applications to an acceptable level and to provide the necessary professional and technical expertise to assist the "One Stop Shop" on Saturdays, an additional amount of \$15,000 be voted to the Planning and Building Department's Statutory Planning Section Account No.GQA-22A0, Business Unit 5112, for the financial period 1 July 1997 to 30 June 1998 and \$10,000 to Account GQA-11A0 Statutory Planning Labour Wages for the continued employment of one additional effective full time Cadet position to the 30 June 1998.
- (B) That, in order to maintain the high level of efficiency and provide the necessary professional and technical expertise to assist the "One Stop Shop" on Saturdays, an additional amount of \$10,000 be voted to the Planning and Building Department's Building Services Section, Account No.GNA-22A0, Business Unit 5114, for the financial period 1 July 1997 to 30 June 1998.

(DPB Report 16.2.98)

Carried.

12.

PLANNING - SUPPORT FOR THE PREPARATION OF TOURISM STRATEGIES - NEWTOWN AND KINGS CROSS (2017392)

That arising from consideration of a report by the Director of Planning dated 16 February 1998 it be resolved that:-

- (1) Council allocate \$25,000 to the preparation of the Newtown Tourism Strategy and Kings Cross Tourism and Marketing Strategy subject to approval of the separate grant applications by Tourism NSW;
- (2) upon approval of the grant applications by Tourism NSW, \$12,500 be transferred from Account No LMG 6035 to match \$12,500 in S.94 monies, the total of Council's contribution to the preparation of Tourism Strategies for Newtown and Kings Cross being \$25,000;
- (3) the approved funds for the Newtown Tourism Strategy be administered by the Newtown Tourism Strategy Steering Committee, comprised as follows:
- (a) The Mayor of South Sydney Council (ex officio);
 - (b) The Mayor of Marrickville Council (ex officio);
 - (c) A representative of the Newtown Chamber of Commerce;

GENERAL MANAGER

- (d) A representative of the Newtown South Mainstreet Committee;
 - (e) A South Sydney Council officer with responsibilities for Mainstreet development;
 - (f) A Marrickville Council officer with responsibilities for Mainstreet development;
- (4) the approved funds for the Kings Cross Tourism and Marketing Strategy be administered by a project steering committee. Council and Kings Cross Tourism will agree to details of the coordination of the project prior to Council providing its financial commitment to the project.

Carried.

13.

PROPERTIES - LITTLE RILEY STREET, NOS. 27 AND 27A, SURRY HILLS – PROPOSED DEMOLITION (2004691, L52-00011, P06-00064)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Corporate Services dated 11 February 1998, approval be given to proceed with the appointment of Graham Brooks and Associates to investigate the heritage significance of the buildings (if any) and proceed with obtaining Council's consent to demolish the buildings if deemed appropriate.

At the request of Councillor Fenton, and by consent, the motion be amended by the addition of the words "and the area be landscaped in conjunction with the adjoining park" after the last word "appropriate" in the last line of the recommendation.

Motion, as amended by consent, carried.

14.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 20 MOTOR VEHICLE FLEET ITEMS TENDERS (2015532)

That approval be given to:-

- (A) the acceptance of the following tenders submitted for the supply and delivery of 20 Motor Vehicle Fleet Items in accordance with Council's Specification No PWS.26/97 under the following categories:
 - (1) Category 'A' - The tender by West City Holden dated 27 January 1998 for three Holden Commodore Executive Sedans in the sum of \$24,817 per vehicle, in the total sum of \$74,451 less a total trade-in allowance of \$37,000 on Council vehicles Nos. 4093 and

6028 Toyota Camry sedans, in the total nett sum of \$37,451 (and disposal of vehicle No 6034 at auction);

- (2) Category 'A' - The tender by Greg Ball Automotive, undated, for one Holden Commodore Executive Sedan in the sum of \$24,825.14 less a trade-in allowance of \$20,250 on Council vehicle No 6148 Holden Commodore sedan, in the total nett sum of \$4,575.14;
- (3) Category 'B' - The tender by West City Holden dated 27 January 1998 for one Holden Commodore Executive station wagon in the sum of \$21,524 (sales tax exempt) less a trade-in allowance of \$18,250 on Council vehicle No 4078 Toyota Camry sedan, in the total nett sum of \$3,274;
- (4) Category 'B' - The tender by Sundell Holden dated 27 January 1998 for the purchase of one Holden Commodore Executive station wagon in the sum of \$26,205 (and the disposal of vehicle No 6501 at auction);
- (5) Category 'C' - The tender by Sundell Holden dated 27 January 1998 the one Holden Calais Sedan in the sum of \$37,305 less a trade-in allowance of \$34,800 on Council vehicle No 6133 Holden Calais sedan, in the total nett sum of \$2,505;
- (6) Category 'C' - The tender by Suttons City Holden dated 29 January 1998 for one Holden Calais Sedan in the sum of \$37,399 less a trade-in allowance of \$31,000 on Council vehicle No 6297 Holden Calais sedan, in the total nett sum of \$6, 399;
- (7) Category 'E' - The tender by Northshore Mitsubishi dated 28 January 1998 for one Mitsubishi GLX Starwagon fitted with ABS brakes, driver's side air bag and towbar, in the sum of \$33,256 less a trade-in allowance of \$26,060 on Council vehicle No 4822 Mitsubishi GLX Starwagon, in the total nett sum of \$7,196;
- (8) Category 'F' - The tender by West City Holden dated 27 January 1998 for three Holden Commodore 'S' Pack utilities in the sum of \$19,213 per vehicle, in the total sum of \$57,639 less a total trade-in allowance of \$64,250 on Council vehicles Nos. 4396, 4545 and 4546 Holden Commodore 'S' Pack utilities, for a total credit of \$6,611;
- (9) Category 'G' - The tender by Penrith Mitsubishi dated 27 January 1998 for one Mitsubishi GLX Triton cab/chassis with all steel tipping body, in the sum of \$19,228 less a trade-in allowance of \$22,000 on Council vehicle No 4501 Toyota 4x4 1-tonne tipper, for a credit of \$2,772;

- (10) Category 'H' - The tender by Sydney City Toyota dated 29 January 1998 for one Toyota HiAce LWB Van in the sum of \$26,005, less a trade-in allowance of \$21,500 on Council vehicle No 4176 Toyota HiAce Van, in the total nett sum of \$4,505;
- (11) Category 'I' - The tender by Terry Shields Toyota dated 29 January 1998 for one Toyota HiAce LWB Van in the sum of \$21,675, less a trade-in allowance of \$20,300 on Council vehicle No 4171 Toyota HiAce LWB Van, in the total nett sum of \$1,375;
- (12) Category 'J' - The tender by Penrith Subaru Volkswagen dated 29 January 1998 for two Volkswagen dual cab cab/chassis, utility body and canopy in the sum of \$32,613.64 per unit, in the total sum of \$65,227.28, less a total trade-in allowance of \$40,750 on Council vehicles Nos. 4827 and 4828 Toyota HiAce LWB Vans, in the total nett sum of \$24,477.28;
- (13) Category 'K' - The tender by Terry Shields Toyota dated 29 January 1998 for one Toyota HiLux dual cab utility in the sum of \$19,621, less a trade-in allowance of \$19,000 on Council vehicle No 4181 Toyota HiLux dual cab utility, in the total nett sum of \$621;

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

- (B) The disposal of 2 Council vehicles Nos. 6034 Holden Commodore Sedan and 6501 Ford Falcon Station Wagon at auction.

(DPWS Report 11.2.98).

Carried.

REPORT OF THE FINANCE COMMITTEE

(CONFIDENTIAL MATTERS)

18 FEBRUARY 1998

The Committee resolved 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:-

Items 3,5 and 8 - Personnel Matters

GENERAL MANAGER

Items 1,2,4,6 and 7 – Lease and Contractual Matters

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

That the Report of the Finance Committee of its meeting of 18 February 1998, be received and the recommendations set out below for Items 1 to 2, inclusive 4 to 6 inclusive, be adopted. The recommendation for Items 3,7 and 8 having been dealt with as shown immediately following such items.

1.

PROPERTIES - TENDER/CLEANING - COMPARISON (2001739)

That the work currently being carried out by Council's Flying Squad be opened to the market place by Tender to determine an actual cost of the service by an external contractor and upon the receipt of Tenders the effectiveness of Council's Flying Squad be the subject of a further report and recommendation to Council.

(DCS Report 10.2.98)

Carried.

2.

VEHICLES – REGIONAL TENDER FOR LEASING OF LIGHT VEHICLE FLEET (2012356)

That arising from consideration of a report by the Director of Public Works and Services dated the 11 February 1998 regarding the regional tender for the lease of vehicles, approval be given to the acceptance of the recommendations made by the NSW Treasury Corporation in its report of January 1998, to reject all tenders, and further, that approval be given to the acceptance of the SSROC tendering panel to negotiate with the three short-listed tenderers on behalf of the region so that South Sydney Council can monitor the issue annually and assess its economical propositions, and that Sutherland Shire Council be advised accordingly.

Carried

3.

