

202ND Meeting**Erskineville Town Hall
Erskineville****Wednesday, 11 March 1998**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.40 pm on Wednesday, 11 March 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 Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 25 February 1998, be taken as read and confirmed.

At the request of Councillor Macken, and by consent, the minutes of 25 February 1998, were amended on Page 150 in relation to Development Application, No. 209 Pitt Street, Redfern, by the deletion of the figure "\$42" where appearing opposite the words "Accessibility And Transport" in the Contribution Category and the insertion in lieu thereof of the figure "\$4" only.

At the request of Councillor Deftereos, and by consent, the minutes of 25 February 1998, were amended:-

- (a) on Page 94 by the addition after the Answer by the Mayor in relation to Item 3 of the Question Without Notice by Councillor Fenton of the words "At this stage, Councillor Deftereos apologised for non-attendance of the abovementioned briefing due to an illness in her family.";
- (b) on Page 108 - Item 6 , by the deletion of the new Clause (C) being the amendment by Councillor Fowler and the insertion of a new Clause (C) namely:-
 - (C) That the sale of the properties not be sold as a block and be sold individually, Strata or Torrens Title.

Minutes, as amended by consent, were then confirmed.

MINUTE BY THE MAYOR

10 March 1998

CELEBRATIONS - 1998 RECONCILIATION WEEK CELEBRATION (2017734)

On Thursday, 10 December 1992, Council, in conjunction with the Federal Government, held an important ceremony in Redfern Park to launch "A New Partnership", Australia's contribution to the 1993 International Year for the World's Indigenous People.

The then Prime Minister, the Hon. Paul Keating MP made his Redfern speech, which called for a new dialogue with the Aboriginal people and started the process of reconciliation.

It is proposed to hold a ceremony from 1.00 pm to 4.00 pm, on Sunday, 31 May 1998 in Redfern Park to celebrate Reconciliation Week and to renew Council's commitment

GENERAL MANAGER

to the process of reconciliation with our Aboriginal and Islander peoples. It is further proposed to invite councils adjoining South Sydney (Leichhardt, Marrickville, Randwick, Waverley, Botany and Woollahra) to participate in the ceremony.

It is also proposed Council's Aboriginal Community Development Officer, Darryl Wright and Council's Special Events Coordinator, Richard Perram work with relevant groups including the Local Reconciliation Group to realise the event.

The format for the ceremony would involve a formal part at which members of federal, state and local government as well as leaders from the Aboriginal and Islander communities would be invited to speak. The ceremony would be followed by entertainment from both Aboriginal and Islander communities including artists of the calibre of Christine Anu, Archie Roach, Bangarra Dance Theatre and The Mills Sisters and would conclude with a BBQ/sausage sizzle.

It is estimated that funds of \$25,000 would be needed to stage the event which would cover artists' fees, promotion and publicity expenses, catering and staging and sound equipment hire.

Recommendation:

That Council agree to hold a ceremony from 1.00 pm to 4.00 pm on, Sunday, 31 May 1998 in Redfern Park to celebrate Reconciliation Week to which Leichhardt, Marrickville, Randwick, Waverley, Botany and Woollahra Council's be invited to participate and to which federal, state and local government politicians as well as representatives of the Aboriginal and Islander communities be invited to speak, and that following the ceremony there be entertainment by both Aboriginal and Islander groups and a BBQ/sausage sizzle, for which additional funds of \$25,000 will need to be voted to the 1997/98 Budget Estimates (KCB 0011.77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

9 March 1998

**PUBLIC RELATIONS - SOUTH SYDNEY BUSINESS
ENTERPRISE CENTRE - SEEDING GRANT (2016586)**

Council on 12 November 1997, approved of a seeding grant of \$5,000 to the South Sydney Business Enterprise Centre to enable the Centre to become operational.

A cheque in the sum of \$5,000 was forwarded to the President of the Centre on 27 November 1997.

After 3 months the cheque had not been presented and contact could not be made with the President of the Centre. Following discussion with a representative it was agreed that the cheque be cancelled.

A request has now been made by the Centre's representative Councillor John Bush to reissue the cheque.

The question of Council re-affirming the approval of the seeding grant is submitted for consideration.

Should Council not wish to proceed with the approval its resolution might take the following form.

Recommendation:

That Council's resolution of 12 November 1997, approving a seeding grant of \$5,000 to the South Sydney Business Enterprise Centre, be rescinded and no further action be taken in the matter.

J.W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

GENERAL MANAGER

PETITION

1.

Councillor Deftereos tabled a letter from the Executive Committee Strata Plan 5704, No. 12 Ithaca Gardens, Elizabeth Bay, regarding the ongoing problem of garbage and refuse and the general state of the public spaces around the premises at the corner of Ithaca Road and Elizabeth Bay Road, Elizabeth Bay.

Received.

QUESTIONS WITHOUT NOTICE

1.

CELEBRATIONS - MARDI GRAS - CONGRATULATIONS TO BE GIVEN TO WASTE AND CLEANING STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2016720)**Question:**

Can I offer my sincere congratulations to the Waste and Cleaning Staff for their efficient removal of the waste after the Mardi Gras Parade. However, can I place on the agenda for the next Gay and Lesbian Liaison Committee meeting for 17 March 1998, the question of recycling and promotions by Mardi Gras?

Answer by the Mayor:

I will ask the Director of Health and Community Services to have that item listed on the agenda for 17 March 1998, and I will have the General Manager and Director of Public Works and Services pass on your congratulations to the staff.

2.

CLEANING - EDMUND RESCH RESERVE - CLEARING OF BINS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (C56-00050)**Question:**

Residents have raised the clearing of bins in the Edmund Resch Reserve, specifically there are three bins, on South Dowling Street on Bourke Street and within the reserve. As well there is a bin at Thurlow Street and South Dowling Street which is unuseable. Residents assure me that the bins are used especially for walkers of dogs and do require regular maintenance and clearing?

GENERAL MANAGER

Answer by the Mayor:

I don't mind the Director of Public Works and Services taking bins out of reserves, it makes life easier for the people cleaning those reserves as residents are using them as garbage disposals, not for their intended purpose.

3.

HEALTH - NUMBER OF REGISTERED DOGS AND IMPOUNDED DOGS IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (H51-00199)**Question:**

Can I have a report in the Councillors Information Service that will provide the number of registered dogs over the last 3 calendar years and also the number of impounded dogs?

Answer by the Mayor:

I will ask the Director of Health and Community Services to include that information regarding registered dogs in the Councillors Information Service.

4.

FLINDERS STREET, NO. 58A, DARLINGHURST - DEMOLITION OF SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (Q97-01088)**Question:**

I have had a number of concerns raised to me regarding the demolition that has ensued on the site of No. 58A Flinders Street, Darlinghurst particularly as regarding the buildings around the original Wesleyan School House (circa 1870's).

Could a Building Inspector ensure Council that the demolition is proceeding with that approved by Council?

Answer by the Mayor:

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

5.

ALBION STREET, NO. 207, SURRY HILLS - LEGAL ACTION TAKEN AGAINST BODY CORPORATE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2012053)

Question:

I refer to the legal action against the Body Corporate Strata Plan No.20659 (Durham Village). The proprietors believe that the court action is precipitous and that Council should allow this matter to be referred to mediation as the proprietors have already completed the original fire order from 17.4.97, which was initiated by an anonymous complaint.