STREETS – STREET FURNITURE CONTRACT WITH J C DECEAUX - CASH PAYMENT (2014501)

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

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Macken, seconded by Councillor Lay:-

That approval be given to the acceptance of the cash payment alternative in place of the additional services offered by the street furniture contractor (J.C.Decaux) as detailed in the recommendation of the report of the Director of Public Works and Services dated 16 February 1998.

Carried

4.

PLANT AND ASSETS - SUPPLY OF FURNITURE FOR 140 JOYNTON AVENUE – STAGE TWO (2008384)

That Council vote the funds as detailed in the Director's report for Stage One and Stage Two of the upgrade of facilities at Council's Administration offices located at No.140 and No. 136 Joynton Avenue, Zetland.

(DOD Report 16.2.98)

Carried.

5.

PERSONNEL - NINE DAY FORTNIGHT – QUESTION OF ROTATIONAL ROSTERS (5031284)

- (A) That the recommendation as contained in the report by the Director of Organisational Development dated 16 February 1998, regarding rotational rosters of the nine-day fortnight be approved and that condition (2) of the report be deleted from the recommendation.
- (B) That the Director of Organisational Development submit a report on when the new Rostered Recreation Day (RRD) cycle will commence to implement a Rotational Roster for all staff and a further report be submitted in six months time from the commencement of the new RRD Programme as to its suitability.

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

- (1) That the rotational roster for the nine-day fortnight begin as from Monday April 20, 1998.
- (2) That the Director of Employment Services in consultation with all other Directors, draws up a set of guidelines for distribution to all staff concerned regarding the rotational nine-day fortnight roster.

GENERAL MANAGER

- (3) That a report be submitted to Council on the success of the implementation in three months time. This report to have input from all Directors in order that all operational and service needs have been covered.

(DES Report 23.2.98)

Motion, as amended by consent, carried.

6.

**PROPERTIES – PROPOSED RESIDENTIAL PROPERTY SALE PROGRAM
(2017715 2017714 2017713)**

That the recommendation as contained in the report by the Director of Corporate Services dated 17 February 1998, regarding the above matter be approved and adopted.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of the following new Clause (C) namely:-

- (C) That the sale of properties be with individual Strata or Torrens Title.

Motion, as amended by consent, carried.

7.

MOTOR VEHICLES – REVIEW OF COUNCIL'S VEHICLE POLICY (5161479)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That Council amend its current Vehicle Replacement Policy by adopting a Vehicle Replacement Policy as detailed in the recommendation of the Director of Finance in the report dated 17 February 1998, and to the addition of Clauses (6) and (7), to the recommendation namely:-

- (6) Review of the policy every six months;
- (7) Approved lease back users be given the choice of Clause (2) of the recommendation at the approved leaseback fee or a 6 cylinder vehicle (Ford Falcon or Holden Commodore) which attracts a premium of \$19 per week over and above the approved lease back fee.

Carried.

8.

STREETS - STREET FURNITURE CONTRACT WITH J C DECAUX AUSTRALIA – SELECTION OF DESIGN RANGE (2014501)

At the Council meeting , the Mayor declared an interest and did not take part in discussions and voting on the item.

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Public Works and Services dated 18 February 1998, Council endorse the design selection and proposed site locations (as detailed in this report and shown in the map attached to the exhibition material) of various Street Furniture items for the purpose of formulating an overall Street Furniture Master Plan supported by the required Development Application documentations for final determination by Council on the installation of Street Furniture items to satisfy the requirements of the Contract with J C Decaux Australia Pty Ltd.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

18 February 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken, Greg Waters .

At the commencement of business at 7.22 p.m those present were -

Councillors:- Deftereos, Fenton, Macken and Waters.

Moved by the Chairperson Councillor Fenton, seconded by Councillor Macken

That the Report of the Community Services Committee of its meeting of 18 February 1998, be received and the recommendations set out below for Items 1 and 2 inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

GENERAL MANAGER

1.

PROPERTIES - ERSKINEVILLE TOWN HALL, NO.104 ERSKINEVILLE ROAD, ERSKINEVILLE – HEARING LOOPS – INSTALLATION (2003345)

That approval be given to call further quotations to install a permanent hearing loop system for the Council Chamber at Erskineville Town Hall, No.104 Erskineville Road, Erskineville, and a portable system for use in the John Willis Room and other properties where public meetings may be held for which funds are available in the 1997/1998 Operational Budget (Account Code BPC.77FO).

(DCS Report 29.1.98)

Carried.

2.

PROPERTIES – HUGO STREET, NOS. 29-53, LOUIS STREET, NOS. 28-54 AND CAROLINE STREET NOS12-36, CHIPPENDALE – KNOWN AS THE WILSON BROS SITE – PLAN OF MANAGEMENT – STEERING COMMITTEE (2017337)

That approval be given to the formation of a Plan of Management Steering Committee comprising of Councillors, Fenton and Lay, Council Officers and local residents to oversee and provide input into the Wilson Brothers Site Plan of Management.

At the request of Councillor Lay and by consent the motion was amended by the addition of the Mayor, Councillor Vic Smith to the Steering Committee.

Motion, as amended by consent, carried

(DPWS Report 3.2.98.)

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

18 February 1998

PRESENT

Councillor Christine Harcourt (Acting Chairperson)

Councillors - John Bush, John Fowler, Jill Lay.

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

Councillors - Bush, Fowler, Harcourt, Lay.

GENERAL MANAGER

Apology:

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

That the Report of the Planning and Development Committee of its meeting of 18 February 1998, be received and the recommendations set out below for Items 1 and 2, 9 to 11 inclusive, 13, 15, to 17 inclusive 19, 21 to 26 inclusive, 29 to 32 inclusive and 35, be adopted. The recommendations for Items 3, 4, 5, 6, 7, 8, 12, 14, 18, 20, 27, 28, 33 and 34 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

STREETS – WHITE WAY LIGHTING – CROWN STREET, SURRY HILLS AND BAPTIST STREET, REDFERN – QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2016587)

That the installation of White Way lighting along Crown Street and Baptist Street between Devonshire and Cleveland Streets, Surry Hills, be considered as part of an overall streetscape improvement plan as recommended in the Development Control Plan 1997 - Urban Design.

(DPWS Report 2/2/98.)

Carried.

2.

STREETS – LIGHTING – COST BENEFITS OF SOLAR LIGHTING IN PUBLIC STREETS (2016778)

That the report of the Director of Public Works and Services regarding solar street lighting, be received and noted.

(DPWS Report 2/2/98.)

Carried.

3.

CROWN STREET, NO. 503, SURRY HILLS – CONTINUED USE OF EXISTING STRUCTURE OVER AND AROUND FOOTWAY LICENCE AREA – ELEPHANT FOOT HOTEL (U97-00645)

- (A) That the Council issue an order pursuant to Section 124.5g to the owners requesting that structured certification of the unauthorised structure shall be submitted from a Structural Engineer.
- (B) That the Council write to the owners warning that in future if works is carried out without first obtaining approval Council will enforce its full powers given under the Local Government Act.
- (C) That subject to compliance with (A) above Council take no further action in respect of the matter.
- (D) That the Council as the responsible authority grants its consent to the application submitted by Banisa Holdings Pty Ltd for permission for continued use of the existing structure erected above and around the footpath area out the front of the Elephants Foot Hotel, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with drawings number 01, 02,03 and 04 dated July 1997;
 - (2) That maintained planter boxes shall be located adjacent to the outer walls of the structure as shown on Plan no 01, 02 and 03 dated July 1997;
 - (3) That entertainment (including the playing of recorded music and/ or musical instruments) shall not be permitted within the structure;
 - (4) That any change to the existing use of the subject area shall require prior approval from Council;
 - (5) That the structure shall not to be altered visually with the addition of signage or exterior lighting;
 - (6) That the use of the structure shall be restricted to the hours of operation prescribed in the footway licence held by Banisa Holdings Pty Ltd;
 - (7) That the structure shall be a temporary addition to the hotel and shall not alter the physical facade of the hotel;
 - (8) That the structure shall be maintained in good condition at all times.

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

Granting of unconditional consent would be likely to adversely affect the significance of the heritage conservation area, the heritage significance of the Elephants Foot Hotel and the amenity of the neighbourhood.

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

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

That the application be deferred for an inspection by Councillors in order to view the footpath and existing structure.

Amendment negated,

Motion carried.

4.

BARCOM AVENUE NO.111, DARLINGHURST – ALTERATIONS TO EXISTING TERRACE – DEVELOPMENT APPLICATION (U97-01125)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the application submitted by Mr Graham G Ross, for permission to carry out alterations and additions to the existing dwelling at No. 111 Barcom Avenue, Darlinghurst, be deferred to the next Planning and Development Committee to be held on 4 March 1998, for further information by Council Officers.

Carried.

5.

KELLETT STREET, NOS. 20-22, POTTS POINT – ALTERATIONS AND ADDITIONS TO BROTHEL – DEVELOPMENT APPLICATION (U97-00933)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Margaret Krauser with the authority of No. 62 Darlinghurst Road Pty Ltd 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 and details submitted on 11 November, 1997;
- (2) That the hours of operation shall be 24 hours on Fridays and Saturdays and 11am to 5am the following day the remainder of the week;
- (3) That no alcohol is to be sold on the premises;
- (4) That no more than 10 sex workers are to be on the premises at any one time;
- (5) That the unauthorised neon signage shall be removed from the premises within 14 days of this consent;
- (6) That details shall be submitted with a building application showing a secure new entry doorway and details of the front façade without the existing painted wall signage. Details to be submitted to the satisfaction of the Director of Planning and Building within 30 days of the date of this consent;
- (7) That the outside of the premises are to be kept in a clean and tidy condition at all times;
- (8) That no solicitation associated in any way with the premises shall occur on the streets, or within the premises in view of the public;
- (9) That clients are not to loiter outside premises and all clients shall be required to wait in the designated reception area;
- (10) That the toilet and airlock, ground floor and the shower to bedroom numbered 1 shall be ventilated by an approved system of mechanical exhaust ventilation;
- (11) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;

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

- (12) That trade waste arrangements for the premises shall be finalised to the satisfaction of the Director of Public Works and Services;
- (13) That any future changes to the trade waste arrangements for the premises shall be approved in writing by the Director of Public Works and Services, South Sydney Council, prior to their implementation and that a trade waste contractor be engaged

prior to the commencement of any operations;

- (14) That the applicant ensures that at all times Council has a copy of the current trade waste contract, including contact details for the trade waste company as well as details of the services being provided including the number of times the service will be provided on a weekly basis, which days the service is to be provided, from what specific location, and at what times the pick up will be;

and the following adopted standard conditions:

- (15) LDA351 - Building Application required;
- (16) LDA376 - Hours of building work;
- (17) LDA392 - No obstruction to public way;
- (18) HSC500 - Premises to be ventilated;
- (19) HSC018 - Sanitary facilities;
- (20) HSC401 - Cleanliness of premises;
- (21) HSC403 - Linen receptacles;
- (22) HSC404 - Changing of linen;
- (23) HSC410 - Supply of condoms;
- (24) HSC413 - STD information;
- (25) HSC414 - Examination of clients;
- (26) HSC416 - Health check-ups;
- (27) HSC701 - Contaminated material;
- (28) HSC709 - Garbage room;
- (29) HSC801 - Noise from premises.

NOTE 1: The proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk.

NOTE 2: The maintenance of spa pools shall be in accordance with the NSW Health Department Public Swimming Pool and Spa Pool Guidelines.

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.

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

- (C) That the Director of Planning and Development prepare a report that locates all approved brothels and those seeking approval in the 2010 postcode north of Oxford Street and the 2011 postcode from Victoria Street east to the boundary of the postcode.

Motion, as amended by consent, carried.

6.

LAWSON STREET, NO.138, REDFERN – ALTERATIONS AND ADDITIONS TO EXISTING TERRACE – DEVELOPMENT APPLICATION (U97-00794)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken :-

- (A) That the Council resolve that it is satisfied that the objection submitted under State Environmental Planning Policy No 1 to the Floor Space Ratio in Clause 10 of Local Environmental Plan No 107 is well founded and that compliance with the standard is unreasonable and unnecessary in this instance for the following reason:-
- (1) That the development is common in the locality and the proposal would not cause unacceptable impact on adjacent properties and is a minimal exceedence of the control.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr and Mrs Harrison for permission to conduct alterations and additions including rear ground floor extension of the existing dwelling for the purposes of a sunroom, bathroom and rear deck and conversion of the existing roof space into an attic with rear skillion roof dormer, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the submitted drawings numbered 97486-1 and 97486-2 held on Council File Number U97-00794;
- (2) That the rear first storey balcony be deleted;
- (3) That the first floor roof terrace at the rear shall be reduced in size to provide for a Juliette balcony not exceeding 2.5m x 1.2m;
- (4) That the roof attic shall not be used as a habitable room;

and the following adopted standard conditions are as follows:-

- (5) LDA351 - Building Application required;
- (6) LDA367 - Timing device on alarms;
- (7) LDA368 - Display of street numbers;
- (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 granting consent, subject to the above conditions, is:-

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

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

Carried.

7.

MACLEAY STREET, NOS. 91-93C, POTTS POINT – ALTERATIONS AND ADDITIONS TO EXISTING BUILDING INCLUDING 3 ADDITIONAL LEVELS CONTAINING 24 RESIDENTIAL UNITS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00179)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fenton :-

That the Council as the responsible authority refuses the application submitted by Selwan Property Holdings with the authority of Kimberly Securities for permission to carry out alterations and three additional levels to the existing retail/commercial building to provide 24 residential units for the following reasons, namely:-

- (1) That adequate provision has not been made for the servicing of the site;
- (2) That adequate provision has not been made for the provision of off-street car parking associated with the development;
- (3) That the proposed development would adversely impact on the amenity of adjoining development and development in the locality as a result of construction traffic standing in Macleay Street contrary to traffic regulations. (Note given the sites location in relation to the intersection with Macleay Street, Council could not agree to a construction zone in Macleay Street and suitable alternative means of construction have not been identified);
- (4) That the applicant has failed to demonstrate that the proposal would not adversely effect access to sunlight of other residences in the locality and in particular that the provisions of DCP 1997 – Urban Design are complied with;
- (5) That the proposed development exceed the maximum permissible floor space ratio of 3 ..1 and in the circumstances compliance with the standard is not unreasonable or unnecessary.
- (6) That given the circumstances of the case, the proposal is not considered to be in the public interest.

Carried.

8.

SPRINGFIELD AVENUE, NOS. 24-30, POTTS POINT – TO CONTINUE USE OF SHOP 13 AS A KOREAN POOL HALL – DEVELOPMENT APPLICATION (U97-00829)

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Sung Bae with the authority of Rifon Pty Ltd for permission to use Shop13 as a Korean Pool Hall, subject to the following conditions, namely:-
- (1) That the Code of Practice submitted to Council dated 12 February 1997, shall be complied with at all times;
 - (2) That the hours of operation shall be limited to 11am to 12 midnight;
 - (3) That the following persons shall be prohibited from entering the business premises:
 - (a) under the age of 18 years;
 - (b) anyone seriously intoxicated or apparently affected by drugs regardless of sex or age;
 - (4) That no music systems which can produce excessive noise shall be installed;
 - (5) That no alcohol shall be sold on the premises and no alcohol shall be allowed to be brought into the premises;
 - (6) That the premises shall be limited to a maximum occupancy of 30 patrons at any one time;
 - (7) That no access to the balcony shall be permitted at any time after 10.00 pm;
 - (8) That no games for profit shall be played on the premises including any form of gaming or gambling activities;
 - (9) That the services and products supplied by the business to customers shall be restricted to the use of tables and relevant equipment and light refreshments, such as soft drinks and food supplements;
 - (10) That Shop 13 not be used after 9.00pm unless there is upon the premises and in charge of such premises either Mr or Mrs Kim (the proprietors) or other such person who has been and remains approved as such by Council and upon recommendation by Police;

- (11) That at no time shall pinball machines, amusement machines or the like other than Korean Pool tables be installed on the premises;
- (12) 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;

- (13) 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. Such application to be lodged with 30 days from the date of this consent;
- (14) That the applicant shall ensure that the first floor of the premises known as 24-30 Springfield Avenue is patrolled by licensed security guards at half-hourly intervals from 8.00 p.m. until closure;
- (15) That the applicant shall install and maintain to the satisfaction of the Council surveillance cameras and monitor screens such that the public areas of the first floor are capable of being viewed without the need of entry to the first floor. A monitor screen shall be located within Shop 13 and a second screen shall be located

in an accessible but secure place upon the ground floor;

- (16) That the applicant shall install to the satisfaction of the Council a solid screen constructed of glass or perspex or other approved material upon the balcony of Shop 13 adjacent to the existing air-conditioning unit between the floor and the underside of the external awning for the purpose of reducing the transmission of noise to the premises adjacent to the balcony (No. 22 Springfield Avenue);
- (17) That the applicant shall install and maintain lighting to the premises 24-30 Springfield Avenue of an intensity approved by the Council during such hours as Shop 13 remains open.

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 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 shall comply with the requirements of D2.19, 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 AS2444;
 - (3) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS 122/AS2441;
 - (4) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
 - (5) 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;
 - (6) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293.1.
 - (7) That the entertainment area shall be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60;

- (8) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
 - (9) That approval shall be obtained from Council pursuant to Chapter 7 of the Local Government Act 1993 for the change of classification.
- (C) That persons who made representations in respect of the proposal be notified of Councils decision.

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

That the application be refused.

Amendment negatived.

Motion, carried.

Councillors Deftereos and Fowler request that their names be recorded as voting against the foregoing motion.

9.