Can Directors ensure that Council takes this matter in a conciliatory tone through mediation when this matter is complicated, and if taken to the court will be needlessly expensive for Council and the resident group of ratepayers?

Answer by the Mayor:

I will ask the Director of Planning and Building to prepare a report for the Councillors Information Service in relation to the current situation and what stage it is with there lawyers and if there is a possibility of mediation.

6.

PUBLIC RELATIONS -COUNCIL ENVIRONMENTAL IMPACT STATEMENT REGARDING PROBLEMS OF NON CONSTRUCTION OF BADGERYS CREEK AIRPORT- CONTRIBUTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2017556)

Question:

Have we had any news from the surrounding Councils regarding their contribution to our Environmental Impact Statement on the problems likely in our area if the Badgerys Creek Airport is not constructed?

Answer by the Mayor:

We have had some response, but we are waiting on quite a few more.

7.

CATHEDRAL STREET, NOS. 173 - 175A, WOOLLOOMOOLOO - ILLEGAL DEMOLITION OF SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (Q97-01101)

Question:

I believe that the development at Cathedral and Riley Street (Woolshed site) was demolished without Building Application approval. Could a report be

prepared for the Councillors Information Service outlining the steps Council is taking in this matter?

Answer by the Mayor:

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

8.

PUBLIC RELATIONS - 23RD ANNIVERSARY OF THE KOBE FORMULA - LETTER OF SUPPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (P58-00477)

Question:

As one of Council's delegates to the Nuclear Free Zone Secretariat, I have received a request for the Abolition 2000 Campaign for Council to send a message of support to the City of Kobe in Japan on the occasion of a rally on the 18 March to celebrate the 23rd anniversary of the Kobe Formula which denies access of nuclear weapons carrying ships to Kobe Port.

Answer by the Mayor:

I will have a letter of support sent on behalf of Council.

9.

PUBLIC RELATIONS - DONATION FOR THE REJUVENATION OF ORPHAN SCHOOL CREEK GULLY - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2010348)

Question:

I have been approached by residents seeking assistance with the rejuvenation of Orphan School Creek Gully. Leichhardt Council has already donated \$1,000 and Sydney Water has donated \$500.

Could I have a report on what assistance South Sydney City Council can provide to this group? I have attached a copy of their request.

Answer by the Mayor:

I will have a report prepared for the next Committee for you.

10.

COUNCILLORS - PROVISIONS OF FACILITIES FOR COUNCILLORS - USE OF PRIVATE BUSINESS CARD BY COUNCILLOR BUSH - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (A54-00013)**Question:**

I understand that Councillor Bush has been circulating a business card for his private Consultancy which has as contact numbers his Council provided mobile phone and fax numbers.

As I don't believe that Council funded equipment was installed for this purpose, I would ask you to take the appropriate steps to address my concerns. I have attached a copy of his card for Council's information.

Answer by the Mayor:

I will ask the General Manager to refer that matter to the relevant authorities being the I.C.A.C. and the Department of Local Government.

11.

TRAFFIC - SHEPHERD AND ABERCROMBIE STREETS, DARLINGTON - DESIGN AND INSTALLATION OF TRAFFIC MANAGEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T52-00051)**Question:**

Could I please have an update on where Council is with the design and installation of traffic management for the intersection of Shepherd and Abercrombie Streets, Darlington and when works are likely to be completed?

Answer by the Mayor:

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

12.

TRAFFIC - WILSON STREET, DARLINGTON - INSTALLATION OF THRESHOLD - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T52-00051)**Question:**

Could I be advised as to when the mid-block threshold in Wilson Street, Darlington between Golden Grove and Codrington Streets is to be installed as there is an observable increase in traffic?

Also could there please be an investigation into pedestrian safety at the roundabouts at Wilson and Golden Grove Streets and Abercrombie and Codrington Streets?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate all three matters and have a report prepared for Committee and also a timetable for the works to commence.

13.

MOTOR VEHICLES - MISUSE OF COUNCIL VEHICLES BY STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (M56-00007)

Question:

I have had several recent complaints regarding the manner in which Council trucks are being driven. I am sure that these are isolated incidents, but Could the Directors please emphasis to the Depot Managers the need for staff to be very conscious of the manner in which vehicles are used.

Answer by the Mayor:

I will have all Directors ensure supervisors are aware of the actions of some staff in driving vehicles and for the supervisors to pass on the concerns of Councillors in the manner in which these vehicles are being driven.

14.

TRAFFIC - GARDENERS ROAD, ROSEBERY, ADJACENT TO DUNNING AVENUE - PROPOSAL FOR THE INSTALLATION OF A PEDESTRIAN CROSSING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (T52-00120)

Question:

Residents of Rosebery have identified the need for a pedestrian crossing across Gardeners Road, adjacent to Dunning Avenue. Could the General Manager refer this matter to Council's Traffic Committee and write to the Roads and Traffic Authority making representations for this matter to have urgent consideration?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and pass on the question to the Roads and Traffic Authority. My understanding of your meeting last night is that the community wanted pedestrian lights installed there.

15.

TREES - HARCOURT PARADE, NO. 55, ROSEBERY - REMOVAL OF TREE BRANCHES INTERFERING WITH POWER LINES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005368)**Question:**

The owner of No. 55 Harcourt Parade, Rosebery, has asked if problems he is having with a tree interfering with power lines be investigated?

Answer by the Mayor:

Yes, I will ask the Director of Public Works and Services to investigate that matter for you.

16.

PARKING - DALMENY AVENUE, NO. 4, ROSEBERY - COMPLAINTS REGARDING HEAVY TRUCKS PARKING IN STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2004958)**Question:**

A resident of No. 4 Dalmeny Avenue, Rosebery, has expressed concern over the parking of heavy trucks and heavy vehicles in that part of the street. Could the appropriate Officers investigate?

Answer by the Mayor:

I will ask the Director of Public Works and Services to take the matter up with the Roads and Traffic Authority in respect of trucks parking on the roadway.

17.

TREES - GARDENERS ROAD, NO. 384, ALEXANDRIA - REMOVAL OF TREE BRANCHES INTERFERING WITH POWER POLE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005368)**Question:**

The owners of No. 384 Gardeners Road, Alexandria, have asked that problems with a tree and power pole be investigated. Could the appropriate Officer investigate?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter.

18.

GARDENERS ROAD, NO. 282, ALEXANDRIA - COLLAPSED STORM WATER DRAIN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2011411)

Question:

The owners of No. 282 Gardeners Road, Alexandria, have urgent problems with a collapsed storm water drain. Could the appropriate Officers investigate?

Answer by the Mayor:

I will have the appropriate Council Officers investigate that matter.

REPORT OF THE FINANCE COMMITTEE

4 March 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors - Margaret Deftereos, Sonia Fenton, Greg Waters

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

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 4 March 1998, be received and the recommendations set out below for Items 2 to 5, inclusive, 7 to 16, inclusive and 18, be adopted. The recommendations for items 1, 6 and 17 having been dealt with as shown immediately following such items.

Carried.

The Committee **recommended** the following:-

1.