HENDERSON ROAD, NO.254, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO REAR OF EXISTING TERRACE- BUILDING APPLICATION (Q97-01037)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr Brown for permission to carry out alterations and additions at the abovementioned premises including new bathroom, laundry, kitchen/dining and family room and to replace the existing roll-on-door to the rear lane, all in accordance with the submitted unnumbered plan dated 20 September 1997, subject to the following conditions, namely:
- (1) That details of the existing and proposed drainage system shall be submitted for approval prior to commencement of building work;
 - (2) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and “Code of Standard Requirements for Discharge of Storm Water”;
 - (3) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect

confirming that all work complies with the approved certified plan;

and the following adopted standard conditions:

- (4) BC2 - Compliance with Local Government Act 1993;
- (5) BC3 - Compliance with conditions on plan;
- (6) BC8 - Details of contractor;
- (7) BC11 - Inform Council for inspections;
- (8) BC15 - Approval relates to coloured work;
- (9) BC34 - Brickwork to match existing;
- (10) BC62 - Survey Certificate for setup of building;
- (11) BC63 - Survey Certificate for finished building;
- (12) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (13) BC111 - Hours of work;
- (14) BC113 - Work to comply with noise standards;
- (15) BC114 - Existing building to be kept in stable condition;
- (16) BC116 - New work not to encroach boundaries;
- (17) BC123 - Demolition to comply with standard;
- (18) BC167 - Structural details and certification to be submitted;
- (19) BC170 - Structural certificate upon completion;
- (20) BC175 - Comply with Timber Framing Code;
- (21) BC176 - Approval for permanent work only;
- (22) BC186 - No structural work until approval granted;
- (23) BC337 - Construction of boundary walls;
- (24) BC340 - Non-flammable sarking materials;
- (25) BC352 - Glazing materials;

- (26) BC529 - Smoke alarm systems;
 - (27) BC601 - Water closets and shower compartments;
 - (28) BC603 - Damp and weatherproofing;
 - (29) BC608 - Ceiling heights;
 - (30) BC609 - Natural light and ventilation;
 - (31) BC617 - Rain or dampness penetration;
 - (32) BC618 - Flashing to be provided;
 - (33) BC619 - Clothes washing facilities;
 - (34) PWS2 - New alignment levels;
 - (35) PWS5 - Footway crossings;
 - (36) PWS7 - Stormwater disposal requirements;
 - (37) PWS17 - Public way not obstructed;
 - (38) PWS18 - Refuse skips
 - (39) PWS20 - Washing down of concrete trucks;
 - (40) HSC500 - Premises to be ventilated;
 - (41) HSC556 - Laundry ventilation;
 - (42) HSC800 - Use of appliances emitting intrusive noise;
 - (43) HSC(note) - Sediment Control.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

CRAIGEND STREET, NO.65, DARLINGHURST – EXTENSION OF WORKSHOP HOURS – DEVELOPMENT APPLICATION (U97-01150)

- (A) That the Council as the responsible authority grants its consent to the application submitted by BMW Australia Pty Ltd to extend the workshop hours of the car distribution centre, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the hours of operation of the workshop shall not extend beyond 7.00 a.m. to midnight on Mondays to Fridays and 8.00 a.m. to 7.00 p.m. on Saturdays and Sundays;
 - (2) That the new and used car sales and parts sections shall not operate outside the hours of 7.00 a.m. to 8.00 p.m. Mondays to Fridays, and 8.00 a.m. to 6.00 p.m. Saturdays and Sundays, and no vehicle shall be accepted for servicing or released after servicing outside those hours, and the service centre shall not be accessible to the public after 8.00 p.m.;
 - (3) That all vehicles exiting the site shall do so onto McLachlan Avenue or Craighend Road;
 - (4) That all vehicles returning to the site after 8.00 p.m. shall enter from Craighend Street and shall not use McLachlan Avenue;
 - (5) That any movement of vehicles between the rooftop parking area and the service area shall use the internal ramp system;
 - (6) That the consent for extended hours shall lapse at the end of six months from the date of this consent and the hours of the workshop shall revert to those in condition (2) of this consent unless a further development application has been lodged and consent granted;
 - (7) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

**BOURKE STREET, NOS. 563-565, SURRY HILLS, CARRINGTON HOTEL –
CONTINUE TO USE PREMISES AS A PLACE OF PUBLIC
ENTERTAINMENT – DEVELOPMENT APPLICATION (U97-01041)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Lotaish Pty Ltd, with the authority of Idameneo (No.14) Pty Ltd, for permission to continue provision of entertainment in the rear bar area, for the following reasons, namely:-
- (1) That the provision of entertainment adversely affects the local amenity by generation of noise both from music and patrons;
 - (2) That the applicants have not demonstrated an ability to comply with conditions of the probationary development consent;
 - (3) That approval 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.

12.

**WATKIN STREET, NO.18, NEWTOWN – GROUND AND FIRST FLOOR
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING
DECK (U97-01059)**

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

- (A) That the Council as the responsible authority, favours the Development Application submitted by Phillip Sutton for permission to carry out alterations and additions to the existing dwelling subject to the following conditions, namely:-
- (1) That the development shall be in accordance with plans DA 045\97\02 date stamped 31 October 1997;
 - (2) That the deck shall be shortened by 1200mm to meet the requirements of Part F of DCP 1997- Urban Design;
 - (3) That a timber lattice screen of 1800mm in height be placed on the sides of the timber deck;
 - (4) LDA 351;
 - (5) LDA 389;

GENERAL MANAGER

(6) HSC500;

(7) HSC800.

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.

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

That the application be deferred to the next Planning and Development Committee meeting to be held on 4 March 1998, as requested by the applicant.

Motion as amended by consent, carried.

13.

CHURCH PLACE, NO.7, PADDINGTON – EXTENSIONS TO GROUND FLOOR TOGETHER WITH THE ERECTION OF A FIRST FLOOR TIMBER DECK AND DOUBLE DOORS TO REAR- BUILDING APPLICATION (U97-01061)

That the application submitted by Mr M J Statham for permission to extend the ground floor and erect a timber deck to the rear at the abovementioned premises, be deferred to the next Planning and Development Committee to be held on 4 March 1998, as requested by the applicant in fax dated 17 February 1998.

Carried.

14.

BARCOM AVENUE, NO. 115, DARLINGHURST – ERECT GARAGE DOOR AND SPACE FOR 2 OFF STREET PARKING SPACES – BUILDING APPLICATION (Q97-00884)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

GENERAL MANAGER

- (A) That the Council, as the responsible authority, grant its consent to the application submitted by Kris Torma for permission to carry out new building work comprising a timber gate, boundary fence and off-street car parking in accordance with submitted Plan No 1/1 submitted on 23 September 1997, subject to the following conditions, namely:-
- (1) That the approval shall only relate to the work shown on the approved plans;
 - (2) That the off street car parking area shall be reduced in size to accommodate one vehicle, in this regard the area shall not exceed 3.5m in width and 6m in length and the opening to the street reduced to a maximum of 3m in width. Details of these changes together with design details of the timber gate shall be submitted to Council and approved prior to construction commencing;
 - (3) That new work shall not project beyond the street alignment or boundaries of the allotment;
 - (4) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
 - (5) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
 - (6) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (7) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (8) 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;
 - (9) 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;

and the following adopted standard conditions:

- (10) BC2 - Compliance with Local Government Act 1993;
 - (11) BC3 - Compliance with conditions on plan;
 - (12) BC8 - Details of contractor;
 - (13) BC111 - Hours of work;
 - (14) BC113 - Work to comply with noise standards;
 - (15) BC167 - Structural details and certification to be submitted;
 - (16) BC186 – No structural work until approval granted;
 - (17) 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.

15.

BAYSWATER ROAD, NOS. 20-26, POTTS POINT – CHANGE OF HOURS AND INCREASE SEATING CAPACITY OF SUGAREEF RESTAURANT/ NIGHTCLUB – DEVELOPMENT APPLICATION (U97-00998)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr A Tozzi with the authority of Axtean Pty Ltd for permission to alter the hours of operation of the Sugareef restaurant/ nightclub and to increase its patron capacity, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans SR1 dated October 1997;
 - (2) 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;
 - (3) That the operator of the premises shall in consultation with the NSW Police Service, enter into the soon to be finalised Kings Cross Licensing Accord;

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- (4) That the use of the premises shall not give rise to:-
- (a) transmission of vibration to any place of different occupancy;
 - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the
 - (c) 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;
 - (d) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
 - (e) an "offensive noise" as defined in the Noise Control Act, 1975;

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

- (5) That the hours of operation shall be restricted to between 11.00 a.m. to 6.00 a.m. daily ;
- (6) That the capacity of the premises shall be restricted to a maximum of 228 persons however any increase in capacity shall not take place until a certificate of classification has been issued by Council;
- (7) That the applicant at the time of lodging the Building Application, shall produce evidence that the exit located on the northern side of the boundary discharges directly to Mansions Lane;
- (8) That all relevant sections of the BCA shall be complied with;
- (9) That an acoustic consultants report shall be submitted with the Building Application verifying compliance with Councils EPA and Liquor Administration Board requirements. The use with altered hours and increased capacity shall not commence unless all works (if any) identified in that report to ensure compliance, are carried out;
- (10) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2.

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

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

Carried.

16.

BELMONT STREET, NOS. 351-353, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO EXISTING TERRACE AND TO ERECT 2 TERRACES – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01091)

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

That the minor increase in FSR is acceptable in terms of residential amenity and will not detract from the character of the existing streetscape in terms of bulk and scale.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Margaret Rianos, with the authority of Hidmik Pty Ltd, for permission to carry out alterations and additions to the existing terrace and to demolish the existing warehouse and to erect two terraces, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA01-DA05 dated October 1997;
- (2) That the terrace adjoining No. 355 Belmont Street shall have a 900mm setback on both levels along the boundary to match No. 355 Belmont Street, to the satisfaction of the Director of Planning and Building;
- (3) That the front dormer windows shall be redesigned to be in a 1.5:1 ratio are in a more traditional design as required by DCP 1997;
- (4) Section 94 Contributions

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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	\$6, 318	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1, 888	2E97002.BGYO
Accessibility And Transport	\$ 24	2E97006.BGYO
Management	\$ 96	2E97007.BGYO
Total	\$8, 326	

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.

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

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.

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

and the following adopted standard conditions:-

(6) LDA21 - No resident parking for residential flat developments;

(7) LDA376 - Hours of building work;

- (8) LDA384 - New alignment levels;
- (9) LDA387 - Footway crossings;
- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA392 - No obstruction to public way;
- (12) LDA394 - Cost of alteration to signposting;
- (13) LDA396 - Works within boundaries;
- (14) LDA399 - Cost of consequential roadworks;
- (15) LDA377 - Construction noise regulation;
- (16) LDA351 - Building Application required;
- (17) HSC103 - Environmental site assessment being carried out;
- (18) HSC500 - Premises to be ventilated;
- (19) HSC501 - Plans and specification of ventilation;
- (20) HSC555 - Bathroom ventilation;
- (21) HSC801 - Noise from premises;
- (22) LDA107 - Make application to remove trees;
- (23) LDA152 - Schedule of finishes;
- (24) LDA153 - Reflectivity of external glazing;
- (25) LDA391 - Builder's Hoarding Permits;
- (26) LDA393 - Delivery of refuse skips.

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

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

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

Carried.

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17.

SOUTH DOWLING STREET, NO.378, SURRY HILLS – ERECT FLUSH MOUNTED 6M X 6M WALL SIGN – DEVELOPMENT APPLICATION (U97-01062)

- (A) That the Council as the responsible authority, refuses its consent to the application submitted by M and P Boyd, for the display of a general advertising sign 6 metres by 6 metres on the southern wall of the existing building for the following reasons, namely:-
- (1) That the proposal is contrary to the objectives of the Residential 2(b) zone as contained in LEP 107;
 - (2) That DCP 7 – Guidelines for Outdoor Advertising adopted by the Council as its policy, provides that general advertising not be permitted on heritage items;
 - (3) That the presence of a sign downgrades the appearance of the heritage item and the effect is intensified by the increase in size in comparison with the previous sign;
 - (4) That large signage is inappropriate to a major entry point to the inner city.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

CROWN STREET, NO.543, SURRY HILLS – ALTERATIONS AND ADDITIONS TO SURRY HILLS POST OFFICE – DEVELOPMENT APPLICATION (U97-01095)

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 Graham Ormsby with the authority of Australia Post for permission to carry out alterations to the Surry Hills Post Office and erect a new staff and store room in the rear yard area, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 9737 BA01A to BA05A inclusive;

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- (2) 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;
- (3) That all existing architraves and ceilings and detailing thereto being maintained;
- (4) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (6) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (7) That 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;
- (8) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) 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;
- (11) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;

- (12) That a suitable replacement 100 litre tree shall be planted in the rear yard area.

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

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

- (B) That the person who made representation with respect to the proposal be advised of Council's decision.

Carried.

19.

DUNNING AVENUE, NOS. 50-86, ROSEBERY – USE PREMISES AS AN AUTOMOTIVE WORKSHOP – DEVELOPMENT APPLICATION (U97-01174)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Tony Azzi Automobiles Pty Ltd, with the authority of Mr A & Mr S Argyrou, for permission to use the southern section of the building as an automotive mechanical workshop with spare parts distribution and storage and to carry out associated internal alterations, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing submitted on 19 December 1997;
 - (2) That a minimum of 18 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;
 - (3) That a maximum of 6 workbays shall be provided within the premises;
 - (4) That the two southernmost roller shutters to Salisbury Lane shall be kept closed at all times except when being used for the entry and exit of vehicles;
 - (5) That all customers shall use the northernmost roller shutters;

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- (6) That the hours of operation shall be restricted to between 7.30 a.m. and 5.30 p.m. Mondays to Fridays and 8.00 a.m. and 12.30 p.m. Saturdays ;
 - (7) That the premises, amenities and internal toilets shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (8) That the vehicle maintenance workshop shall be ventilated in accordance with AS 1668.2-1991, Clause 4.5.3;
 - (9) 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;
 - (10) That parking spaces 6 to 10 shall be stack parked adjacent to spaces 11 to 15 so that a clear driveway width of 6 metres exists between spaces 6 to 10 and spaces 1 and 2;
 - (11) That all cars shall enter and leave the site in a forward direction;
- and the following adopted standard conditions:
- (12) LDA36 - Loading only within confines of the site;
 - (13) LDA47 - Loading, parking and access to be kept clear;
 - (14) LDA49 - Signage for vehicular egress;
 - (15) LDA167 - No garbage on public way;
 - (16) LDA201 - Make separate application for sign;
 - (17) hsc104 - Car wash bay to sewer;
 - (18) hsc107 - Mechanical repairs in workshop;
 - (19) hsc711 - Commercial contract (trade waste);
 - (20) hsc718 - Disposal of waste;
 - (21) hsc800 - Use of appliances emitting intrusive noise;
 - (22) LDA351 - Building Application required;
 - (23) LDA356 - Office use to be ancillary;
 - (24) LDA363 - Vehicles awaiting repair on premises;

- (25) LDA367 - Timing device on alarms;
- (26) LDA368 - Display of street numbers;
- (27) LDA376 - Hours of building work;
- (28) LDA377 - Construction noise regulation.

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

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

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

Carried.

20.

HERBERT STREET, NO.2, NEWTOWN – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U97-01164)

- (A) That the Council is satisfied that the State Environmental Planning Policy No. 1 objections against the development standards relating to height and floor space ratio in Clauses 11 and 10(2) of Local Environmental Plan No. 107 respectively, are well founded and that compliance is therefore unreasonable and unnecessary for the following reason, namely:-

That the variations are minor and will not deprive adjoining properties of privacy and solar access.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Patrick Brookes, with the authority of N & M L Marshall, for permission to carry out ground and first floor alterations and additions to the existing dwelling, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered DA-01 to DA-05 and held on Council's file U97-01164;
 - (2) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -

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- (a) external finishes to walls;
- (b) roofing finishes;
- (c) balcony balustrade treatment;

and the following adopted standard conditions:

- (3) LDA376 - Hours of building work;
- (4) LDA106 - Preserve existing trees;
- (5) LDA351 - Building Application required;
- (6) LDA367 - Timing device on alarms;
- (7) LDA377 - Construction noise regulation;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA392 - No obstruction to public way;
- (10) LDA393 - Delivery of refuse skips;
- (11) LDA396 - Works within boundaries;
- (12) hsc500 - Premises to be ventilated;
- (13) hsc800 - Use of appliances emitting intrusive noise;
- (14) That the first floor alignment at the rear shall not extend beyond the ground floor alignment at the rear of No.4 Herbert Street. Details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building.

NOTE: 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.

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.

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

Carried.

21.

BRANDLING STREET, NO.70, ALEXANDRIA – GROUND AND FIRST FLOOR ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U97-00931)

- (A) That Council is not satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the maximum floor space ratio of 1:1 within Local Environmental Plan No.107 is well founded (believing compliance with the standard compliance is necessary and reasonable) for the following reasons, namely:-

- (1) That the proposed bulk of the proposal is contrary to the requirements and objectives of Development Control Plan 1997 in terms of the rear building form, roof form and separation between properties;
- (2) That the building form is not sympathetic to the character and attributes of the area;
- (3) That the building form if approved would set an undesirable precedent for other nearby dwellings;

-however, it is also advised that the above concerns could be reasonably addressed by a redesign required by conditions of development consent, as outlined in Part B below.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr S. Girgis, with the authority of Mr M and Mrs D Bayes, for permission to carry out ground and first floor alterations and additions to the existing dwelling at 70 Brandling Street, Alexandria, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the plan numbered 2471 dated September, 1997;
- (2) That the ground and first floor rear addition shall be set back a minimum 900mm from the northern side boundary;
- (3) That the first floor addition shall be reduced in length by a minimum of 3.0m;

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- (4) That the rear roof form shall be redesigned to be a skillon roof, sloping down (with minimal pitch), from the southern boundary;
- (5) That the first floor rear windows shall be centered more towards the middle and the lower halves of all first floor north or east facing windows shall be obscure glazing and shall be fixed;
- (6) That the eastern and northern facing wall shall be rendered, bagged or painted a light finish;
- (7) That the redesign required by conditions 2 to 6 above shall be detailed prior to or with the building application and shall be to the satisfaction of the Director of Planning and Building prior to building approval;
- (8) That the applicant shall ensure that appropriate soil and sediment control measures are provided and maintained on site at all times;

and the following adopted standard conditions;

- (9) LDA351 - Building Application required;
- (10) LDA376 - Hours of building work;
- (11) LDA384 - New alignment levels;
- (12) LDA387 - Footway crossings;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) LDA393 - Delivery of refuse skips;
- (16) hsc500 - Premises to be ventilated;
- (17) hsc800 - Use of appliances emitting intrusive noise;
- (18) 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, light access, heritage and design issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

22.