COUNCIL - CATERING - COUNCIL AND COMMITTEE MEETINGS - REFRESHMENTS - PROVISION (A53-00048)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay :-

GENERAL MANAGER

- (A) That arising from consideration of a report by the Director of Health and Community Services dated 19 February 1998, approval be given to the Civic Affairs Manager/Public Officer to call for quotations from outside caterers to provide refreshments after Committee and Council Meetings, and as requested by the Mayor, in accordance with Resolution of Council (26 July 1989).

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

- (B) That this minute is not a reflection on the quality or quantity of food served by Council's Kitchen which has always been excellent, but acknowledgement that staff are working under difficult circumstances.

Motion, as amended by consent, carried.

2.

ANTI-SOCIAL ACTIVITIES - FEASIBILITY STUDY FOR A CLOSED CIRCUIT TELEVISION SYSTEM IN THE KINGS CROSS AREA - RE-VOTING MONIES (A55-00009)

That arising from consideration of a report by the Director of Health and Community Services dated 9 February 1998, approval be given to the re-voting of funds from the 1996/97 Health and Community Services Budget the unspent \$28,720 of KPA 0013 (Closed Circuit Television). These monies will be used for the payment of GHD Transmark for the completion of the feasibility study for Closed Circuit Television System in the Kings Cross area.

Carried.

3.

LICENSING - REG BARTLEY OVAL, RUSHCUTTERS BAY - USE BY DUNBAR ROVERS FOOTBALL CLUB (L56-00487)

That approval be given for Dunbar Rovers Football Club being offered a Licence to use the Reg Bartley Oval, Rushcutters Bay, during the 1998 Winter Season (April till August) on Sundays, between 9.00 a.m. and 6.00 p.m. for the purpose of conducting Soccer matches at a rental of \$3,500 for the season, subject to the following conditions, namely:-

- (1) That all legal costs associated with the preparation and execution of the necessary Licence documents by the Council's Legal Officer are to be borne by the Licensee;

- (2) That all relevant documents are to be executed, if required, by Council's Attorney.

(DCS Report 23.2.98)

Carried.

4.

LICENSING - SWANSON STREET, NO. 110, ERSKINEVILLE - PROPOSED FOOTWAY LICENCE (2016970)

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

That approval be given to:-

- (1) the granting of a licence to Gabriel Fine Foods Pty Limited (ACN 079593794) over an area of 9.8 metres of the footway of Swanson Street and Park Street adjacent to Gabriel's on Swanson at No. 110 Swanson Street, Erskineville as shown stippled on Plan No S4-130/686 and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of five years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions (7) and (8) accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by conditions (7) and (8) accompanying the Director's report, or failed to execute the licence agreement.

(DPWS Report 13/2/98)

Carried.

5.

DONATIONS - REG MURPHY HALL - REQUEST FOR FREE USE - PETER PAN OPPORTUNITY COMMITTEE (2000548)

That arising from consideration of a report by the Director of Corporate Services dated 25 February 1998, Council supports the Peter Pan Committee by forgoing \$1,200 in income, \$850 in expenses and approves the free use of Reginald Murphy Hall on 4 May to 8 May 1998, inclusive, and between the 7 September and 11 September 1998, inclusive, for the purpose of charity sales.

Carried.

6.

PARKS - VICTORIA PARK - SUMMER FLOWER FESTIVAL (P52-00068)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay :-

That approval be given to:-

- (1) the introduction of a Summer Flower Festival at Victoria Park on a trial basis at an estimated cost of \$160,000 for which provision will be made for this item in the 1998/99 Budget;
- (2) the installation of an irrigation system at the northern end of Victoria Park at an additional cost of \$60,000 for which provision will be made in the 1998/99 Budget;
- (3) Council employing a temporary Gardener forthwith for a period of 12 months to assist the planning and execution of the proposed Summer Flower Festival with funding to be provided from the existing budget allocations until the end of June 1998 and thereafter from the allocations in clauses (1) and (2) above.

(DPWS Report 18.2.98)

Carried.

7.

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

That the recommendation as contained in the report by the Director of Public Works and Services dated 2 February 1998, regarding the proposed footway

licence at Nos. 16 - 18 Oxford Square, Darlinghurst, be approved and adopted.

At the request of Councillor Fowler, and by consent, the motion was amended by the addition of the words to the recommendation "that the 3.00 a.m. closing be for a trial period of 12 months".

Motion, as amended by consent, carried.

8.

LANDMARKS - SYDNEY PARK - TEMPORARY SCULPTURE SYMPOSIUM (L51-00021)

That arising from consideration of a report by the Director of Health and Community Services dated 26 February 1998 and following the recommendation from the Sculpture Committee meeting of 19 February 1998, and further endorsement by the Cultural Committee meeting on 24 February 1998, approval be given to:-

- (1) a temporary sculpture symposium being conducted in Sydney Park;
- (2) the allocation of \$10,000 for the prize and running costs associated with the project, for which there are sufficient funds in the Health and Community Services budget (KHL);
- (3) the time frame for the project consisting of the installation of artworks in July, symposium opening in early August, and awarding of the prize at the end of August 1998.

Carried.

9.

LEASING - BOTANY ROAD, NOS.767-779, ROSEBERY - PROPOSED LEASE OF PART OF RE-ALIGNED SECTION OF BOTANY ROAD (2017397)

That approval be given for advertising and action to be taken for the proposed lease of part of the realigned section of Botany Road adjoining 'Swadlings Timber & Hardware', Nos. 767-779 Botany Road, Rosebery as shown on Plan No. S4-130/692 in accordance with the revised policy for the proposed closure and sale or lease of lane ways and sale of Council land, as adopted by Council on 12 June 1996.

(DPWS Report 19.2.98)

Carried.

10.

LEASING - BOTANY ROAD, NOS.110-126, ALEXANDRIA - PROPOSED LEASE OF PART OF REALIGNED SECTION OF BOTANY ROAD (2016971)

That approval be given for advertising and action to be taken for the proposed lease of part of the re-aligned section of Botany Road adjoining Nos. 110-126 Botany Road, Alexandria as shown on Plan No. S4-130/690 in accordance with the revised policy for the proposed closure and sale or lease of lane ways and sale of Council land, as adopted by Council on 12 June 1996.

(DPWS Report 23.2.98)

Carried.

11.

LEASING - VACANT COMMERCIAL PROPERTIES - QUARTERLY REPORT - MANAGEMENT PLAN (P56-00356)

That the report by the Director of Corporate Services dated 27 February, 1998, submitting the October, November and December, 1997, quarterly report on all Council's vacant commercial properties that are available, be received and noted.

Carried.

12.

PROPERTIES - PADDINGTON TOWN HALL - THE AIDS TRUST OF AUSTRALIA, MR. GAY SYDNEY QUEST - REQUEST FOR REBATE OF HIRING FEE (P56-00410)

That the application submitted by the AIDS Trust of Australia for a rebate of the hiring fee of Paddington Town Hall, in relation to the Mr. Gay Sydney Quest, be refused.

Carried.

13.

PROPERTIES - PADDINGTON TOWN HALL - S & K MUSIC BOX MELODIES - REQUEST FOR FREE USE (P56-00410)

That the application submitted by S & K Music Box Melodies for free use of Paddington Town Hall, be refused.

Carried.

14.