EASTERN DISTRIBUTOR – COMPLETION – TEMPORARY POWER SUPPLY AT MOORE PARK AND WOOLLOOMOOLOO (T02-00172)

That Council approve –

- (A) the installation of a temporary, aerial 11kV power supply for Eastern Distributor construction works in the vicinity of Nicholson Street, Woolloomooloo subject to:
- (1) the route following the proposed alternative set out in the report dated 12 February 1998 by the Director of Public Works and Services and Appendix B of that report;
 - (2) the cabling being in ABC format, not requiring any lopping, pruning, or topping of any existing street trees;
 - (3) Leighton Contractors Pty Limited paying Council's standard schedule fee (currently \$7.00 per metre per year), if the connection point for the consumer mains is remote from the Eastern Distributor construction area (i.e. such as at Energy Australia's substation in Brougham Street), and entering into a concurrent service licence with Council;
 - (4) Leighton removing the aerial cabling, and reinstating normal street lights and standards at the end of the nominated 2 year period;
 - (5) all work being carried out to Council's satisfaction and at no cost to Council;
- (B) the installation by Energy Australia of a temporary kiosk substation on the western footpath of Anzac Parade, Moore Park, outside the former Leisure Centre, for a period of up to 18 months, subject to its prompt removal at the end of the period, to Council's satisfaction and at no cost to Council.

(DPWS Report 12.2.98)

Carried.

23.

KIPPAX STREET, NOS. 110-120, SURRY HILLS – CONVERSION OF EXISTING BUILDING TO RESIDENTIAL UNITS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01084)

- (A) That the Council having considered an objection under SEPP1 against the need to comply with the floor space ratio and height standards in LEP 107, agrees that compliance is unnecessary for the reason that the building already exceeds both standards and the height is not proposed to increase while the floor space ratio will reduce slightly.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Joshua Farkash on behalf of Wilcsek Investments Pty Ltd for permission to convert an existing building to residential flats, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 97/7188-DA01 to DA06 and DASK1;
 - (2) That the part of the basement nominated as Shop 2 shall be retained for use for parking;
 - (3) That the rooftop area above the penthouses shall be used as communal open space, with access to the satisfaction of the Director of Planning and Building;
 - (4) (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 OpenSpace/Townscape/ Public Domain	\$99, 538	2E97001.BGYO
Accessibility And Transport Management	\$ 367 \$ 1, 389	2E97006.BGYO 2E97007.BGYO
Total	\$130,754	

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.

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

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.

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

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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.

- (5) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
- (6) That a maximum of 18 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 off-street car spaces required by condition (6), one shall be allocated to the shop and another shall be common property, for the use of service vehicles, and shall be identified to the satisfaction of the Director of Planning and Building;
- (8) That cycle racks shall be provided, located to the satisfaction of the Director of Planning and Building with a capacity of not less than four bicycles;
- (9) 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) fences;
 - (e) windows and doors;
- (10) That a separate application shall be submitted at the appropriate time for the specific use of the shop ;

- (11) That Smoke Hazard Management Systems shall be designed and incorporated in accordance with Building Code of Australia. Details to be submitted to Planning and Building Department;
- (12) That car park area shall be ventilated in accordance with Australian Standard 1668 Part 2 Section 4;
- (13) That any proposed commercial food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;

and the following adopted standard conditions:

- (14) LDA44 - Driving in forward direction only;
- (15) LDA45 - Parking and driveways to be kept clear;
- (16) LDA48 - Safe walking surface on crossing;
- (17) LDA49 - Signage for vehicular egress;
- (18) LDA153 - Reflectivity of external glazing;
- (19) LDA161 - Provide common television aerial;
- (20) LDA164 - Details of shopfront roller shutter;
- (21) LDA351 - Building Application required;
- (22) LDA367 - Timing device on alarms;
- (23) LDA368 - Display of street numbers;
- (24) LDA374 - Disabled entry;
- (25) LDA376 - Hours of building work;
- (26) LDA377 - Construction noise regulation;
- (27) LDA391 - Builder's Hoarding Permits;
- (28) LDA392 - No obstruction to public way;
- (29) LDA393 - Delivery of refuse skips;
- (30) LDA396 - Works within boundaries;
- (31) hsc103 - Environmental site assessment being carried out;

- (32) hsc500 - Premises to be ventilated;
- (33) hsc018 - Sanitary facilities;
- (34) hsc111 - Liquid wastes to sewer;
- (35) hsc700 - Compliance with code for Garbage Handling System;
- (36) hsc704 - Garbage storage area;
- (37) hsc706 - Storage of recyclables.

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 in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That all relevant sections of the BCA shall be complied with;
 - (2) That 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.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

24.

PITT STREET, NO.209, REDFERN – PROPOSED DUAL OCCUPANCY – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00525)

- (A) That Council is satisfied that the State Environmental Planning Policy No. 1 objections against the development standards relating to floor space ratio and minimum lot size in Clauses 9(1)(a) and 10(2)(d) of State Regional Environmental Plan No. 12 respectively, are well founded and

compliance is therefore unreasonable and unnecessary for the following reason, namely:-

- (1) That adequate open space is provided for each dwelling and that the variations will not deprive adjoining properties of privacy or solar access.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Luis Oliveira with the authority of Mr V & Mrs LM Fernandes, to carry out ground and first floor alterations and additions to the existing dwelling in order to create a dual occupancy, subject to the following conditions, namely:-
- (1) 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, 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.
 - (2) That the development shall be generally in accordance with plans dated 7 December 1997 and held on Council file U97-00525;;
 - (3) 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;
 - (4) (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	\$1,353	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 404	2E97002.BGYO
Accessibility And Transport \$	\$ 4	E97006.BGYO
Management	\$ 20	2E97007.BGYO
Total	\$1,781	

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.

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

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.

and the following adopted standard conditions, namely:-

- (5) LDA351 - Building Application required;
- (6) LDA367 - Timing device on alarms;
- (7) LDA368 - Display of street numbers;
- (8) LDA376 - Hours of building work;
- (9) LDA377 - Construction noise regulation;
- (10) LDA384 - New alignment levels;

- (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) LDA396 - Works within boundaries;
- (16) BC26 - Comply with BCA;
- (17) BC528 - Fire detectors and alarm system;
- (18) hsc500 - Premises to be ventilated;
- (19) hsc700 - Compliance with code for Garbage Handling System;
- (20) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in residential parking scheme areas.

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

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

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

Carried.

25.

GOWRIE STREET, NO.25, NEWTOWN – GROUND AND FIRST FLOOR ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U97-01005)

- (A) That Council is not satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the maximum floorspace ratio of 1:1 within Local Environmental Plan No.107 is well founded and is not supported to the degree within the proposal put forward for the following reasons, namely:-
 - (1) The proposed bulk and scale of the proposal and specifically the first floor rear addition would cause unnecessary and

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unreasonable overshadowing impacts on the private open space of the adjoining southern dwelling's open space;

- (2) The first floor addition does not comply with requirements of Part F in DCP 1997 and would result in an overbearing impact on adjoining properties;
- (3) The proposal would set an undesirable precedent, especially for the form of rear additions for nearby single storey dwellings;

-however, non-compliance with the maximum FSR limit (and therefore the SEPP 1 objection) is supported to the degree resulting from the required redesigned outlined in the consent below.

(B) That the Council as the responsible authority grants its consent to the application submitted by Ms M Birta (with the authority of Mr L Willis), to carry out ground and first floor alterations and additions to the existing building at 25 Gowrie Street, Newtown, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawing numbered 1-4 dated 28 October, 1997;
- (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, unless the development to which it relates is commenced (the applicant is advised that an application can be made to Council when the period expires, for an extension of one year);
- (3) That the first floor rear addition shall be setback from the ground floor rear addition by at least 2.0m, with the required redesign being to the satisfaction of the Director of Planning and Building prior to the release of the building application;
- (4) That the building application shall be accompanied by an objection under Section 82 of the Local Government Act, 1993;

and the following adopted standard conditions;

- (5) BC26 - Comply with BCA;
- (6) LDA351 - Building Application required;
- (7) LDA376 - Hours of building work;
- (8) LDA377 - Construction noise regulation;
- (9) LDA389 - Stormwater disposal requirements;
- (10) LDA391 - Builder's Hoarding Permits;

- (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 granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, overshadowing, relationship of building bulk to open space, precedence, 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 Department of Urban Affairs and Planning be advised of Council's decision in regard to the State Environmental Planning Policy No.1 objection.

Carried.

26.

VICTORIA STREET, NOS. 130-136, POTTS POINT – USE AS A CAFE – DEVELOPMENT APPLICATION(U97-01183)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Kingsley Warner with the authority of Dr Kenneth Howison for permission to use the premises as a cafe, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans drawings DA01 dated December 1997;
 - (2) That the hours of operation shall be restricted to between 7.00 am and 11.00 pm, Monday to Saturday and 8.00 am until 11.00 pm Sunday;
 - (3) That the hours referred to in condition (2) above shall lapse after a trial period of 12 months, from the date of this consent and shall revert to 10.00 a.m to 10.00 p.m. seven days a week. The

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applicant is advised that a further application may be submitted to Council at the end of the trial period for continuation of the extended hours;

- (4) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (5) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (6) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (7) That the construction of the premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises.
- (8) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (9) That no entertainment or live music shall be provided at any time and only low level recorded background music shall be permitted;
- (10) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (11) That a garbage room shall be constructed in accordance with the requirements of Council's code for the Construction of Garbage Handling Systems.
- (12) That the applicant shall enter into a commercial contract for the daily removal of trade waste;
- (13) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the recycling storage area;

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

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

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

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

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

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

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

Carried.

27.

O'CONNELL STREET, NOS. 5-11, NEWTOWN – DEMOLISH EXISTING BUILDING AND ERECT 4 RESIDENTIAL UNITS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00455)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 6m maximum height contained in Local Environmental Plan No.66 is well founded and that compliance is unnecessary for the following reason, namely:-

The proposed height will not have an unreasonable detrimental impact on the streetscape or adjacent properties.

(B) That the Council as the responsible authority grants its consent to the application submitted by Asia Pacific Development, with the authority of Mr L Savage, for permission to demolish the existing building and erect a new building containing 4 residential units with basement parking for 4 cars, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered A01 to 10 inclusive, dated May 1997; as amended by the section numbered A12b dated January 1998, and letter to Council from Baker Associates dated 17 February 1998;
- (2) 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	\$11,846	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 3,506	2E97002.BGYO
Accessibility And Transport	\$ 43	2E97006.BGYO
Management	\$ 167	2E97007.BGYO
Total	\$15,562	

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) Prior to demolition or building work taking place, the applicant shall arrange and meet the cost of carrying out a dilapidation report by a suitably qualified person on No. 13 O'Connell Street, a copy of the report shall be given to the owner of No.13.
- (4) The courtyard wall to Rose Street shall be reduced in height to be no more than 2.4m above the level of the courtyard. Details to be submitted with the building application and to be to the satisfaction of the Director of Planning and Building.
- (5) That 4 car parking spaces shall be provided on site with access to the satisfaction of the Director of Planning and Building;
- (6) That the northern fence to the rear courtyard shall be 2.4m in height above the level of the courtyards and constructed in brick with a rendered finish, with a flashing to No.13 O'Connell Street, details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building.
- (7) That the north facing bedroom windows of the two eastern most units shall be fitted with fixed louvres or similar devices to protect the privacy of adjacent properties, to the satisfaction of the Director of Planning and Building;
- (8) That the applicant shall provide for any additional trees required along the frontages of the property to implement Councils Street Tree Masterplan, to the satisfaction of the Director of Public Works and Services;
- (9) 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;
- (10) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);

- (11) The basement car park shall be ventilated in accordance with AS 1668.2 – 1991m, section 4.4;
- (12) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (13) 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;
- (14) 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) fences;
 - (e) windows and doors;
- (15) That any external glazing shall have a reflectivity not exceeding 20%;
- (16) That only one common television aerial shall be installed;
- (17) That all vehicles shall be driven onto and off the site in a forward direction, at all times;
- (18) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems;
- (19) That the street numbers shall be clearly displayed to the satisfaction of the Director of Planning and Building with such numbers being of a colour contrasting with the wall to which they are affixed;
- (20) 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;

- (21) That prior to the commencement of an excavation of the building site, a Road Opening Permit shall be obtained from the Director of Public Works and Services and details of shoring required to support the public way shall be submitted for the approval of the Director of Public Works and Services; the requirement for such shoring shall be at the discretion of the Director of Public Works and Services;
- (22) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (23) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (24) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (25) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (26) That prior to the commencement of any demolition/building work, an application for a Builder's Hoarding Permit shall be made to the Director of Public Works and Services and a hoarding shall be erected to the satisfaction of the Director of Public Works and Services;
- (27) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (28) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (29) 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;

- (30) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (31) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (32) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (33) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (34) 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;

NOTE:

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.

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.

It was moved as an amendment by Councillor Fowler, seconded by Councillor Deffereos that a clause (D) be added to the recommendation namely:-

- (D) That at the submission of the Building Application it be notified to surrounding property holders for comment on the details of the development and its excavations.

Amendment carried,

Motion, as amended by Councillor Fowler, carried

28.

WALTER STREET, NO. 44, PADDINGTON - ALTERATIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q97-01192)

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 George Panagopoulos, for permission to erect new kitchen at ground level and bedroom/bathroom at upper level at the abovementioned premises, all in accordance with the submitted three unnumbered plans dated 29 December 1997, subject to the following conditions, namely:-
- (1) That the bottom portion of the proposed double hung window at the northern end of the bedroom shall be of the fixed type and the glazing shall be translucent;
 - (2) That the existing chimney above roof level shall be retained;
 - (3) That the existing adjoining party walls and foundations shall not be affected in any way by the proposed work;
 - (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;

- (6) 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;
- (7) 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;

and the following adopted standard conditions:

- (8) BC2 - Compliance with Local Government Act 1993;
- (9) BC3 - Compliance with conditions on plan;
- (10) BC8 - Details of contractor;
- (11) BC15 - Approval relates to coloured work;
- (12) BC20 - Premises to remain as single dwelling;
- (13) BC64 - Applicant to make good damage to party walls;
- (14) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (15) BC111 - Hours of work;
- (16) BC113 - Work to comply with noise standards;
- (17) BC114 - Existing building to be kept in stable condition;
- (18) BC116 - New work not to encroach boundaries;
- (19) BC167 - Structural details and certification to be submitted;
- (20) BC337 - Construction of boundary walls;
- (21) BC341 - Roof lights in dwellings;
- (22) BC352 - Glazing materials;
- (23) BC601 - Water closets and shower compartments;
- (24) BC603 - Damp and weatherproofing;
- (25) BC608 - Ceiling heights;

- (26) BC609 - Natural light and ventilation;
 - (27) BC615 - Common walls sound transmission;
 - (28) BC617 - Rain or dampness penetration;
 - (29) BC618 - Flashing to be provided;
 - (30) BC611 - Ventilation of bathrooms/laundries;
 - (31) That the addition at the rear shall be painted in a light colour.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

29.

LINK ROAD, NO. 5, ZETLAND - ERECT DOUBLE SIDED PYLON SIGN - DEVELOPMENT APPLICATION (U97-01106)

- (A) That the Council, as the responsible authority, refuses to grant its consent to the development application submitted by Bayer Group Pty Ltd, with the authority of Reachdaze, for permission to erect a double sided floodlit general advertising sign measuring 6m x 18m, extending 18m high, for the following reasons, namely:-
- (1) That the proposed sign is contrary to under Section 5 and S.10.6: Special Precincts of Development Control Plan No. 7 – Outdoor Advertising;
 - (2) That the illumination of the proposed signs will adversely impact on the amenity of the surrounding area;
 - (3) That the proposed signs will adversely impact on the Dowling and South Dowling Streets and Southern Cross Drive streetscape and will undermine the principles of the Public Domain Concept Plan for Dowling, South Dowling Streets and Southern Cross Drive as identified in Development Control Plan 1997;
 - (4) That the proposed signs will obstruct the significant view corridors and will visually pollute the landscape;
 - (5) That the proposed sign structure is in no way integrated with any building in that regard it is considered incompatible with the general streetscape qualities of the area;

- (6) That the proposed signs will impact on vehicular movement along Southern Cross Drive and Dowling Street;
 - (7) That the proposed signs will adversely affect the existing and future amenity of the area;
 - (8) That the proposal will set an undesirable precedent in the area;
 - (9) 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.

30.