PLANNING - LAWSON SQUARE, REDFERN - STREETScape IMPROVEMENTS PLAN STAGE 2 - CURRENT STATUS (2012926)

That arising from consideration of a report by the Director of Public Works and Services dated 25 February 1998, approval be given to:-

- (1) deferring the construction of Lawson Square streetscape improvements until the extent of redevelopment work associated with the TNT site is known;
- (2) the funds available for the Project being carried forward to the 1998/99 Works Programme for the construction of either Jack Floyd Reserve (corner Regent and Redfern Streets) or Lawson Square;
- (3) the Parks Development Branch commencing the design of Jack Floyd Reserve this financial year.

Carried.

15.

PLANNING - KINGS CROSS PLACE MANAGEMENT PROJECT - WOOLLOOMOOLOO CRIME PREVENTION AND SAFETY INITIATIVE (2015398)

That the report from the General Manager dated 27 February 1998, outlining the progress of the Woolloomooloo Crime Prevention and Safety Initiative, be received and noted.

Carried.

16.

CELEBRATIONS - KINGS CROSS CHARITY BED RACE, SUNDAY 8 MARCH 1998 - COUNCIL ENTRY (20003182)

That confirmatory approval be granted to enter a team in the Kings Cross Charity Bed Race on Sunday, 8 March 1998, and the entry fee of \$700 being provided from Council's 1997/98 Budget.

(DPWS Report 4.3.98)

Carried.

17.

PUBLIC RELATIONS - INTEGRATED DEVELOPMENT ASSESSMENT EP&A (AMENDMENT) ACT, 1997 - IMPLEMENTATION AND TRAINING WORKSHOP PROGRAM - ATTENDANCE BY COUNCILLORS (5262801)

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 4 March 1998, approval be given to Councillor John Bush and any other interested Councillors attending a Local Government Workshop Program to be conducted by the UTS Centre for Local Government, Sydney on 20 and 21 April 1998, at a cost of \$540 to be borne by Council, for which funds are available in the 1997/98 Revenue Estimates (EBE-77RO).

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

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 4 March 1998, no action be taken about Councillors attending a Local Government Workshop Program to be conducted by the UTS Centre for Local Government, Sydney.

Motion, as amended by consent, carried.

18.

PUBLIC RELATIONS - SPORTS - SIX A SIDE CRICKET TOURNAMENT - COUNCIL PARTICIPATION - REG BARTLEY OVAL (5262801)

That approval be given to:-

- (a) South Sydney Council co-hosting and entering two teams at the Six-a-Side Cricket Tournament to be held on Sunday, 22 March 1998;
- (b) the amount of \$500 being provided from the 1997/98 Revenue Estimates to cover the cost of food at the event.

(CAM/PO Report 4.3.98)

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of the amount of "\$500" where appearing in the first line of clause (B) and the insertion in lieu thereof of the amount of "\$1,000".

Motion, as amended by consent, carried.

REPORT OF THE FINANCE COMMITTEE
(CONFIDENTIAL MATTERS)

4 March 1998

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

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

Items .2,3,4,5,6 - Leasing Matters

Item 1 - Contractual Matters

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

That the Report of the Finance Committee of its meeting of 4 March 1998, be received and the recommendations set out below for Items 1 to 6, inclusive be adopted.

1.

DOMAIN CAR PARK - SECURITY SERVICES TENDER - MARCH 1998 TO JUNE 1999 (2016957)

That the recommendation as contained in the report by the Director of Corporate Services dated 26 February 1998, in respect of the provision of security services at the Domain Car Park, be approved and adopted.

Carried.

2.

LEASING - BASEMENT, OXFORD STREET, NO. 68, DARLINGHURST (FRONTING FOLEY LANE, DARLINGHURST) (L52-00092)

That the recommendation as contained in the report by the Director of Corporate Services dated 26 February 1998, regarding the lease of basement No.68 Oxford Street, Darlington, be approved and adopted.

Carried.

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3.

LEASING - BASEMENT, OXFORD STREET, NOS. 58 - 60, DARLINGHURST - LEASE TO STUART BROWNE INVESTMENTS PTY LTD - APPLICATION FOR RENT ABATEMENT (2013909)

- (A) That arising from consideration of a report by the Director of Corporate Services dated 26 February 1998, Council give approval to a rent abatement of the basement area, No.58-60 Oxford Street, Darlinghurst, from 1 November 1997, to Stuart Browne Pty Ltd. until the Development Application and Building Applications are processed.
- (B) That to ensure that a minimum time is involved, the Director of Planning and Building be advised in order that the matter is not further delayed in anyway.

(DCS Report 26.2.98)

Carried.

4.

LEASING - OUTSTANDING RENT AND LEASE PAYMENTS QUARTERLY REPORT - MANAGEMENT PLAN (2006684)

That the report by the Director of Corporate Services dated 25 February, 1998, submitting the Quarterly Report of all outstanding rents and lease payments for the 3 month period ending 25 February, 1998, be received and noted.

Carried.

5.

LICENSING - PITT STREET, WATERLOO - COMMUNITY MARKETS - LICENCE TO ANDREW PHILIPOU (5271339)

That the recommendation as contained in the report by the Director of Corporate Services dated 26 February 1998, in respect of the Pitt Street, Waterloo, Community markets, be approved and adopted.

Carried.

6.

LEASING - LAND BOUNDED BY ROSLYN STREET, WARD AVENUE AND KELLETT STREET, KINGS CROSS - APPLICATION TO LEASE FROM MERIMA PTY LIMITED (L02-00354)

That the recommendation as contained in the report by the Director of Corporate Services dated 24 February 1998, regarding the leasing of land

bounded by Roslyn Street, Ward Avenue and Kellett Street, Kings Cross, be approved and adopted.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

4 March 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken, Greg Waters .

At the commencement of business at 7.11 pm 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 4 March 1998, be received and the recommendations set out below for Items 1 to 7, be adopted.

Carried.

The Committee **recommended** the following:-

1.

DEPARTMENTS - HEALTH AND COMMUNITY SERVICES - AGED SERVICES - FEASIBILITY STUDY - COUNCIL'S KITCHENS (D51-00147)

That arising from consideration of a report by the Director of Health and Community Services dated 20 February 1998, approval be given to quotations being called to conduct a feasibility study into the current and projected operations of Council's Kepos Street and Moore Park Kitchens.

Carried.

2.

COMMITTEES - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 10 FEBRUARY 1998 (2017377)

That the report of the Director of Health and Community Services dated 18 February 1998 and the accompanying minutes of the Access Committee for

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People with Disabilities meeting held 10 February 1998, be received and noted.

Carried.

3.

**STREETS - DECORATIONS - "FLY A TIBET FLAG CAMPAIGN" -
10 MARCH 1998 (2011367)**

That confirmatory approval be given to the flying of the Tibetan Flag in front of the Council Administration Offices on 10 March 1998 as a sign of support for the "Fly a Tibet Flag Campaign" and Tibet's 'National Day'.

(DPWS Report 23.2.98)

Carried.

4.

**CELEBRATIONS - ARTSTART FUNDING '98 - APPLICATION FOR
FUNDING (C52-00129)**

That arising from consideration of a report by the Director of Health and Community Services dated 17 February 1998, approval be given to the application for funding (in partnership with Community Arts Marrickville) from the NSW Department of Education and Training, to coordinate the 1998/99 Metropolitan East Region Artstart program, for which there will be no cost to Council.

Carried.

5.

**WELFARE - AGED SERVICES - IMPROVEMENTS TO HAMPERS
DELIVERED TO ALL MEALS-ON- WHEELS CLIENTS (W51-00010)**

(A) That the report by the Director of Health and Community Services dated 20 February 1998, notifying the improvements of hampers delivered to all meals-on-wheels recipients and the recent introduction of weekend frozen meals, with a goal of a 365 day service, be received and noted.

(B) That the relevant staff be congratulated on the improvements to Hampers delivered to all Meals-on-Wheels recipients.

Carried.

6.

FINANCE - ALEXANDRA CANAL CATCHMENT LIAISON OFFICER PROJECT (2013717)

That the report by the Director of Health and Community Services dated 26 February 1998, regarding the above matter, be received and noted.

Carried.

7.

WELFARE - AGED AND DISABILITY SERVICES - RELOCATION OF COUNCIL'S TWO MEALS- ON-WHEELS KITCHENS (W51-00045)

That arising from consideration of a report by the Director of Health and Community Services dated 25 February 1998, approval be given to:-

- (a) the establishment of a new purpose designed and built cook-chill Meals-on-Wheels kitchen on a site separate from the new administration building;
- (b) the Director of Corporate Services and the Director of Health and Community Services conducting a feasibility study of suitable sites for the construction of the Meals-on-Wheels kitchen and a report be furnished to Council on the outcomes;
- (c) the Director of Corporate Services arranging for the immediate fire safety upgrading of the Moore Park kitchen.

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

4 March 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

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

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

That the Report of the Planning and Development Committee of its meeting of 4 March 1998, be received and the recommendations set out below for Items 2 to 9, inclusive, 11 to 15, inclusive, and 17, be adopted. The recommendations

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for Items 1, 10, 16 and 18 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

GARDENERS ROAD, NO. 352, ROSEBERY – BUILDING APPLICATION - RESCISSION OF RESOLUTION OF COUNCIL OF 12 NOVEMBER 1997 (Q95-00662)

- (A) That Council rescind its resolution dated 12 November 1997.
- (B) That within 28 days from the date of this resolution the applicant shall comply with the following requirements.
 - (1) Submit a Waterproofing Certificate;
 - (2) Mechanical ventilation to be provided to toilet area to Council's satisfaction;

and failure to do so will result in legal action being taken without further notice.

- (C) That subject to compliance with (B) above, Council as the responsible authority accepts the variation in roof material and colour from that approved by Council resolution dated 12 February 1997 and considers no further action to be undertaken.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

(DPB Report 30.1.98)

It was moved as an amendment by Councillor Deftereos, that no action be taken to rescind the resolution of Council of 12 November 1997, with respect to the above matter.

Amendment lapsed for want of a seconder.

Motion carried.

2.

CLEVELAND STREET, NO. 433, SURRY HILLS - CLEVELAND INN HOTEL - EXTENSION OF HOURS - DEVELOPMENT APPLICATION (U97-00709)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr C. Bousgas, with the authority of Ms S

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Bousgas, for permission to operate the first floor of No. 433 Cleveland Street, Surry Hills, as a function room, lounge area and bar, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered 93153 DA01C-13C, dated June 1997 (and held on the previous Development Application file U96-00506);
- (2) That this consent shall not become active until the applicant has agreed in writing to convert the first floor into a lounge, bar and function area and to retain such uses until the end of the trial period outlined in condition (3) below;
- (3) That the use of the first floor shall be commenced within 3 months from the date of this consent and shall operate for a trial period of 6 months from this consent. The applicant is advised that a further development application may be lodged prior to the expiration of the trial period, for Council's consideration of the proposed use;
- (4) That the hours of operation of the first floor shall be limited to 10.00am to 2.00am the following day on Thursday to Saturday nights (and public holidays) and 10.00am to midnight on all other days;
- (5) That noise and vibration emanating from the premises shall not give rise to an "offensive noise" as defined under the provision of the Noise Control Act, 1975 or give rise to a sound level at any point a residential or commercial boundary greater than 5dB(A) above the existing background level in any octave band with centre frequencies from 63Hz to 8KHz, inclusive;
- (6) That the first floor shall not be used as a dance floor (any such provision including on the ground floor, requires Council consent);
- (7) That no live entertainment shall be provided at the premises;
- (8) 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;

- (9) That on nights when the first floor operates after midnight, at least two security personnel shall be on duty and shall regularly patrol the surrounding area and seek to limit disruption to residential amenity by the conduct of patrons leaving the premises, including until 15 minutes after the hotel has closed;
- (10) That the removal bottles from the premises shall not occur prior to 8.00am or after 7.00pm on any day.

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, impacts on residential amenity 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.

3.

ALBION STREET, NO. 185, SURRY HILLS - ERECT LATTICE FENCING TO DWELLING - DEVELOPMENT APPLICATION (U97-001065)

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

- (A) That the Council as the responsible authority grants its consent to the application submitted by The Lattice Factory with the authority of Elizabeth Cohen for permission to erect a lattice fence, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans Nos. A & B submitted dated 20 November, 1997;
 - (2) That the proposed lattice on the rear (southern) boundary shall be independently supported and shall not be fixed to the existing wall;
 - (3) 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.

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

Carried.

4.

DEVELOPMENT - FEASIBILITY OF PLACING A WEEKLY NEWSPAPER ADVERTISEMENT NOTIFYING DEVELOPMENT APPLICATIONS (D52-00159)

- (1) That Council approve the calling of quotes for a weekly notice advertising Development Applications received and recent decisions of Council in respect of Development Applications, for a trial period of 12 months.
- (2) That newspapers invited to quote be circulated locally, throughout the entire South Sydney City Council area.
- (3) That such newspapers provide evidence that their advertised circulation has been audited.
- (4) That such newspapers be asked to provide a range of options regarding advertisement size and placement.
- (5) That following the selection of the successful company a further report be prepared for the Finance Committee requesting additional funds for the 1997/98 financial year in line with the successful quote.

(DPB and MLM Joint Report 26.2.98)

Carried.

5.

ROCHFORD STREET, NO. 24, ERSKINEVILLE - ERECT TWO 2 STOREY BRICK TERRACES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01168)

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by Mr F Kohlman, with the authority of Mr F & Mrs J Kohlman, for permission to erect two 2 storey terraces, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans FK1/12/97 - FK2/12/97;

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- (2) That the front dormer windows shall be redesigned to be in a 1.5:1 ratio and in a more traditional design as required by DCP 1997;
- (3) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$2,256	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 674	2E97002.BGYO
Accessibility And Transport	\$ 8	2E97006.BGYO
Management	\$ 34	2E97007.BGYO
Total	\$2,972	

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 check and be accompanied by the attached Payment Sheet.

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

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

(B) Works in Kind

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

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

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

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

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

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

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

and the following adopted standard conditions:-

- (5) BC26 - Comply with BCA;
- (6) LDA21 - No resident parking for residential flat developments;
- (7) That a plan for the landscaping of the site, including details of any subsoil drainage where landscaping is provided on a slab and any proposed security fencing, shall be lodged with the Director of Planning and Building for approval and the site shall be landscaped in accordance with the plan as so approved and be maintained at all times to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (8) LDA376 - Hours of building work;
- (9) LDA384 - New alignment levels;
- (10) LDA387 - Footway crossings;
- (11) LDA389 - Stormwater disposal requirements;
- (12) LDA392 - No obstruction to public way;
- (13) LDA393 - Delivery of refuse skips;
- (14) LDA394 - Cost of alteration to signposting;
- (15) LDA152 - Schedule of finishes;
- (16) LDA351 - Building Application required;
- (17) hsc103 - Environmental site assessment being carried out;
- (18) hsc500 - Premises to be ventilated;
- (19) hsc018 - Sanitary facilities;
- (20) hsc800 - Use of appliances emitting intrusive noise;
- (21) LDA153 - Reflectivity of external glazing;
- (22) LDA391 - Builder's Hoarding Permits;
- (23) LDA393 - Delivery of refuse skips.

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

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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.

6.

LINTHORPE STREET, NOS. 3 - 13, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING CENTRE, SYDNEY DAY NURSERY - DEVELOPMENT APPLICATION (U97-01177)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Tanner & Associates Pty Ltd with the authority of The Sydney Day Nursery and Nursery Schools Association Inc. to carry out a ground floor addition to the existing child care centre, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA01 and DA02 and held on Council file U97-01177;
 - (2) That a minimum of two off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
 - (3) That kitchen and laundry facilities shall comply with the requirements of the Building Code of Australia Section F2.3(c) to provide for extension of existing 29 place Long Day Child Care Centre to a 48 place centre;
 - (4) That toilet and bathing facilities shall comply with the requirements of the Building Code of Australia, Table F2.3 to provide for a 48 place Long Day Child Care Centre;
 - (5) That a warm water system as defined in the Public Health Act, 191, Section 43, shall be installed and provided for the children's washing facilities;
 - (6) That adequate facilities be provided for the storage of all garbage in accordance with the requirements of Council's Waste Management Policy;

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- (7) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

and the following adopted standard conditions:

- (7) LDA106 - Preserve existing trees;
- (8) LDA107 - Make application to remove trees;
- (9) LDA351 - Building Application required;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;
- (12) LDA387 - Footway crossings;
- (13) LDA389 - Stormwater disposal requirements;
- (14) LDA392 - No obstruction to public way;
- (15) LDA393 - Delivery of refuse skips;
- (16) LDA394 - Cost of alteration to signposting;
- (17) LDA396 - Works within boundaries;
- (18) BC26 - Comply with BCA;
- (19) HSC500 - Premises to be ventilated.

Notes:

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 excavated material, construction supplies and onsite debris shall be stockpiled within the property and not encroach upon the footpath, nature strip or road.

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 made aware of Council's decision.

Carried.

7.

BROUGHAM STREET, NO. 56, POTTS POINT - PROPOSED ALTERATIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U97-00859)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by D. Thoms (owner), for alterations and additions to the premises at 56 Brougham Street, Potts Point, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 9704-428-1A and 9704-428-2A and dated 21 August 1997 as amended by the conditions below;
 - (2) That the front attic dormer window shall have a maximum width of 1.75m and the ridge of the dormer window is to be located 200mm below the ridge of the main roof. The design of the front dormer window is to be consistent in design as shown on plans numbered 9704-428-2 and further, the side glazing elements are to be deleted. Details are to be submitted with the Building Application;
 - (3) 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) windows and doors;

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- (4) That the proposed front dormer window shall be constructed in timber joinery and the roof materials shall match the existing to the satisfaction of the Director of Planning and Building;
- (5) That 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 stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (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 Department of Public Works and Services for the use of a mobile crane;
- (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.

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 notified of Council's decision.

Carried.

8.

BROUGHAM STREET, NO. 54, POTTS POINT - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U97-00851)

- (A) That the Council as the responsible authority grants its consent to the Development Application submitted by C and E Crowley (owners), for permission to make alterations and additions, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans submitted with the development application and dated 21.9.97 as amended by the conditions below;
 - (2) That the front attic dormer window shall have a maximum width of 1.75m and the ridge of the dormer window shall be located 200mm below the ridge of the main roof. Details shall be submitted with the building application;
 - (3) That the ridge of the attic level rear addition shall be located 200mm below the ridge of the main roof. Further, the extension past the terrace rear wall shall be deleted and the rear addition shall be centered on the existing rear roof plane. Details shall be submitted with the Development Application;
 - (4) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
 - (a) external walls;
 - (b) roofing;
 - (c) windows and doors;
 - (5) That the proposed front dormer window shall be constructed in timber joinery and the roof materials shall match the existing to the satisfaction of the Director of Planning and Building;
 - (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (7) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;

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- (8) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Department of Public Works and Services for the use of a mobile crane;
- (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;

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.

9.

RENWICK STREET, NO. 97, REDFERN - ALTERATIONS AND ADDITIONS AND ATTIC CONVERSION TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U97-01195)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Distinctive Design Pty Ltd, with the authority of Michael Ellis and Stephen Monnier, for permission to carry out ground and first floor alterations and additions and attic conversion to the existing dwelling, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans 1.01 - 1.04 and held on Council's file U97-01195;

and the following adopted standard conditions:

- (2) LDA106 - Preserve existing trees;
- (3) LDA156 - Dormer to be constructed of timber;

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- (4) LDA351 - Building Application required;
- (5) LDA376 - Hours of building work;
- (6) LDA377 - Construction noise regulation;
- (7) LDA389 - Stormwater disposal requirements;
- (8) LDA392 - No obstruction to public way;
- (9) LDA393 - Delivery of refuse skips;
- (10) LDA396 - Works within boundaries;
- (11) hsc018 - Sanitary facilities;
- (12) hsc500 - Premises to be ventilated;
- (13) hsc700 - Compliance with code for Garbage Handling System;
- (14) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

10.

WATKIN STREET, NO. 18, NEWTOWN - GROUND AND FIRST FLOOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING DECK - DEVELOPMENT APPLICATION (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.

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority, grants its consent to the 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;
- (6) HSC 500;
- (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.

Carried.

11.

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

That this matter be expunged.

12.

CROWN STREET, NOS. 115 - 119, DARLINGHURST - ERECTION OF NEW MIXED USE BUILDING CONTAINING A COMMERCIAL TENANCY AND SERVICED APARTMENTS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00708)

- (A) That the Council as the responsible authority:

- (1) Supports the objection pursuant to SEPP1 in relation to the development standard in Clause 11 of LEP 101 (FSR) on the basis that compliance with the standard would be both unnecessary and unreasonable in the circumstances of this case for the following reason:

That the proposed development (as conditioned) will not result in a development that has a significant intensity of use, nor will the additional bulk or scale in excess of standard impact on the overall bulk and scale of adjoining development or the streetscape as a whole.

- (2) Not support the SEPP1 objection in relation to the development standard in Clause 18 of LEP 101 (height) for the following reason:

The height of the proposal as submitted exceeds the height of adjoining buildings, would be visible from the public domain, adversely impact on the streetscape and set an undesirable precedent.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Ercole Palazetti Pty Ltd, with the authority of Mr G & Mrs Y Sontag and Ms N King, for permission to demolish the existing building and erect a new five storey building containing ground level commercial area and upper level serviced apartments with basement level car parking, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans Job No.DA235 Drawings 01-03 inclusive, all dated July 1997 and LP-DD-01 dated 18 July 1997 as amended by the undermentioned conditions;
- (2) That the proposed level 4 shall be deleted from the proposal;
- (3) That the maximum height of the development shall be reduced to comply with the 12 metre height limit as defined in LEP 101;
- (4) That the development shall have a maximum floor space ratio of 2.31:1;
- (5) That one car space shall be deleted from the proposal;
- (6) 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	\$12,852	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 3,639	2E97002.BGYO
Accessibility And Transport	\$ 42	2E97006.BGYO
Management	\$ 114	2E97007.BGYO
Total	\$16,647	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{CP1_2}{CP1_1}$$

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 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.

- (7) 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;
- (8) 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) balustrade treatment;
 - (c) fences;

- (9) That a separate application shall be submitted at the appropriate time for the specific use of the ground floor commercial tenancy ;
- (10) That a landscape plan and specification for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes shall be 75 litres for trees and 5 litres for shrubs.
- (11) That the existing street tree shall be covered by Council's Tree Preservation Order and shall be preserved and protected during construction, and the methods of protection shall be submitted for approval with the Building Application to the satisfaction of the Director of Public Works and Services;
- (12) That construction details shall accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1,000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (13) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (14) That the premises including all internal bathrooms and laundries shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation code;
- (15) That the commercial tenancy shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (16) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;

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

and the following adopted standard conditions:

- (17) LDA351 - Building Application required;
- (18) LDA36 - Loading only within confines of the site;
- (19) LDA49 - Signage for vehicular egress;
- (20) LDA158 - Treatment of exposed walls;
- (21) LDA161 - Provide common television aerial;
- (22) LDA376 - Hours of building work;
- (23) LDA377 - Construction noise regulation;
- (24) LDA384 - New alignment levels;
- (25) LDA387 - Footway crossings;
- (26) LDA389 - Stormwater disposal requirements;
- (27) LDA391 - Builder's Hoarding Permits;
- (28) LDA392 - No obstruction to public way;
- (29) LDA394 - Cost of alteration to signposting;
- (30) hsc700 - Compliance with code for Garbage Handling System;
- (31) hsc705 - Construction of garbage room;
- (32) 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, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

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

That all relevant sections of the BCA shall be complied with.

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

Carried.

13.

VICTORIA STREET, NO. 164, BEACONSFIELD - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q97-00947)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr R Paesler for permission to carry out alterations and additions at the abovementioned premises, all in accordance with the submitted plan numbered A01 received on 18 October, 1997, subject to the following conditions, namely:-

- (1) That new external brickwork shall be rendered/painted to match existing building;
- (2) That the details of the existing and proposed drainage system shall be submitted for approval prior to commencement of building work;
- (3) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS 3500 Part 3 and "Code of Standard Requirements for Discharge of Storm Water";
- (4) 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;
- (5) That the timber framed roof glazing shall be made of non combustible material and shall not be openable;

and the following adopted standard conditions:

- (6) BC2 - Compliance with Local Government Act 1993;
- (7) BC3 - Compliance with conditions on plan;
- (8) BC8 - Details of contractor;
- (9) BC11 - Inform Council for inspections;
- (10) BC15 - Approval relates to coloured work;
- (11) BC62 - Survey Certificate for setup of building;

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- (12) BC63 - Survey Certificate for finished building;
- (13) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (14) BC111 - Hours of work;
- (15) BC113 - Work to comply with noise standards;
- (16) BC114 - Existing building to be kept in stable condition;
- (17) BC116 - New work not to encroach boundaries;
- (18) BC123 - Demolition to comply with standard;
- (19) BC167 - Structural details and certification to be submitted;
- (20) BC170 - Structural certificate upon completion;
- (21) BC175 - Comply with Timber Framing Code;
- (22) BC176 - Approval for permanent work only;
- (23) BC186 - No structural work until approval granted;
- (24) BC189 - Termite protection;
- (25) BC337 - Construction of boundary walls;
- (26) BC340 - Non-flammable sarking materials;
- (27) BC352 - Glazing materials;
- (28) BC421 - Private stairs construction;
- (29) BC529 - Smoke alarm systems;
- (30) BC601 - Water closets and shower compartments;
- (31) BC603 - Damp and weatherproofing;
- (32) BC608 - Ceiling heights;
- (33) BC609 - Natural light and ventilation;
- (34) BC617 - Rain or dampness penetration;
- (35) BC618 - Flashing to be provided;

- (36) BC619 - Clothes washing facilities;
 - (37) PWS2 - New alignment levels;
 - (38) PWS5 - Footway crossings;
 - (39) PWS7 - Stormwater disposal requirements;
 - (40) PWS17 - Public way not obstructed;
 - (41) PWS18 - Refuse skips;
 - (42) PWS20 - Washing down of concrete trucks;
 - (43) HSC500 - Premises to be ventilated;
 - (44) HSC800 - Use of appliances emitting intrusive noise;
 - (45) HSC014 – Temperature setting – hot water system;
 - (46) HSC(note) - Sediment Control.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

PROSPECT STREET, NO. 96, ERSKINEVILLE - ERECT NEW DWELLING - DEVELOPMENT APPLICATION (U97-01116)

- (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 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons:-
- (1) That the increase in FSR is acceptable in terms of residential amenity impacts 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 development application submitted by Mr P J O'Donnell, for permission to demolish the existing dwelling and to erect a 3 storey dwelling, subject to the following conditions namely:-
- (1) That the development shall be generally in accordance with plans date stamped 1 December, 1997;

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- (2) That the building be reduced in height by 500mm, in that the ground floor to have a room height of 2.7m, and the first floor to have a height of 2.4m. Details to be submitted to the satisfaction of the Director of Planning and Building;
- (3) That the privacy screens on the first and top floor shall be replaced with a more lite weigh materials. Details to be submitted to the satisfaction of the Director of Planning and Building;
- (4) 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;

and the following adopted standard conditions:

- (5) LDA153 - Reflectivity of external glazing;
- (6) LDA351 - Building Application required;
- (7) LDA367 - Timing device on alarms;
- (8) LDA376 - Hours of building work;
- (9) LDA377 - Construction noise regulation;
- (10) LDA21 - No resident parking for residential flat developments;
- (11) 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) LDA394 - Cost of alteration to signposting;
- (17) hsc500 - Premises to be ventilated;
- (18) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

15.

YOUNG STREET, NO. 26, REDFERN - ALTERATIONS AND ADDITIONS TO REAR - BUILDING APPLICATION (Q97-01172)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr Michael Khoury for permission to carry out alterations and additions at the rear of the abovementioned premises including new ground floor bathroom, sitting room, rear boundary wall incorporating a roller door and upper level rear deck, all in accordance with the submitted plan numbered 97-261, subject to the following conditions, namely:-
- (1) That the proposed deck and side walls shall be reduced to extend not more than 1.2 metres from the rear of the attic bedroom;
 - (2) That the bathroom shall be mechanically ventilated in accordance with the requirements of BCA part 3.8.5;
 - (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (5) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (6) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the

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requirements of the Director of Public Works and Services;

- (7) 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;
- (8) 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;
- (9) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

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) BC11 - Inform Council for inspections;
- (14) BC15 - Approval relates to coloured work;
- (15) BC20 - Premises to remain as single dwelling;
- (16) BC63 - Survey Certificate for finished building;
- (17) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (18) BC62 - Survey Certificate for setup of building;
- (19) BC111 - Hours of work;
- (20) BC113 - Work to comply with noise standards;
- (21) BC114 - Existing building to be kept in stable condition;

- (22) BC116 - New work not to encroach boundaries;
- (23) BC119 - Requirements when excavating below footings;
- (24) BC120 - Letter of consent to underpinning;
- (25) BC121 - Excavations and backfilling to be in accord with relevant standards;
- (26) BC122 - Excavations to be guarded (safety);
- (27) BC123 - Demolition to comply with standard;
- (28) BC167 - Structural details and certification to be submitted;
- (29) BC170 - Structural certificate upon completion;
- (30) BC175 - Comply with Timber Framing Code;
- (31) BC176 - Approval for permanent work only;
- (32) BC184 - Foundation material under slabs;
- (33) BC185 - Footings to comply with standard;
- (34) BC186 - No structural work until approval granted;
- (35) BC189 - Termite protection;
- (36) BC337 - Construction of boundary walls;
- (37) BC340 - Non-flammable sarking materials;
- (38) BC341 - Roof lights in dwellings;
- (39) BC352 - Glazing materials;
- (40) BC529 - Smoke alarm systems;
- (41) BC601 - Water closets and shower compartments;
- (42) BC603 - Damp and weatherproofing;
- (43) BC609 - Natural light and ventilation;
- (44) BC615 - Common walls sound transmission;
- (45) BC618 - Flashing to be provided;

- (46) BC619 – Provide clothes washing facilities;
 - (47) HSC014 – Hot water safety devices;
 - (48) HSC500 - Premises to be ventilated;
 - (49) HSC539 - Exhaust electrically interlocked;
 - (50) HSC542 - Approved bathroom system;
 - (51) 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.

16.

KING STREET, NOS. 90 - 122, NEWTOWN - MIXED RESIDENTIAL/RETAIL DEVELOPMENT - SECTION 102 APPLICATION (2016683)

That the applicant and owner be advised:

- (A) That the Council cannot approve the application submitted under Section 102 of the Environmental Planning and Assessment Act, 1979 relating to conditions 1 and 28 of DA U95-00851 as it is beyond the power of Council;
- (B) That Council does not support the deletion of the required setback area to King Street though intends to take no action to require reinstatement of the setback colonnade area in "Stage 1";
- (C) That the applicant be advised that the unauthorised rooftop terraces are not supported in their present form and would require details to fully address external privacy impacts in a new development application, or the terrace areas shall be reverted to roof areas as approved in the Building Application;
- (D) That the required setback area in "Stage 2" shall not be "built in" unless Council approval is granted to a development application for this work;
- (E) That any Development Application for the enclosure of the colonnade for Stage 2 or for the continued use of the 2 decks shall include details of any other changes which have been made to the building as approved or proposed changes;
- (F) That the matter of the unauthorised building works be referred to Council's Solicitors seeking to fine both Mr P. Longworth of Longworth Construction and Development and Mr G. Hatzipilis of Hatzipilis

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Holdings Pty Ltd for breaches of the requirements of the Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993.

(DPB Report 2.3.98)

At the request of Councillor Harcourt, and by consent, the motion be amended by the deletion of clause (F) of the recommendation and the insertion in lieu thereof of a new clause (F), namely:-

- (F) That the matter of the unauthorised building works be referred to Council's Solicitors, in order to commence proceedings and seek to fine Ullimba Pty Ltd, trading as Longworth Constructions and Development, and any other parties who may be identified for breaches under the Environmental Planning and Assessment Act, 1979 and Local Government Act 1993.

Motion, as amended by consent, carried.

17.

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

- (A) That Council support the objection pursuant to State Environmental Planning Policy No.1 against the development standard relating to the maximum height within Clause 18 of Local Environmental Plan No.101, accepting that compliance with the development standard would be both unnecessary and unreasonable in this instance for the following reasons:-
 - (1) The degree of non compliance is minor;
 - (2) The overall bulk and scale of the proposal is acceptable and does not impact upon the amenity of the surrounding area or its qualities.
- (B) That the Council as the responsible authority, favour the development 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, subject to the following conditions, namely:-
 - (1) That the development shall generally be in accordance with plans Drawing Nos. DA01-04, dated 25 September 1997;
 - (2) The refurbishment of the facade, including removal of the existing balcony enclosure and reinstatement of ironwork balustrade, be carried out in accordance with the plans submitted to Council;

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- (3) 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;
 - (4) That the proposed front dormer window and rear skillion Roofed dormer shall be constructed in timber joinery and the roof materials shall match the existing to the satisfaction of the Director of Planning;
 - (5) That the proposed roof glazing shall be in accordance with the Building Code of Australia to the satisfaction of the Director of Planning and Building;
 - (6) LDA153 – Reflectivity of external glazing;
 - (7) LDA351 – Building Application Required;
 - (8) That a Dilapidation Report together with plans shall be prepared by a qualified structural engineer(s) and submitted with the Building Application. The Dilapidation Report should address illegal building works involving the removal of any internal walls and the consequence (if any) on the structural integrity of 111 Barcom Avenue and adjoining terraces;
 - (9) LDA376 – Hours of building work;
 - (10) LDA389 – Stormwater disposal requirements;
 - (11) LDA391 – Builder's Hoarding Permit;
 - (12) LDA392 – No obstruction to public way;
 - (13) LDA393 – Delivery of refuse skips;
 - (14) That a Survey Plan shall be prepared by a qualified surveyor of 111 Barcom Avenue and submitted with the Building Application. The Survey Plan should clarify the issue of the proposed work encroaching onto the adjoining properties;
 - (15) LDA396 – Works within boundaries.
- (C) That the applicant be advised that this consent does not relieve the applicant of any responsibilities that he/she might have under the Copyright Act 1968 and is not authority for the infringement of any copyright that might exist under that Act.

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

Carried.

18.

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 (Q97-01061)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr M J Statham for permission to extend the ground floor and erect a timber deck to the rear at the abovementioned premises, all in accordance with submitted plan numbered 1A dated 18 November, 1997, subject to the following conditions, namely:-
- (1) That the timber deck be reduced in size so as not to project further than 2.2m from the existing rear dormer wall;
 - (2) That all work to boundary fences to match existing;
 - (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (5) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (6) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

and the following adopted standard conditions:

- (7) BC2 - Compliance with Local Government Act 1993;
- (8) BC3 - Compliance with conditions on plan;

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- (9) BC8 - Details of contractor;
- (10) BC11 - Inform Council for inspections;
- (11) BC15 - Approval relates to coloured work;
- (12) BC34 - Brickwork to match existing;
- (13) BC63 - Survey Certificate for finished building;
- (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) BC170 - Structural certificate upon completion;
- (21) BC175 - Comply with Timber Framing Code;
- (22) BC340 - Non-flammable sarking materials;
- (23) BC337 - Construction of boundary walls;
- (24) BC341 - Roof lights in dwellings;
- (25) BC352 - Glazing materials;
- (26) BC529 - Smoke alarm systems;
- (27) BC608 - Ceiling heights;
- (28) BC609 - Natural light and ventilation;
- (29) BC611 - Ventilation of bathrooms/laundries;
- (30) HSC500 - Premises to be ventilated;
- (31) HSC800 - Use of appliances emitting intrusive noise;
- (32) BC617 - Rain or dampness penetration;

- (33) BC618 - Flashing to be provided;
- (34) BC619 - Clothes washing facilities shall be provided.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

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