BOTANY ROAD, NO. 348, BEACONSFIELD - ALTERATIONS AND ADDITIONS TO DWELLING - BUILDING APPLICATION (Q97-00562)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Vong Simmalavong for permission to carry out alterations and additions to the rear of the premises including new kitchen, living room and masonry boundary fence on the ground floor, new first floor bedroom, bathroom and new dormer window to the existing attic room, all in accordance with the submitted plans numbered 97 DA 01, 03 and 04 received 26 June 1997 and amended plan numbered 97 DA 02 received on 13 September 1997, subject to the following conditions, namely:-
- (1) That the first floor rear addition shall be reduced in length to the extent of the existing ground floor roof gable (reduction of about 900mm);
 - (2) That the first floor balcony shall be deleted and the proposed rear facing sliding door onto the balcony shall be replaced with a suitably proportioned smaller timber window to Council's satisfaction;
 - (3) That the external face of the north facing wall shall be finished in a (preferably light) colour to the satisfaction of the Director of Planning and Building;
 - (4) That a skylight totaling 1 square metre shall be provided to the new living room and located minimum 900mm from boundary if combustible;
 - (5) That the proposed finishes shall match the existing – timber windows shall be used at least above ground;

- (6) That details showing how it is intended to comply with conditions listed above shall be submitted for consideration prior to the construction of the effected work;
- (7) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (8) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (13) That plans and specifications showing details of all proposed air handling systems shall be submitted to the Planning and Building Department and approval obtained before the installation is commenced;
- (14) That the bathroom shall be ventilated by means of an approved air handling system, exhausting at least 25 l/s per fixture;
- (15) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (16) That the details of the existing and proposed drainage system shall be submitted for approval prior to commencement of building work;

- (17) That a certificate shall be submitted from a licensed builder or architect conforming that the design of the drainage system is in accordance with AS3500 Part 3 and Code of Standard Requirements for Discharge of Storm Water;
- (18) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;

and the following adopted standard conditions:

- (19) BC2 - Compliance with Local Government Act 1993;
- (20) BC3 - Compliance with conditions on plan;
- (21) BC8 - Details of contractor;
- (22) BC11 - Inform Council for inspections;
- (23) BC15 - Approval relates to coloured work;
- (24) BC20 - Premises to remain as single dwelling;
- (25) BC63 - Survey Certificate for finished building;
- (26) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (27) BC111 - Hours of work;
- (28) BC113 - Work to comply with noise standards;
- (29) BC114 - Existing building to be kept in stable condition;
- (30) BC116 - New work not to encroach boundaries;
- (31) BC119 - Requirements when excavating below footings;
- (32) BC121 - Excavations and backfilling to be in accord with relevant standards;
- (33) BC122 - Excavations to be guarded (safety);
- (34) BC123 - Demolition to comply with standard;
- (35) BC167 - Structural details and certification to be submitted;
- (36) BC168 - Structural justification of existing building;
- (37) BC170 - Structural certificate upon completion;

- (38) BC175 - Comply with Timber Framing Code;
 - (39) BC176 - Approval for permanent work only;
 - (40) BC184 - Foundation material under slabs;
 - (41) BC185 - Footings to comply with standard;
 - (42) BC186 - No structural work until approval granted;
 - (43) BC189 - Termite protection;
 - (44) BC340 - Non-flammable sarking materials;
 - (45) BC341 - Roof lights in dwellings;
 - (46) BC352 - Glazing materials;
 - (47) BC421 - Private stairs construction;
 - (48) BC529 - Smoke alarm systems;
 - (49) BC601 - Water closets and shower compartments;
 - (50) BC603 - Damp and weatherproofing;
 - (51) BC609 - Natural light and ventilation;
 - (52) BC611 - Ventilation of bathrooms/laundries;
 - (53) BC618 - Flashing to be provided.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

31.

KINGS CROSS ROAD, NO. 1, DARLINGHURST, CAFÉ AT ELAN (U97-00949)

That the applicant be advised that the proposal outlined in a letter dated 27 January 1998 from Nettleton Tribe Architects be accepted as complying with condition (3) of Development Approval U97-00949 dated 23 December 1997 and condition (25) of Building Approval Q97-01140 dated 11 February 1998, subject to the applicant be also advised that:-

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“Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and attempt compliance with the Disability Discrimination Act. Council accepts no responsibility for any future complaint to the Human Rights and Equal Opportunities Commission in this regard concerning the issues contained in this approval”

(DPB Report 16.2.98)

Carried.

32.

BOURKE STREET, NO. 2, WOOLLOOMOOLOO - CHANGE OF HOURS TO HOTEL - DEVELOPMENT APPLICATION (U97-00968)

(A) That the Council as the responsible authority grants its consent to the application submitted by Stoneale Pty Ltd with the authority of same for permission to extend the trading hours of the above mentioned Hotel subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with details submitted on 23 October 1997 and letter dated 16 December 1997;
- (2) That the hours of operation shall be restricted to between Monday to Saturday inclusive from 9.00 am to 2.00 am and Sundays from 10.00 am to 10.00 pm;
- (3) That all operations beyond 12.00 midnight shall cease after a period of 12 months 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 extended hours).

N.B. The extended hours shall not commence until condition (7) below has been complied with.

- (4) That the operator of the premises shall, in consultation with the Kings Cross Police, enter into the soon to be finalised Kings Cross Licensing Accord;
- (5) That the external stowing, storage or collection for recycling of bottles or any glass items shall be limited to between 9am to 8pm daily;

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- (6) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (7) 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;
- (8) That the applicant shall submit a report by an acoustic expert to show how it is proposed to comply with Council's Noise Regulation contained in condition (7) prior to commencement of the extended hours;
- (9) That the applicant shall erect appropriate signs inside the premises advising patrons that the area is residential and requesting that noise be kept to a minimum, to the satisfaction of the Director of Planning and Building. Details to be included with the Building Application;
- (10) That no entrance or exit be permitted from any doors opening on to Bourke Street after midnight at any time other than emergencies;
- (11) That no entertainment shall be provided after midnight in the public bar fronting Bourke Street;
- (12) That outdoor areas including the footpath to Cowper Wharf Road shall not be used by patrons at any time after 12 midnight and the terms of the footway licence shall be complied with at all times;

- (13) That the area on the footpath of Cowper Wharf Road in front of the hotel shall be kept clear of obstruction so as to enable unimpeded pedestrian access at all times;
 - (14) That a minimum of two persons employed by the hotel shall patrol an area within 100m of the Hotel for a minimum period of 30 minutes after closing of the hotel.
 - (15) That the courtyard area shall not be used after 12 midnight and the doors to it closed unless it can be demonstrated in the acoustic report, required by condition (8), that the provisions of condition (7) will be complied with.
- (B) That persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

33.

GRIFFIN STREET, NO. 22, SURRY HILLS - RENOVATION OF EXISTING BUILDING INCLUDING GROUND AND FIRST FLOOR EXTENSION, ERECTION OF THIRD LEVEL AND NEW FRONT BALCONY - DEVELOPMENT APPLICATION (U97-00936)

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 Brett Richards for permission to carry out alterations to the existing dwelling house subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 26/7 dated 10 October 1997 as amended by plans labelled A,-D;
 - (2) That the windows in the first and second floor rear elevation shall be redesigned to be reduced in width to a maximum of 1.6m wide with appropriate vertical proportions or deleted and replaced with two windows each not exceeding 800mm wide at least one metre apart. Details to the satisfaction of the Director of Planning and Building to be submitted with the Building Application;
 - (3) That the first floor balcony shall be deleted from the proposal and revised plans submitted with the Building Application showing retention of the form of the existing front facade including

- openings and ground floor awning, to the satisfaction of the Director of Planning and Building;
- (4) That the proposed second floor addition be deleted and replaced with a mansard roof addition clad in roofing material to detail as required by Condition (6), sloping away from the front and rear vertical planes to a maximum angle of 75° from the horizontal with the front elevation set back a minimum of 3.75m from the front property boundary and a parapet wall included at the front above the first floor level generally in line with existing and approved parapet walls on adjoining dwellings. The mansard shall include upto two vertically proportioned pitched roof dormer windows in each elevation. Full details, to the satisfaction of the Director of Planning and Building, to be included with the Building Application.
 - (5) That all new windows and doors shall be constructed in timber joinery;
 - (6) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) proposed fences;
 - (e) size and proportion of windows and doors;
 - (7) That all existing trees on the site covered by Council's Tree Preservation Order shall be preserved and protected during the construction phase to the satisfaction of the Director of Public Works and Services;
 - (8) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
 - (9) 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;

- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever.
- (11) That privacy screens and or the use of obscure glazing shall be provided to the first and second floor windows at the rear to prevent direct overlooking. Details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building

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.

34.

OXFORD STREET AND OATLEY ROAD, PADDINGTON - PARK AT CORNER - DEVELOPMENT APPLICATION FOR MINI MARKET (2015947)

- (1) That Council as owner of the reserve at the corner of Oxford Street and Oatley Road does not give approval for Mr D Shearing of Glenorie to submit a Development Application for a Mini Market at that site.
- (2) That Mr Shearing be advised that Council's approval to submit the Development Application does not signify acceptance or approval of the proposal by Council.

(DPWS Report 16.2.98)

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

That the application for a mini market at Oxford Street and Oatley Road, Paddington, be refused.

Motion as amended by consent carried.

35.

**LEASE - WOOLLOOMOOLOO - LEASE OF VARIOUS PARCELS OF SRA
LAND UNDER VIADUCT (L52-00145)**

- (1) That Council advise State Rail that it does not wish to give up the lease of Lot 8 for private purposes due to the lack of public open space in the area.
- (2) That Council fence both ends of the reserve and provide a gate at the Dowling Street frontage which is to be locked of an evening.

(DPWS Report 16.2.98)

Carried.

The meeting terminated at 7.33 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER