

204TH Meeting**Erskineville Town Hall
Erskineville****Wednesday, 8 April 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, 8 April 1998.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

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

Carried

Leave of Absence- Councillor Deftereos

Councillor Deftereos was granted Leave of Absence at the Council meeting of 25 March 1998.

MINUTE BY THE MAYOR

7 April 1998

**PROPERTIES - OPENING OF NEW WOMEN'S LIBRARY AND
MULTI-PURPOSE COMMUNITY HALL (2014742)**

In March 1997, Council resolved to upgrade and refurbish the rear building behind the Newtown Library, known as No.3 Watkin Lane.

Council set aside an amount of \$270,000 to undertake the construction of new amenities including storage areas and disabled access to both levels, as well as internal renovations to accommodate the Women's Library on the ground floor and the multi-purpose community hall on the first floor.

Part of the work included the restoration of the first floor vaulted ceiling and the retention of the original colour scheme. The builder for the construction works was Coinda Constructions Australia Pty Ltd.

It is proposed a cocktail party for up to 200 people be held to celebrate the refurbishment of the building at 3 Watkin Lane, Newtown and the official opening of the new facilities for the Women's Library and the multi-purpose community hall on Saturday, 16 May 1998 from 6.00 pm.

Recommendation:

That Council agree to hold a cocktail party on Saturday, 16 May 1998, from 6.00 pm to celebrate the refurbishment of the building at No. 3 Watkin Lane, Newtown and the official opening of the new facilities for the Women's Library and multi-purpose community hall, and for which funds of \$15,000 will need to be voted to the 1997/98 Budget Estimates (EBC 77FO).

GENERAL MANAGER

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

7 April 1998

PUBLIC RELATION - R.H. DOUGHERTY AWARD FOR COMMUNITY REPORTING 1997 (P58-00444)

It gives me great pleasure to inform Council that South Sydney Council has been recognised once more for excellence in community reporting.

Council's 1996/97 Annual Community Report has been honoured with a "Special Mention - Community Languages" in the judging for the R.H. Dougherty Award for Community Reporting by the Local Government and Shires Association of N.S.W.

The R.H. Dougherty Award was established to promote greater accountability by Councils to their local communities, and on this score, South Sydney Council has an impressive record. This latest recognition means that we have been awarded five times in the past six years for our Community Report. The Annual Community Report is another fine example of Council's ongoing commitment to producing publications and communication projects which respond to the needs of the community.

Recommendation:

That the General Manager write to Staff and firms involved in the production of the 1996/97 Annual Community Report congratulating them on the production of an excellent publication.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

GENERAL MANAGER

At this stage the Mayor presented the award to Kate Meagher, Media Research Officer who accepted on behalf of all persons associated with the Annual Report.

MINUTE BY THE MAYOR

8 April 1998

DONATIONS - FREE USE OF PADDINGTON TOWN HALL- SYDNEY BREAST CANCER INSTITUTE - (2017364)

Council has received a request from the Sydney Breast Cancer Institute for free use of Paddington Town Hall on Tuesday 7th August, 1998 in order for a fund raising dinner to be held. The Institute is responsible not only for clinical care but also for research into the cause of and treatment for Breast Cancer which is still the most common cause of cancer deaths in women from 40-70 years.

Council has supported the work of the Institute in the past and it is considered appropriate to support this worthy cause on this occasion.

Hall hire for the event would normally be \$5,100 with \$1,050 in set up costs.

Recommendation:

That Council grant the Sydney Breast Cancer Institute free use of Paddington Town Hall on 7 August, 1998 and that Council forgo hall hiring charges of \$5,100 and set up costs of \$1,050. In addition Council agrees to forgo its normal catering and beverage commission of 10%.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

8 April 1998

DONATIONS - LESBIAN AND GAY ANTI-VIOLENCE PROJECT 1998 "HOMOPHOBIA: WHAT ARE YOU SCARED OF?" CAMPAIGN (5276208)

The Lesbian and Gay Anti-Violence Project (AVP) has written to Council requesting Council's endorsement of and participation in the 1998 "Homophobia: What Are You Scared Of?" Campaign during the 11 – 17 May Campaign Week.

In 1996 Council staged the "Rock Against Homophobia" Concert in Sydney Park as part of its contribution to the 1996 Campaign Week.

The 1998 Campaign once again seeks to reduce the involvement of young people in homophobic violence by creating social and educational environments allowing young people to make a choice not to participate in violence.

The AVP has requested that Council fund and support the 1998 Campaign by:

- providing five (5) street banners in prominent locations around the South Sydney area promoting the Campaign;
- allowing the AVP to place window and/or other displays in public libraries within the South Sydney area promoting the Campaign;
- helping to mail out campaign material to youth and community groups within the South Sydney area; and
- staging a specific outdoor weekend event in support of the Campaign focused around young DJ's and rap dancing.

The specific outdoor weekend event would be coordinated by Council's Health and Community Services Department in conjunction with Council's Special Events Coordinator and local youth groups and staged in conjunction with Central Station Records.

The cost of providing the assistance requested by the AVP which includes the cost of banner construction and other promotional materials, artists' and coordinator's fees, equipment hire, equates to a donation of approximately five thousand dollars (\$5,000)

Recommendation:

That Council agrees to support the Lesbian and Gay Anti-Violence Project's 1998 "Homophobia: what Are You Scared Of?" Campaign by providing five street banners in prominent South Sydney locations promoting the Campaign, allowing the AVP to place window and/or other promotional displays in South Sydney public libraries, assisting with a mail out campaign to youth and community groups and staging a

GENERAL MANAGER

specific outdoor weekend event in support of the Campaign focused around young DJ's and rap dancing and that funds of \$5,000 be voted accordingly to the 1997/98 Budget Estimates.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

8 April 1998

PLANNING - DEVELOPMENT ASSESSMENT - APPEAL ASSESSMENT (L53-00120)

There have been many recent efforts by Council staff and Councillors to ensure, through negotiation, that development proposals meet the legitimate expectations of developers as well as those of the community. Despite the increased use of formal mediation processes offered by the Land and Environment Court the cost of litigating matters that go to appeal in the Land and Environment Court is considerable. I have also received feedback from many members of the community in South Sydney who perceive there to be a bias in the deliberations of the Court in favour of the applicants. I am concerned that in the communities eyes the credibility of the Court is being questioned.

In the light of recent legislative changes to the Environmental Planning and Assessment Act designed to streamline the approvals process, I believe it is opportune for the Government to review the appeals process. This review should look at options to reduce costs and time frames involved in appeals as well as ensure that the credibility of the appeal body is maintained in the eyes of the community as well as the applicant. As this is an issue which I believe effects Local Government across the State, I propose that Council write to the Local Government Association requesting the Association to make representations to the Attorney General, The Minister for Local Government and Minister for Planning to conduct a wide ranging review of appeal procedures associated with the development assessment process.

Recommendation:

That the Mayor on Council's behalf write to the Local Government Association requesting the Association to make representations to the Attorney General, The Minister for Local Government and the Minister for Planning to conduct a wide ranging review of appeal procedures associated with the development assessment process.

GENERAL MANAGER

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

8 April 1998

PLANNING - LICENCED PREMISES - APPROVALS PROCEDURES (D52-00236)

When setting up licensed premises, operators are required to obtain approvals under the Environmental Planning and Assessment Act, Local Government Act and Liquor Act.

I am concerned that the Liquor Administration Board is granting licenses, or changes to existing licenses, for example extensions of hours, which are contrary to development consents granted by Councils or that they are being given licenses in the absence of a consent granted by Council.

In granting approval the Liquor Administration Board do not have the benefit of any comprehensive assessment of the potential impact that the operation of the premises may have on the environment of the area.

As a consequence of granting their approval I believe the Board is not only raising the expectations of an applicant ie that development consent from Council is a mere formality but also unnecessary concern in the community.

The full environmental impacts of a proposal are assessed as part of the planning process and determine whether a development consent should or should not be granted and if granted what conditions should apply. I believe that for all concerned it would be preferable for the Liquor Administration Board not to consider applications or amendments to existing licenses if these applications are inconsistent with the development consent or in the absence of a consent granted by Council. I therefore propose to seek a meeting with the Minister for Gaming and Racing and the Minister for Planning to discuss this issue and to write to the Local Government Association for their support on this issue.

Recommendation:

- (1) That the Mayor seek a deputation to the Minister for Gaming and Racing and the Minister for Planning to raise Council's concerns over the current practice of the Liquor Administration Board of granting licenses or amendments to licenses that are not consistent with a valid development consent issued.

GENERAL MANAGER

- (2) That Council write to the Local Government Association seeking their support for Council's stance.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

8 April 1998

DONATIONS - 2002 GAY GAMES - ACCOMMODATION COSTS AND ASSISTANCE TO 2002 GAY GAMES BID LTD(C52-00126)

Sydney 2002 Gay Games Bid Ltd has written to Council requesting additional assistance with accommodation costs of the organisation.

Council at its meeting on 10 December 1997 agreed to make a donation of \$14,400, part in cash and part in kind, to the Sydney Games Bid Ltd. This donation, made under Section 356 of the Local Government Act (1993), was to provide short-term accommodation, administrative and promotional costs of the organisation for the period December 1997 to April 1998.

The donation was made up of cash assistance of \$9,000 and in kind assistance towards accommodation at 94 Oxford Street and furniture and computer equipment.

Part of the cash grant was to enhance the organisation's visibility and promote Sydney 2002 during the Sydney Gay & Lesbian Mardi Gras season and funded the presence of the organisation at both Fair Day and in the Parade.

Currently the 2002 Gay Games Bid Ltd is curtailed from entering into any sponsorship arrangements until after the Amsterdam Gay Games in August this year. For this reason the 2002 Gay Games has requested a continuation of the lease at 94 Oxford Street by way of donation from May until the end of December 1998. The office space is equivalent to 55 square metres which equates to a donation of approximately nine thousand one hundred and sixty seven dollars (\$9,167).

The organisation has advised that 1999 will see the start of a revised organisational structure with full time employees, the involvement of many more volunteers, and a general increase in size necessitating a review of the organisation's accommodation needs. The organisation would consider the continued use of the premises at 94

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Oxford Street, under commercial arrangements, if appropriate additional space were available.

Following the completion of the contact with the Federation of Gay Games in August and initial budgeting tasks, the organisation will present Council with more detailed plans for the 2002 organisation over the next four years together with a proposal for working with Council over that period.

Recommendation:

That Council agrees to provide an in kind donation of \$9,167 under Section 356 of the Local Government Act (1993) to the Sydney Gay Games Bid Ltd towards accommodation costs of the organisation at 94 Oxford Street for the period May to the end of December 1998 and that funds be voted accordingly.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Waters, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

7 April 1998

PERSONNEL - KINGS CROSS LICENSING ACCORD - SIGNING BY SOUTH SYDNEY COUNCIL (2013383)

A minute by the General Manager dated 7 April 1997, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and public be excluded from this item, and further access to the report be withheld because in the opinion of the Council publicity of the proceedings of the Council, would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reasons for the press and public being excluded was because the General Manager's minute related to a Confidential Matter.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

GENERAL MANAGER

That the recommendation set out in the report by the General Manager dated 24 March 1998, as set out hereunder:-

That Council:-

- (1) "Sign on" as a partner to the Kings Cross Licensing Accord and in doing so agree to support the Accord by implementing the actions (numbered 2-11) outlined in the abovementioned report;
- (2) approve an additional allocation of \$1,251 to the Health and Community Services Budget to support regular monitoring of noise emissions from licensed premises in the 2011 area, for a three month trial period;
- (3) approve a seeding grant of \$10,000 towards the setup costs associated with the Kings Cross Licensing Accord.

- be approved and adopted.

Carried

PETITIONS

1.

Councillor Lay tabled a petition with approximately 30 signatures appended from residents of Wilson Street, Darlinghurst objecting to the proposed alterations to resident parking that will affect the residents of Wilson Street, Darlinghurst.

Received

2.

The Mayor tabled a petition with approximately 13 signatures appended from residents of Kepos Street, Redfern, requesting Council upgrade the Kepos and Zamia Streets Childrens Playground to provide a useful and worthwhile recreation facility for local children.

Received

GENERAL MANAGER

QUESTIONS WITHOUT NOTICE

1.

PUBLIC RELATIONS - CLOSURE OF COMMONWEALTH BANKS AT CHIPPENDALE AND TAYLOR SQUARE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2010170)**Question:**

At the last Council meeting we resolved to send a letter to the Commonwealth Bank regarding the proposed closure of the Alexandria Branch. In that same week the Commonwealth Bank also proposed to close their Broadway, Chippendale and Taylor Square branches. Could a further letter be sent to the Commonwealth Bank expressing our dismay at the closure of these branches?

Answer by the Mayor:

Certainly I will again write to the General Manager of the Commonwealth Bank in relation to those closures.

2.

PARKS - WATERING OF STREET PLANTS - RESIDENT ASSISTANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2004457)**Question:**

Can the Director of Public Works and Services investigate options of notifying residents that their assistance is needed to water new street planting to ensure their survival through the current drought conditions?

Answer by the Mayor:

I certainly support that question, I think that whilst Council can do so much providing these plants, there has to be some community minded people who will go to the effort of ensuring the plant do not die by watering them from time to time.

3.

DEPARTMENTS - REMOVAL OF RUBBISH NEAR REG BARTLEY OVAL - COMPLAINTS BY RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (D51-00211)**Question:**

I have had a complaint from residents on cleansing staff leaving rubbish in the area near Reg Bartley Oval when cordially asked if it would be removed. There were some inappropriate comments made. Can the Manager remind staff that

as "Front Line" Officers of Council that there is a responsibility to present a public face to ratepayers?

Answer by the Mayor:

You have my support on that matter and I will ask the Director of Public Works and Services to take that matter up tomorrow morning and have a response prepared for the Councillors Information Service on the action taken against the staff in relation to that matter.

4.

PUBLIC RELATIONS - OPPOSITION TO SACKING OF ALL STEVEDORE EMPLOYEES BY PATRICKS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2017942)

Question:

That South Sydney Council express its deep concern and outrage at the sacking of all Stevedores employed by Patricks. Many of these workers are residents of South Sydney, and the impact of this unfair dismissal on themselves, their families and our communities is devastating. The Maritime Union of Australia has always been a friend and supporter of residents in South Sydney.

Whether it be protecting local communities from rapacious developers in Kings Cross and Redfern during the Sixties and Seventies to more recent support to residents in the form of community work and industrial assistance, the MUA has always been prepared to lend our community a helping hand.

And further can this Council;

- * Immediately call on the Federal Government to cease their political campaign against the Workers.
- * Raise with S.S.R.O.C. the possibility of placing a ban on the purchase of goods brought into the Country through non-union Docks.
- * write to the MUA outlining our support for their members and asking in what way we can be of assistance to them in their campaign.
- * expresses its dismay at the Federal Government offering to finance the companies redundancies, whilst Miners in Cobar are left without any Government assistance.

Answer by the Mayor:

I certainly will take those matters and write to the MUA and the Federal Government. I support you and I think it is a disgrace that the Federal Government is now putting forward a package of \$250,000,000 to make those waterside workers redundant while it did absolutely nothing to support the Miners in Cobar and other parts of Australia when they were made redundant.

5.

PLANNING - PARK STREET, ERSKINEVILLE - SALE OF PUBLIC HOUSING - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN. (2011709)**Question:**

Can Council write to the Minister of Housing, Craig Knowles, expressing its concern at the sale of Public Housing in Park Street, Erskineville. The housing in question is a particularly fine example of colocated mixed housing and its loss would further contribute to the gentrification of Erskineville, most of which is already beyond the reach of most Australians.

That Council expresses its concern at the continuing reduction of low cost, affordable housing in the South Sydney Area, and calls on the Department of Housing provide a list of Department properties in our Local Government Act which are slated for sale.

Answer by the Mayor:

I will write to the Minister and I will do that with some urgency.

6.

DEVELOPMENT - FINGER WHARF DEVELOPMENT- CONSENT IN WOOLLOOMOOLOO BAY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2013563)**Question:**

At last Thursday's Central Sydney Planning Committee meeting changes were made to the Finger Wharf Development consent in Woolloomooloo Bay and the Developer apparently made promises over local residents regarding the impact the development was causing in the area.

Could the relevant Council Officer contact the Sydney City Council and obtain the new conditions of development so that we are in a position to monitor the timing and impact of this construction?

Answer by the Mayor:

Yes

7.

PARKS - FITZROY GARDENS - REQUEST FOR ENLARGEMENT OF AREA AND MORE EQUIPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2017511)**Question:**

The new children's playground equipment in the Fitzroy Gardens has proven to be very popular and I have been requested by the parents of several young children that the area be enlarged and more equipment installed.

I have also had a request for play equipment in the open space area above the naval car park.

Could the relevant Officer prepare a report regarding this additional play equipment?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report for Committee.

8.

STREETS - DEVONSHIRE STREET, SURRY HILLS - BETWEEN RILEY AND CROWN STREET - INVESTIGATION OF CONDITION OF FOOTWAY AND GUTTER - QUESTION WITHOUT NOTICE BY THE MAYOR. (2014195)**Question:**

I would ask that an investigation be carried out in relation to the condition of the footway and gutter in Devonshire Street, Surry Hills on the northern side between Riley and Crown Streets, and if that response could be included in the Councillors Information Service?

REPORT OF THE FINANCE COMMITTEE

1 April 1998

PRESENT**Councillor Sean Macken (Chairperson)****Councillors –Sonia Fenton and Greg Waters**

At the commencement of business at 6.31 pm those present were:-

Councillors - Fenton, Macken and Waters.

Leave of Absence - Councillor M. Deftereos granted leave of absence at Council on 25 March 1998.

Carried.

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

That the Report of the Finance Committee of its meeting of 1 April 1998, be received and the recommendations set out below for Items 2 to 5, inclusive, 7 to 9, inclusive, and 11 to 19, inclusive, be adopted. The recommendations for Items 1, 6 and 10 being shown as immediately following such Items.

Carried.

1.

RATES - NON-RATEABILITY OF VARIOUS LANDS WITHIN THE BOUNDARIES OF SOUTH SYDNEY CITY COUNCIL (2005171, 2014065, 2012210, 2005199)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Finance dated 10 March 1998, detailing items (1) to (4) of land which has been determined as non-rateable, approval be given to the appropriate amendments to the Rate Book and consequential refund of rates where applicable.

Carried.

GENERAL MANAGER

2.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - FEBRUARY 1998
(2017588)**

That arising from consideration of a report by the Director of Finance dated 9 March 1998, approval be given to the confirmation of the payment of the accounts totalling \$15,491,335.42, as detailed in the Summary of Warrants for the Month of February 1998.

Carried.

3.

**COMMITTEES - HEFFRON HALL, BURTON STREET, NO. 34,
DARLINGHURST - DOWNSTAIRS SECTION - APPLICATION BY D4 FAMILY
SUPPORT SERVICE FOR RENEWAL OF LEASE (C57-00010)**

That arising from consideration of a report by the Director of Corporate Services dated 17 March 1998, approval be given to D4 Family Support Service being offered a 12 month lease of Council premises, downstairs, Heffron Hall, No. 34 Burton Street, Darlinghurst, commencing on 1 July, 1998, at a rental of \$18,700 per annum gross, subject to the following conditions, namely:-

- (1) That a subsidy of \$18,000 applies to such lease for the term of the lease, with such Subsidy to be considered by Council's Donations Committee, under Council's Subsidised Accommodation Policy, Community Grants Program, 1998;
- (2) That an actual rental of \$700 is applicable for the term of the lease;
- (3) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the Lessee against any claims that may arise during the term of the lease;
- (4) That any proposed alterations to the leased premises, including refurbishments, fit-outs, etc. by the Lessee during the term of the lease period, must be submitted to the Property Branch Manager prior to any submission of plans, etc. to Council's Planning and Building Department for Statutory approvals;
- (5) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer are to be borne by the Lessee;
- (6) That all relevant documents are to be executed by Council's Attorney.

Carried

GENERAL MANAGER

4.

**LEASING - OXFORD STREET, BASEMENT, NOS. 90 - 92, DARLINGHURST
- APPLICATION TO LEASE BY L.A. LIQUOR PTY LIMITED T/AS: RED
BULL RESTAURANT (L52-00066)**

That arising from consideration of a report by the Director of Corporate Services dated 17 March 1998, approval be given to L.A. Liquor Pty Limited being offered a term Lease of Council premises, Basements Nos. 90 and 92 Oxford Street, Darlinghurst, at a rental of \$38,930 per annum gross, from a date to be determined, subject to the following conditions, namely:-

- (1) That the proposed Lease operate, concurrently with a L.A. Liquor Pty Limited, existing Lease at No. 88 Oxford Street, Darlinghurst;
- (2) That the rent be reviewed on the Second (2nd) term by Five per cent (5%);
- (3) That at the commencement of the Option period consideration be given to negotiating a brand new Lease of premises at No. 88, 90, and 92 Oxford Street, Darlinghurst, based on one Lease subject to a review to Market;
- (4) That a "rent free" period of three months be applicable to such Lease, with such period to commence from the date of BA/DA approval;
- (5) That if L. A. Liquor Pty Limited are unable to gain approval for a "Nightclub Licence" within 12 months of DA/BA approval, the Lease is to be terminated;
- (6) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than **Ten Million Dollars (\$10,000,000)** indemnifying both the Council and the Lessee, for their respective rights and interests, against any claims that may arise during the term of the Lease;
- (7) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs, etc, by the Lessee during the term of the Lease period, must first be submitted to the Property Branch Manager prior to any submission of plans, etc, to Council's Planning and Building Department for Statutory approvals.
- (8) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessee;
- (9) That all relevant documents to be executed by Council's Attorney.

Carried.

GENERAL MANAGER

5.

FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 27 FEBRUARY 1998 (A52-00240)

That the report by the Director of Finance dated 23 March 1998, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

6.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the General Manager dated 19 March 1998, it be resolved that:-

- (1) Council agrees to send two representatives to the Gay Games Amsterdam 1998, to report to Council on how Local Government has supported the Gay Games in Amsterdam and assess how Council can best support the Sydney 2002 Gay Games;
- (2) Council agrees to provide assistance to cover return economy airfares to Amsterdam, travel insurance for the period 1 to 8 August 1998, reasonable expenses relating to accommodation, sustenance and out of pocket expenses to an approximate cost of \$11,000, and that funds be voted accordingly.

Carried.

Councillor Fenton requested that her name be recorded as voting against the foregoing motion.

7.

GOODS AND EQUIPMENT - GENERAL FUND STORES - STATIONERY STOCKTAKING FOR SIX MONTH PERIOD, 1 JULY 1997 TO 31 DECEMBER 1997 (2002950)

That Council grants confirmatory approval be given to the amount of \$1140.16 being debited to the stock adjustment account (\$429.93 to AAN.55A0 and \$710.23 to AAN0001.55A0) covering the six month stocktake period, ending 31 December 1997.

GENERAL MANAGER

(DCS & CAM/PO Joint Report 23.3.98)

Carried.

8.

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

That the report by the Director of Public Works and Services dated 23 March 1998 outlining the successful projects under the 1997/98 NSW Department of Sport and Recreation's Capital Assistance Programme, be received and that formal approval be given to acceptance of the grant amounts specified in the report, and further, that the unsuccessful projects outlined be included in submissions for the 1999/2000 Grants.

Carried.

9.

**COMMUNITY SERVICES - PILOT ABORIGINAL HERITAGE SITES -
SURVEY (2013755)**

That arising from consideration of a report by the Director of Health and Community Services dated 26 March 1998, approval be given to:-

- (1) the undertaking of a study into the preparation of a selection criteria to identify socially significant Aboriginal sites within the South Sydney Local Government Area;
- (2) the allocation of \$30,000 for the study for which funds to cover this expenditure are available in the Health and Community Services Departments 1997/98 Budgets (KCB 66DO and KHL 0007);
- (3) the extension of hours of the Cultural Development Officer by 2 days per week for a period of eight months to carry out the project.

Carried.

10.

**PROPERTIES - SOUTH SYDNEY CULTURAL CENTRE - FEASIBILITY
STUDY (2016325)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Health and Community Services dated 27 March 1998, approval be given to:-

- (a) the preparation of a feasibility study of appropriate sites being considered for the proposed new Cultural Centre for South Sydney;
- (b) the expenditure of \$20,000 for which funds are available in the Health and Community Services 1997/98 Budget (KHL);
- (c) the voting of an additional \$10,000 to the balance of the project costs.

Carried.

11.

LICENSING - MACLEAY STREET, SHOP 1, NOS. 65 - 65B, POTTS POINT - PROPOSED FOOTWAY LICENCE EXTENSION - CHALLIS AVENUE, POTTS POINT (2009977)

That further to resolution of Council dated 4 September 1996 which gave approval to Walter Rosin being granted a licence over 3.4 square metres of the footway of Challis Avenue, Potts Point, approval is now given to:-

- (1) the 3.4 square metre footway licence being increased to 6.4 square metres as shown on Plan No S4-130/614B, accompanying the report by the Director of Public Works and Services for the remainder of the term of the licence agreement, subject to the satisfactory completion of a trial period of six months and subject to the conditions in the schedule accompanying the Director's report;
- (2) the erection of fencing by the applicant in accordance with the requirements of the Director of Public Works and Services;
- (3) the occupation of the additional area commencing only following the satisfactory compliance with Conditions (7) and (8) in the schedule accompanying the report by the Director of Public Works and Services, 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 amendment to the existing Licence Agreement.

(DPWS Report 20.3.98)

Carried.

12.

LICENSING - MACLEAY STREET, SHOP 2, NOS. 65 - 65B, POTTS POINT - PROPOSED FOOTWAY LICENCE EXTENSION - CHALLIS AVENUE, POTTS POINT (2008747)

That further to resolution of Council dated 17 June 1995, which gave approval to Ms Samantha Ferris being granted a licence over 2 square metres of the footway of Challis Avenue, Potts Point, approval is now given to:

- (1) the 2 square metre footway licence being increased to 5 square metres as shown on Plan No S4-130/598B, accompanying the report by the Director of Public Works and Services for the remainder of the term of the licence agreement; subject to the satisfactory completion of a trial period of six months and subject to the conditions in the schedule accompanying the Director's report;
- (2) the erection of fencing by the applicant in accordance with the requirements of the Director of Public Works and Services;
- (3) the additional area commencing only following the satisfactory compliance with Conditions (7) and (8) in the schedule accompanying the report by the Director of Public Works and Services, 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 amendment to the existing Licence Agreement.

(DPWS Report 20.3.98)

Carried.

13.

GOODS AND EQUIPMENT - SUPPLY AND DELIVERY OF CONCRETE AND FIBRE STORMWATER PIPES - SSROC TENDER (2010527)

That arising from consideration of a joint report by the Director of Corporate Services and the Acting Director of Public Works and Services dated 27 March 1998, for the supply and delivery of concrete and fibre stormwater pipes, Council gives approval to the acceptance of the following tenders for two years as from 1 December, 1997 with a further two year option:

*Rocla Pipeline Products – Supply and Delivery of Steel Reinforced Concrete Pipes at tendered prices.

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*James Hardie & Co Pty Ltd – Supply and Delivery of Fibre Reinforced Concrete Pipes at tendered prices.

-provision for expenditure has been made in the current Works Programme of the Public Works and Services Department. Provision will be made in ensuing years for estimated expenditure.

Carried.

14.

LICENSING - BARCOM AVENUE, DARLINGHURST - PERMANENT GROUND ANCHORS UNDER BARCOM AVENUE (U96-00934)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 30 March 1998, approval be given to:-

- (1) the owners of property Nos. 15-19 Boundary Street, Darlinghurst, Brentwood Corporation Ltd, under Part 9 Division 3 of the Roads Act 1993 to position and install (62 total) permanent ground anchors under Barcom Avenue to retain the existing wall boundary against Barcom Avenue as shown on the preliminary submitted plans attached to the file and subject to the conditions in the schedule accompanying the Acting Director's report;
- (2) Council entering into a licence agreement with Brentwood Corporation Ltd allowing them to install permanent steel ground anchors at an annual charge determined by Council under Section 611 of the Local Government Act, 1993, and set by the annual Scale of Fees and Charges adopted by Council;
- (3) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney;
- (4) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (5) the licensee giving an undertaking that any successor in title to the property are aware of the need to enter into a licence agreement with Council for the rock anchors;
- (6) Council's Scale of Fees and Charges being amended to include a category for Permanent Rock Anchors and amend the category Cables and Conduits to read Service Cables and Conduits and set the fee at \$7 per metre for the current financial year under the Account Code (CFS.91LO).

Carried.

15.

PARKS - VICTORIA PARK POOL - CONCESSION ENTRY AND MEMBERSHIP PRICES (2013161)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 30 March 1998, approval be given to:-

- (1) the introduction of a concession rate of \$1 for entry into the Victoria Park Swimming Pool for swimming for all pensioners or health card holders to be introduced on 1 July 1998;
- (2) the introduction of a 50% discount on all memberships for all pensioners who reside in the South Sydney Council area;
- (3) the introduction of a 10% discount on 12 month memberships as a corporate membership rate for companies wishing to purchase 10 or more memberships;
- (4) the introduction of a staff discount of 50% for 6 and 12 month pool and gold membership packages (i.e., \$170 for a 12 month gold membership, \$115 for a 6 month gold membership, \$130 for a 12 month pool membership and \$80 for a 6 month pool membership) and that the staff memberships be advertised and promoted to all staff.

Carried.

16.

DONATIONS - ORPHAN SCHOOL CREEK GULLY - SUB-COMMITTEE (D53-00337)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 30 March 1998, approval be given to a donation of \$1,000 to the Friends Residents/Ratepayers of Orphan School Creek Gully Sub-Committee towards a concert to raise funds for the regeneration of bushland in the gully subject to suitable guarantees being provided regarding holding of the event.

Carried.

17.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 23 MOTOR VEHICLE FLEET ITEMS - TENDERS (2015532)

That arising from consideration of a report by the Acting Director of Public Works and Services dated 26 March 1998, approval be given to:-

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- (A) the acceptance of the following tenders submitted for the supply and delivery of 23 Motor Vehicle Fleet Items in accordance with Council's Specification No PWS.2/98 under the following categories:
- (1) Category 'A' and 'B' - The tender by Sundell Holden dated 24 February 1998 for three Holden Commodore Executive sedans in the sum of \$24,821 per unit (sales tax payable), one Holden Commodore Executive sedan in the sum of \$20,357 (sales tax exempt), and one Holden Commodore Executive station wagon in the sum of \$26,231 (sales tax payable), in the total sum of \$121,051;
 - (2) Category 'A' – The tender by Suttons Homebush Holden dated 23 February 1998 for six Holden Commodore Executive sedans in the sum of \$24,824 per unit (sales tax payable) in the total sum of \$148,944 less a total trade-in allowance of \$113,850 on six Council vehicles Nos. 5003, 6136, 6214, 6220, 6227 and 6224, in the total nett sum of \$35,094;
 - (3) Category 'C' – The tender by Sundell Holden dated 24 February 1998 for four Holden Commodore 'S' Pack utilities in the sum of \$19,199 per unit, in the total nett sum of \$76,796 less a total trade-in allowance of \$63,263 on three Council vehicles Nos. 4398, 4535 and 4537 Holden Commodore 'S' Pack utilities, in the total nett sum of \$13,533;
 - (4) The tender by Suttons City Holden dated 24 February 1998 for one Holden Commodore 'S' Pack utility in the sum of \$19,385 less a trade-in allowance of \$21,260 on Council vehicle No. 4399 Holden Commodore 'S' Pack utility, for a credit of \$1,875;
 - (5) Category 'D' – The tender by Penrith Mitsubishi for two Mitsubishi Triton dual cab utilities in the sum of \$18,911 per unit, in the total sum of \$37,822 less a total trade-in allowance of \$47,000 on Council vehicles Nos. 4184 and 4830 Toyota HiAce LWB Vans, for a credit of \$9,178;
 - (6) Categories 'E' and 'G' – The tender by Bill Buckle Autos Pty Ltd dated 23 February 1998 for one Toyota HiLux one tonner in the sum of \$16,950 and two Toyota HiAce LWB Vans in the sum of \$23,250 per unit, in the total sum of \$63,450;
 - (7) Category 'F' – The tender by Penrith Mitsubishi dated 24 February 1998 for the supply and delivery of one Mitsubishi Triton 4 x 4 one tonne tipper in the sum of \$22,983 less a trade in allowance of \$20,000 on Council vehicle No. 4502 Toyota Hi Lux dual cab utility, in the total nett sum of \$2,983 and the firm's tender dated 24 February 1998;
 - (8) Category 'G' – The tender by Terry Shields Toyota dated 24 February 1998 for one Toyota HiAce LWB van in the sum of \$23,704 less a trade-in allowance of \$20,500 on Council vehicle No. 4174 Toyota HiAce LWB van, in the total nett sum of \$3,204;
- for which funds are available in the 1997/98 Revenue Estimates.

- (B) The disposal of nine Council vehicles, Nos. 4080, 4085, 4097, 4175, 4178, 4179, 4198, 6097 and 6294 at auction.

Carried.

18.

PROPERTIES - ELIZABETH BAY ROAD, NOS. 1 - 7, KINGS CROSS - CONSTRUCTION TENDER (2016565)

That arising from consideration of a report by the Director of Corporate Services dated 30 March 1998, approval be given to:-

- (1) engage Buildcorp NSW Pty Limited for the sum of \$2,358,238 to redevelop the Kings Cross Police Station;
- (2) funds of \$328,406 (14% of the construction value) being allocated as a contingency for unforeseen works in the refurbishment.

-for which funds of \$2,425,000 are available from the 1997/1998 (\$325,000) and 1998/1999 (\$2,100,000) Property Reserve (Account Code BW.98003). \$430,000 will also be contributed to the project by the N.S.W. Police Service, giving total funds of \$2,855,000.

Carried.

19.

PROPERTIES - RESTORATION AND REFURBISHMENT OF REDFERN TOWN HALL - CONSTRUCTION TENDER (2016385)

At the Committee Meeting and Council Meeting the General Manager declared an interest in this Item and did not take part in discussions.

That arising from consideration of a report by the Director of Corporate Services dated 31 March 1998, approval be given to:-

- (1) engage Gledhill Constructions Pty. Ltd. for the sum of \$1,453,381 to redevelop Redfern Town Hall;
- (2) funds of \$290,676 (20% of the Contract Value) being allocated as a contingency for variations;
- (3) additional funds of \$184,595 being made available from the Property Reserve and allocated to Account Code BWP 7011, to cover the shortfall between the revised project cost and the funds of \$1,717,920 previously approved.

Carried.

The Finance Committee Meeting terminated at 7.01 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 1 APRIL 1998 AT 7.06 PM

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:-

Item 2 - Financial Matter

Items 1,3,4 - Personnel Matters

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

That the Report of the Finance Committee of its meeting of 1 April 1998, be received and the recommendations set out below for Items 1 and 4, be adopted. The recommendations for Items 2 and 3 being shown as immediately following such Items.

Carried

1.

**CONFERENCES - MR G BURTON, ACTIVITY BASED COSTING
CONFERENCES, MELBOURNE, 7, 8 AND 28 MAY 1998 (2015745)**

That arising from consideration of a report by the Director of Finance dated 27 March 1998, approval be given to:-

- (1) the attendance of Mr Geoff Burton, Activity Based Costing Manager, at the ABC Asia Pacific User Group Conference in Melbourne on 7 and 8 May 1998 at an estimated cost of \$1,900, which is available in JBC.77M3 and JBC.77M4 in the 1997/98 Revenue Estimates;
- (2) accept the invitation for Mr Burton to give a small presentation/ workshop at the ICM Activity Based Costing Conference in Melbourne on 28 May 1998, with all costs including salary for one day being subsidised by ICM.

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Carried.

2.

FINANCE - 1997/98 BUDGET ADDITIONS (2017792)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That consideration of a report by the Director of Finance dated 27 March 1998, regarding the 1997/98 Budget Addition be deferred to the next Finance Committee (Confidential) Meeting to be held on 6 May 1998.

Carried.

3.

PROFESSIONAL SERVICES - CLEANING - COST COMPARISONS - CONTRACT CLEANING - COUNCIL'S FLYING SQUADS (2001739)

That the recommendation as contained in the report by the Director of Corporate Services dated 30 March 1998, in respect of cleaning Council's premises by Council's Flying Squads and Contract Cleaners, be approved and adopted.

Carried.

4.

PERSONNEL - PLANNING AND BUILDING DEPARTMENT - STATUTORY PLANNING - STAFFING MATTERS (D51-00037)

That the recommendation as contained in the report by the Director of Planning and Building dated 1 April 1998, regarding positions in the Statutory Planning Section, Planning and Building Department be approved and adopted.

Carried.

The Finance Confidential Meeting terminated at 7.15 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

1 April, 1998

PRESENT**Councillor Sonia Fenton (Chairperson)****Councillors – Sean Macken, Greg Waters.**

At the commencement of business at 7.02 pm those present were:-

Councillors:- Fenton, Macken and Waters.

Leave of Absence - Councillor Margaret Deftereos was granted leave of absence at Council of 25 March 1998.

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

That the Report of the Community Services Committee of its meeting of 1 April 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES - GAY AND LESBIAN LIAISON COMMITTEE - MINUTES OF MEETING - 16 MARCH 1998 (2005892)

That the report by the Director of Health and Community Services dated 17 March 1998, be received and the following recommendation arising from the Minutes of its Gay and Lesbian Liaison Committee meeting of 16 March 1998, be approved, namely:-

That a letter be prepared by the Director of Public Works and Services and sent to the Sydney Gay and Lesbian Mardi Gras Committee, asking that they give consideration to the careful disposal of waste materials following the annual parade and special attention afforded to the ability of products to be recycled when promotions are being negotiated.

Carried.

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2.

HEALTH - RESULTS OF STORMWATER SAMPLING PROGRAM IN ALEXANDRA CANAL CATCHMENT (H51-00096)

That arising from consideration of a report by the Director of Health and Community Services dated 17 March 1998:-

- (1) Council receive and note the report;
- (2) Council Officers re-evaluate the sampling sites in order to identify any potential polluting industries;
- (3) Council collaborate these results with other Local and State Government Authorities undertaking water quality monitoring programs to identify pollutant trends.

Carried.

3.

COMMITTEES - CULTURAL COMMITTEE - REPORT OF 24 FEBRUARY 1998 (C57-00028)

That the report by the Director of Health and Community Services dated 25 March 1998, and the accompanying minutes of the Cultural Committee Meeting held on 24 February 1998, be received and noted.

Carried.

The Community Services Committee Meeting terminated at 7.05 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

1 April 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

At the commencement of business at 6.42 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 1 April 1998, be received and the recommendations set out below for Items

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1,2,4,6,8 to 12 inclusive, 15 to 22 inclusive 26, 29 and 30, inclusive, be adopted. The recommendations for Items 3,5,7,13,14,23,24,25,27, 28 and 31 having been dealt with as shown immediately following such Items.

Carried.

1.

**REGULATIONS - FIRE SAFETY ORDER - CURRENT WORK STATUS
(5265150)**

- (1) That Council initiates a new program to inspect all outstanding Class 1b boarding houses and places of public entertainment.
- (2) That the current program to fire upgrade residential flat buildings be temporarily suspended and recommenced after satisfactory completion of (1) above.
- (3) That Council's Plan of Management be altered to reflect the above changes.

(DPB Report 16.3.98)

Carried.

2.

**PLANNING - OUTCOME OF INDEPENDENTLY FACILITATED WORKSHOP
HELD FOR THE PADDINGTON GATEWAY WORKING PARTY (C57-00043)**

- (1) That Council agree to withdraw financial support and support in-kind for the Paddington Gateway Working Party.
- (2) That future requests for support from Council will be considered based upon the priorities of Council's Mainstreet Program.

(DPB Report 11.3.98)

Carried.

3.

**KING STREET, NO. 221, NEWTOWN - ALTERATIONS AND ADDITIONS TO
GROUND FLOOR AREA - COOPER ARMS HOTEL - DEVELOPMENT
APPLICATION (U97-01127)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr E Lee, with the authority of Mr D and Mr M Cooper, for permission to carry out ground floor alterations and additions to openings of the building at No.221 King Street, Newtown, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans 001-003, dated September 1997 (subject to the conditions below);
 - (2) That the proposed changes to the two openings to King Street shall be deleted and the existing doorways/doors retained (to be shown so in the Building Application);
 - (3) That the recessed fire doors to Hordern Street shall include signage on the inside of the doors clearly stating, "Emergency Exit", "No Egress After 9.30 p.m. on any day";
 - (4) That the existing doors within the openings to Hordern Street shall be relocated to within the proposed recesses;
 - (5) That the doors shall not protrude onto the public way;
 - (6) That all sections of the Section 124.4 Fire Safety Order (Ref. No.2005685, dated 16 November 1994) shall be fully complied with;
 - (7) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
 - (8) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
 - (9) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (11) 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;
- (12) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer.
- (13) That the emergency via fire egresses to Hordern Street shall be wired to trigger a loud alarm upon use of the doors (or other acceptable alternative) to assist monitoring and enforcement of the requirement that the doors not be used after 9.30 p.m. to the satisfaction of the Director of Planning and Building prior to issuing a Certificate of occupation;

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

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

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

Carried.

4.

STREETS - EASTERN DISTRIBUTOR - COMMUNITY CONSULTATIVE COMMITTEE - INVITATION FOR COUNCIL REPRESENTATIVE (T02-00172)

- (A) That Council supports the establishment of a Community Consultative Committee for the Eastern Distributor, as set out in Section 15N of the Centennial Park and Moore Park Trust Act 1983 (as amended);
- (B) That Council nominates the Mayor (Councillor Vic Smith) or his nominee as South Sydney City Council's representative on the Committee.

(DPWS Report 20.3.98)

Carried.

5.

KING STREET, NO. 8, NEWTOWN - TO USE PREMISES AS A MINI-MARKET - DEVELOPMENT APPLICATION (U98-00129)

That the application submitted by Mr. H. R. Nazerian with the authority of Mr. M. & Mrs. G. Napier for permission to operate a mini-market at the abovementioned premises, be deferred for further discussions with the applicant and the Director of Planning and Building.

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

- (A) That the Council as the responsible authority, grants it consent to the application submitted by Mr H R Nazerian, with the authority of Mr M & Mrs G Napier for permission to operate a mini-market at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the submitted plans as amended by the revised shopfront plans received on 7 April 1998;
 - (2) That the hours of operation shall be restricted to between 7.30am to 11.00pm Sunday to Thursday; 7.00am to 12 midnight Friday and Saturday;
 - (3) That the urn finials above the parapet be reinstated;
 - (4) That the construction, fitout and finishing of the premises comply with Food (General) Regulation 1992 and the National Code for the Construction and Fitout of Food Premises;
 - (5) 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;
 - (6) That excavated material, construction supplies and onsite debris be stockpiled within the property and not encroach upon the footpath, nature strip or road;
 - (7) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;

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(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) LDA155 - Windows and doors to be of timber joinery;
- (8) LDA34 - Maintain existing loading dock;
- (9) LDA157 - Provide details of heritage colour scheme;
- (10) LDA201 - Make separate application for sign;
- (11) LDA358 - Use confined to ground floor;
- (12) LDA351 - Building Application required;
- (13) LDA376 - Hours of building work;
- (14) LDA384 - New alignment levels;
- (15) LDA389 - Stormwater disposal requirements;
- (16) LDA391 - Builder's Hoarding Permits;
- (17) LDA392 - No obstruction to public way;
- (18) LDA393 - Delivery of refuse skips;
- (19) HSC500 - Premises to be ventilated;
- (20) HSC018 - Sanitary facilities;
- (21) HSC700 - Compliance with code for Garbage Handling System;
- (22) HSC800 - Use of appliances emitting intrusive noise;

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood 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.

Motion, as amended by consent, carried.

6.

CHARLES STREET, NO. 41, ERSKINEVILLE - BUILD STUDIO ABOVE EXISTING GARAGE - DEVELOPMENT APPLICATION (U97-01145)

That the application submitted by Mr A Velliss, with the authority of Mr Z & Mrs L Trandafilovic, for permission to extend the garage and erect a first storey, extending to the side boundary, for use as a studio in connection with the existing residence, be deferred to the next meeting of the Planning and Development Committee to be held on 6 May 1998.

Carried.

7.

PITT STREET, NO. 4, REDFERN - ALTERATIONS AND ADDITIONS TO EXISTING HOUSE - DEVELOPMENT APPLICATION (U97-01037)

(A) That the Council, as the responsible authority, refuses to grant its consent to the development application submitted by Multidwell P/L, with the authority of Mr G Taouk, for permission to alter and extend the premises for use as a medical centre for the following reasons, namely:-

- (1) That the proposal is contrary to the provisions in Clause 38 of the Draft Local Environmental Plan No. 1997 in that it will result in the loss of existing residential accommodation;
- (2) That the scale and bulk of the proposed alterations and additions to the building are contrary to the character of the draft Conservation Area and would be detrimental to the streetscape;
- (3) That the proposed use will result in increased traffic generation and parking congestion in the vicinity of the site and will have a detrimental impact on the existing and future amenity of the area;

- and accordingly the granting of consent would not be in the public interest.

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

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

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That the application submitted by Multidwell Pty Ltd with the authority of Mr. J. Taouk permission to alter and extend the premises for use as a Medical Centre be deferred to the next Planning and Development Committee Meeting to be held on 6 May 1998.

Motion as amended by consent, carried.

8.

MACLEAY STREET, NO. 40, ELIZABETH BAY - ALTERATIONS AND ADDITIONS TO EXISTING PENTHOUSE - DEVELOPMENT APPLICATION (U97-00959)

- (A) That Council resolves to support the State Environmental Planning Policy No 1 objection against the development standard relating to floorspace within clause 11 of LEP 101 as compliance is unreasonable and unnecessary for the following reason, namely:-

The additional floor space will not have any adverse impacts on the existing building in terms of design, bulk or height, nor will the development result in any significant environmental impacts for the surrounding environment.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Martin and Spork Pty Ltd with the authority of Burrawong Investments Pty Ltd for permission to carry out alterations and additions to an existing penthouse unit, subject to the following conditions, namely:-
- (1) That the development be generally in accordance with the submitted plans numbered 9726 – DA – 2.;
 - (2) That a balcony reflecting the existing lower balconies be incorporated into the north western corner of the building. Details shall be submitted with the Building Application;
 - (3) That the proposed new brickwork shall match the existing;
 - (4) That the colour of the materials used for the parapet shall match the existing brickwork;
 - (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)

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Regulation;

- (6) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (8) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (11) That all proposed work shall be wholly within the boundaries of the subject site.

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

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

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

Carried.

9.

CHALMERS STREET, NO. 229, REDFERN - ENCLOSE EXISTING BEER GARDEN TO CREATE LOUNGE AREA - DEVELOPMENT APPLICATION (U97-00999)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr G Gillespie, with the authority of Woolpack Hotel Pty Ltd, for permission to enclose the existing beer garden and parking area to provide a lounge and dining area and to make internal alterations, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing numbered 970708-01 dated 28/10/97;
 - (2) That the condition of Council's consent of 25 August 1987 regarding trading hours (condition No.10) shall be observed at all times;
 - (3) That measures shall be taken to ensure that adjacent residents are not unreasonably disturbed by noise from hotel refrigeration, air conditioning and associated plant (eg. installation of noise attenuation devices) and plant servicing the ground floor (excluding refrigeration) shall be switched off when trading ceases each day to the satisfaction of the Director of Planning and Building;
 - (4) That the developer shall meet the total cost of design, construction and supervision of pavement improvement works along the Chalmers Street frontage of the site, as determined in consultation with the Director of Planning and Building and the Director of Public Works and Services. The works shall be carried out in conjunction with the proposed building work to Council's Specifications;
 - (5) That the current mode of hotel operation as a low-key, local corner hotel shall not be intensified or substantially altered in a manner that would have a significant adverse impact on adjacent residential properties unless further development consent is granted, to the satisfaction of the Director of Planning and Building;
 - (6) That details of the Wells Street facade showing how it integrates with the existing building shall be submitted with the building application and shall be to the satisfaction of the Director of Planning and Building;
 - (7) That the hotel owner or applicant shall, within 60 days of the date of this consent, provide evidence that the above awning signs on the hotel have Council approval or existing use rights, or shall remove those signs, or shall lodge a separate development

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application for the signs for Council's consideration, to the satisfaction of the Director of Planning and Building;

- (8) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (9) 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;

and the following adopted standard conditions:

- (10) hsc018 - Sanitary facilities;
- (11) hsc500 - Premises to be ventilated;
- (12) hsc700 - Compliance with code for Garbage Handling System;
- (13) hsc704 - Garbage storage area;
- (14) hsc706 - Storage of recyclables;
- (15) hsc801 - Noise from premises;
- (16) LDA376 - Hours of building work;
- (17) LDA384 - New alignment levels;
- (18) LDA389 - Stormwater disposal requirements;
- (19) LDA391 - Builder's Hoarding Permits;
- (20) LDA392 - No obstruction to public way;
- (21) LDA393 - Delivery of refuse skips;
- (22) LDA47 - Loading, parking and access to be kept clear;
- (23) LDA201 - Make separate application for sign;
- (24) LDA351 - Building Application required.

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

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

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

Carried.

10.

**AMY STREET, NO. 47, ERSKINEVILLE - DEMOLISH EXISTING DWELLING
- ERECT THREE NEW TOWNHOUSES - DEVELOPMENT APPLICATION
(U97-00360)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by David Emerson Architects, with the authority of Mr W Sharpe, for permission to demolish the existing building and to erect three new terraces and to further subdivide for the following reasons, namely:-
 - (1) That the proposed development does not comply with the requirements of Council's Development Control Plans in respect of the loss of solar access to the adjoining terraces;
 - (2) That the existing single storey cottage is a significant contributing building. The site is within a proposed Conservation Area, accordingly the demolition of the dwelling is not supported;
 - (3) That the scale, siting and form of the dwelling is such that it permits an unreasonable level of amenity to be maintained for the adjoining properties;
 - (4) The proposed southern boundary wall and the bulk of the building is excessive having regard to the amenity of the three townhouses on the corner of Amy and Devine Streets;
 - (5) The proposal does not comply with the predominant building line dictated by the buildings situated in Amy Street north of the site;

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- (6) That the proposal does not comply with Council's Parking Code;
 - (7) That the proposal is an overdevelopment of the site which will reduce the amenity within the site and surrounding the site;
 - (8) That the proposal will adversely affect the future amenity of the area;
 - (9) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

SHEPHERD STREET, NOS. 95 - 101, CHIPPENDALE - CONVERT BUILDING INTO 10 UNITS - SECTION 102 APPLICATION (U96-01092)

- (A) That the applicant, Mr M Toauk, be advised that Council cannot legally determine the application under Section 102 of the Environmental Planning and Assessment Act, 1979 seeking retrospective approval to erect a new building at Nos.95-101 Shepherd Street, Chippendale rather than converting the previous building, as approved in the Development Application U96-01092.
- (B) That the applicant be further advised that Council does not intend to seek Orders to demolish building work, though the following matters must be resolved to the satisfaction of the Director of Planning and Building, prior to issuing a certificate of occupation:-
- (1) That the building shall be rendered and painted a light colour/colours, with details to be supplied to the Director of Planning and Building; and
 - (2) That the window openings to Shepherd Street shall be further articulated with solid mullions to achieve greater vertical proportions (as required by Condition 3 of the Development Consent);
 - (3) That the applicant be advised of Council's displeasure with the situation and any future works done without the Council approval in the Council area will be dealt with harshly.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

(DPB Report 26.3.98)

Carried.

12.

DARLINGHURST ROAD, NOS. 56 - 56B, POTTS POINT - TO EXTEND TRADING HOURS OF EXISTING AMUSEMENT CENTRE - DEVELOPMENT APPLICATION (U97-00989)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Alien World Pty Ltd with the authority of Baykent Pty Ltd for an extension of hours to the existing amusement centre at Nos.56-56B Darlinghurst Road, Potts Point for the following reasons, namely:-
- (1) That the application will be responsible for adverse social impacts;
 - (2) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

KIPPAX STREET, NOS. 130 - 136, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00598)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That having considered objections against the need to comply with the height and floor space ratio standards in LEP 107, the Council agrees that compliance is unnecessary for the following reasons, namely:-
- (1) That the building complies with the height standard in Draft LEP 1997, which is about to replace LEP 101;
 - (2) The excess floor space ratio is not considered to have a significant effect on local amenity and is offset by the dedication of public open space.
- (B) That the Council as the responsible authority grants its consent to an application submitted by Cyril Smith and Associates on behalf of Speiser Investments for to convert an existing building to contain 24 residential flats, including the construction of two additional floors and the

dedication of a pocket park, subject to the following conditions, namely:-

- (1) That development shall be generally in accordance with plans SPE 01 to 06 dated 2 December 1997;
- (2) That the projecting parapet section in the centre of the Sophia and Kippax Street frontages shall be set back in line with the remainder of the parapet;
- (3) That the projecting awnings over the centre balconies on the top floor on the Kippax Street frontage shall be deleted;
- (4) That the projecting awnings over the centre balconies, on the top floor on the Sophia Street frontage shall be deleted. Adjustable awnings to the satisfaction of the Director of Planning and Building may be substituted;
- (5) That the roof top pergola shall be set back not less than 3.2m from the Sophia Street frontage;
- (6) That the owner shall dedicate for public park, prior to occupation of the building, an area of 212 square metres free of cost to Council; and further that the building application shall be accompanied by a design for the park which shall be approved by Council and the works constructed at the applicants cost prior to occupation of the building for which there shall be no off-set against the Section 94 contribution required in condition (7) below;
- (7) 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	\$38,976	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$11,539	2E97002.BGYO
Accessibility And Transport	\$ 144	2E97006.BGYO
Management	\$ 544	2E97007.BGYO
Total	\$51,203	

The above payment, with the exception of Open Space Land

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

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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.

- (8) That this consent shall lapse if construction has not commenced within two years of the date of this resolution;
- (9) That the floor space ratio shall not exceed 2.4:1 calculated on the area of the site including the section proposed to be dedicated;
- (10) That a maximum of 14 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;
- (11) That the required off-street car parking spaces shall be allocated on the basis of eleven spaces for residents of buildings, and three spaces shall be for the use of visitors, located to the satisfaction of the Director of Planning and Building;
- (12) That a sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such;
- (13) That bicycle racks for six bicycles located to the satisfaction of the Director of Planning and Building shall be provided;
- (14) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building

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

- (a) external walls;
 - (b) balustrade treatment;
 - (c) fences;
 - (d) windows and doors;
- (15) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (16) That a Plan of Management shall be submitted to the Director of Health and Community Services Department for approval, prior to work commencing, of proposed control methods to be used, during the course of construction, for preventing liquid waste running off the site, the emission of loose solids and the manner of disposal of liquid and solid wastes arising on the premises;
- (17) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (18) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (19) That individual room sizes shall comply with the requirements of the Public Health Regulations, 1991, Clause 83, Sleeping Rooms;
- (20) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (21) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (22) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation

Fact Sheets” copies of which are available from the Health and Community Services Department;

- (23) That a garbage receptacle storage facility shall be provided within the site in an approved position constructed in accordance with the requirements of Council’s Waste Management/Minimisation Fact Sheets;
- (24) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (25) That the use of the premises shall not give rise to:-
- (a) 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
 - (b) an “offensive noise” as defined in the Noise Control Act, 1975;
- (26) That plans and specifications showing details of:
- (a) all proposed and required mechanical ventilation systems;
 - (b) car park ventilation system(s);
 - (c) the location of exhaust and intake vents;
 - (d) the recycling storage area;
 - (e) the garbage room or garbage receptacle storage area;
- being submitted to the Director of Planning and Building and approval obtained before installation is commenced.
- (27) That access between the private terrace, public park and the streetscape shall be clarified. It is required that two separate access points into the public park be included to improve safety, on street surveillance and security within the park. Gates shall be removed to encourage free access into and out of the park;
- (28) That If a perimeter fence is installed to improve children’s safety within the area, the Developer shall submit details of the perimeter fence including the style and the proposed installation method. The spacing between vertical pickets (shall be equal to or less than 90mm apart) and the height shall be 900mm or less;
- (29) That where works are to be carried out in lieu of a Section 94 Contribution (i.e. streetscape or park improvements) details plans, specifications and itemised costing of the works are to be

submitted for approval with the Building Application. Plans for the development of parkland areas shall comply with the Council's Generic Open Space Plan of Management (1996);

- (30) That a detailed plan for the landscaping on site be provided, including details of any subsoil drainage where landscaping is provided on slab, (minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass). These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (31) That the plan shall nominate hard works and softworks 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 are to be 75 litres for trees and 5 litres for shrubs;
- (32) That a landscape maintenance schedule and evidence to carry that maintenance on the site shall also be submitted with the Building Application;
- (33) That all existing trees on site covered by Council's Tree Preservation Order shall be preserved and protect during the construction phase to the satisfaction of the Director of Public Works and Services;
- (34) That softfall is provided within the playground which complies with "Australian-New Zealand Playground surfacing-specification requirements and Test Method AS/NZS4422' and playground equipment is placed at least 2 metres from hard paved surfaces;
- (35) That a small sign shall be installed into the pocket park bearing South Sydney's logo, park name and short, relevant historic note. The overall size for the sign shall be 3300 x 850mm with 2200mm clearance to the underside of the sign. The panel board shall be 900 x 720mm. For further graphic details of the sign refer to the South Sydney Identity – a visual standards guide to the corporate identity of South Sydney Council;
- (36) That the roof and top open space area shall not be lit so as to cause nuisance to nearby residents and shall not be flood lit after 10.00pm;

and the following adopted standard conditions:

- (37) LDA12 - Applicant to liaise with Sydney Water;
- (38) LDA21 - No resident parking for residential flat developments;

- (39) LDA29 - Provide sign indicating parking;
 - (40) LDA44 - Driving in forward direction only;
 - (41) LDA48 - Safe walking surface on crossing;
 - (42) LDA101 - Provide landscaping plan;
 - (43) LDA151 - Schedule of finishes;
 - (44) LDA153 - Reflectivity of external glazing;
 - (45) LDA161 - Provide common television aerial;
 - (46) LDA351 - Building Application required;
 - (47) LDA367 - Timing device on alarms;
 - (48) LDA368 - Display of street numbers;
 - (49) LDA376 - Hours of building work;
 - (50) LDA377 - Construction noise regulation;
 - (51) LDA393 - Delivery of refuse skips;
 - (52) LDA392 - No obstruction to public way;
 - (53) LDA396 - Works within boundaries;
 - (54) LDA391 - Builder's Hoarding Permits.
 - (55) That the applicant shall prior to or in conjunction with the submission of the building application make an application to Council under Roads Act, for consideration by the Traffic Committee, of establishing a shared traffic zone in Sophia Street between Riley Street and Little Riley Street and that if approved the shared traffic zone shall be constructed at the applicants expense.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Fowler and by consent, the motion was amended by the addition of the words "and in that part of Foveaux Street and Kippex Street" after the word "Little Riley Street" where appearing in Clause (B) 55 of the recommendation.

Motion, as amended by consent, carried.

14.

PLANNING - ENERGY EFFICIENCY SOLAR HOT WATER SYSTEMS (P54-00140)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

That Council:-

- (1) adopt the amendment to *Development Control Plan 1997: Urban Design* as set out in Section 4 of this report making solar water heaters mandatory in all new residential developments and in major alterations and additions to existing dwellings which require the installation of new water heater systems;
- (2) give public notice of the decision to adopt the solar water heater amendment to 'DCP 1997: Urban Design', at which time the amendments will come into force;
- (3) apply the new solar water heater controls to development applications lodged after the date of the public notice appearing in local newspapers.

(DPB Report 26.3.98)

Carried.

15.

MITCHELL ROAD, NO. 276, ALEXANDRIA - CONVERSION OF STOREROOM OF EXISTING TAKE-AWAY TO CAFÉ WITH SEATING (U97-01200)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr Simon Zhu, with the authority of Hughes Cleaning Services Pty Ltd for permission to operate a café from the existing storeroom associated with the take-away for the following reasons, namely:-
 - (1) That the proposal is an unacceptable intensification of a non-conforming use;
 - (2) That the proposal fails to provide the parking generated by the existing use, being two car parking spaces and fails to provide the one additional car parking space required;

- (3) That the proposal fails to provide one loading bay as required by the previous consent and current requirements in DCP 11- Transport Guidelines for Development;
 - (4) That the signage proposed does not comply with either Clause 26 of LEP 107, or with Development Control Plan No.7- Guidelines for Outdoor Advertising.
- (B) That the applicants be advised that the consent under which the existing take away shop operates requires a parking layout plan for the provision of parking and loading to be submitted to the Director of Planning and Building for approval. If this is not provided within 28 days of the date of this letter, Council may take legal action to enforce the conditions of the original consent.

Carried.

16.

ELIZABETH STREET, NO. 483, SURRY HILLS - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U97-00863)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Allison Adey, with the authority of Valdino Pty Ltd, for permission to use the premises as a brothel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with unnumbered and undated plans submitted with the application;
 - (2) That no more than three sex workers shall be employed on the site at any one time;
 - (3) That clients shall not be permitted to wait outside the premises and shall be requested to wait inside the building or asked to move on;
 - (4) That no display or soliciting shall take place outside the premises;
 - (5) That the use of the premises shall be restricted to 10.00 a.m. to 2.00 a.m. daily and that the use of the rear pedestrian entrance/ exit to Little Buckingham shall not be used by clients (except in the case of bona fide emergency) between 8.00 p.m. and 2.00 a.m. and that suitable internal/external signage shall be erected advising clients of this restriction;
 - (6) That if the brothel's use is advertised and the advertisement makes reference to rear lane access, then the time restriction on client use shall also be advertised;

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- (7) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;
 - (c) the garbage room or garbage receptacle storage area;
 - (d) sanitary facilities;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (8) That maintenance of spa pools shall be in accordance with NSW Health Department "Public Swimming Pool & Spa Pool Guidelines";
- (9) That garbage storage facilities shall be provided within the site in an approved position constructed in accordance with Council's Code for the Construction of Garbage Handling Systems;

and the following adopted standard conditions:

- (10) hsc500 - Premises to be ventilated;
- (11) hsc555 - Bathroom ventilation;
- (12) hsc400 - Compliance with Brothels Policy
- (13) hsc401 - Cleanliness of premises
- (14) hsc402 - Clean linen
- (15) hsc404 - Changing of linen
- (16) hsc406 - Sanitary facilities
- (17) hsc413 - STD information
- (18) hsc411 - Contaminated waste disposal
- (19) hsc414 - Examination of clients
- (20) hsc416 - Health check-ups
- (21) hsc111 - Liquid wastes to sewer;
- (22) hsc700 - Compliance with code for Garbage Handling System;
- (23) hsc711 - Commercial contract (trade waste);

- (24) hsc715 - Trade waste;
 - (25) hsc801 - Noise from premises;
 - (26) LDA351 - Building Application required.
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (2) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (3) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
 - (4) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (5) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

MANDIBLE STREET, NOS. 25 - 33, ALEXANDRIA - REQUEST FOR VARIATION OF CONDITIONS - DEVELOPMENT APPLICATION (U96-00456)

- (A) That Council advise Concrete Pty Ltd and the Land and Environment Court that it would not object to Court consent orders that amended condition (7) and (62) of the consent granted 4 September 1996 in the following terms:-
- (7) Any noise which is identified to be emanating from the concrete batching plant's premises, during the night time, must have an L10 noise level not exceeding 43dB(A) when measured or calculated from at the boundary of any residential premises. Night time refers to 6.00p.m. to 7.00 a.m. seven days a week.

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The sound pressure level LA10T of noise emanating from the operation of the concrete batching plant in or on the above premises must not exceed a sound pressure level of 70dB(A), (LA10T is to be measured for any time period between ten and fifteen minutes fast response), when measured or computed within 1 metre of any neighbouring noise sensitive industrial/commercial premises. Noise sensitive industrial/commercial premises are considered to be offices attached to these premises.

(62) That all raw material trucks and concrete mixer trucks delivering to or returning from sites outside the Council area shall not use any street in the Council other than:-

- (a) Cleveland Street;
- (b) Regent Street/Botany Road;
- (c) Bourke Street south of Philip Street/Bourke Road;
- (d) Wyndham Street/Gibbons Street;
- (e) Collins Street;
- (f) Huntley Street;
- (g) Sydney Park Road;
- (h) Canal Road;
- (i) Gardeners Road;
- (j) O'Riordan Street;
- (k) Bowden Street;
- (l) Mandible Street;
- (m) O'Dea Avenue;
- (n) McEvoy Street/Euston Road;
- (o) Bourke Road;
- (p) Lachlan Street/Dacey Avenue;
- (q) Other Designated State or Regional Roads;

between 10.00p.m. and 6.00a.m. all concrete dispatch trucks shall turn right after leaving the site.

The above list shall be the subject of discussion between Council and the operator after 10 years of date of amendment with any change by mutual agreement of both parties.

(B) That Council advise Concrete Pty Ltd that Council strongly oppose any change to condition 6 of the consent granted 4 September 1996.

(DPB Report 24.3.98)

Carried.

18.

ARTHUR STREET, NO. 121, SURRY HILLS - ERECTION OF BATHROOM, KITCHEN, DINING AND BEDROOM - DEVELOPMENT APPLICATION (U98-00006)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Waggadon Pty Ltd, for permission to construct a rear extension to an existing terrace house, for the following reasons, namely:-
- (1) That the proposed floor space ratio would exceed the 1:1 maximum in DCP 1997;
 - (2) That the building would not comply with the BCA standard for unbuilt-upon area;
 - (3) That the proposed rear building would reduce the amenity of adjoining rear yards by virtue of its height and overshadowing effects;
 - (4) That approval would create a precedent for development on Coulton Lane which would have a cumulative overshadowing effect on residential development to the south.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

ROCHFORD STREET, NO. 169, ERSKINEVILLE - ADDITIONAL LEVEL TO DWELLING WITH REAR DORMER - DEVELOPMENT APPLICATION (U97-01194)

- (A) That the Council is not satisfied that the objection submitted pursuant to State Environmental Planning Policy No. 1 to the development standard in Clause 11 of LEP No. 107 which restricts the maximum building height to 9m is well founded as the scale and form of the building as submitted will be contrary to the streetscape.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Mr D.C. Jones for permission to alter and extend the dwelling house by reconfiguring the rear of the ground floor, erection of a first storey and attic level with a front dormer window and balconies at front and rear subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA1297.01 to 06 inclusive;

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- (2) That the development shall be amended in the Building Application to the satisfaction of the Director of Planning and Building to incorporate:-
 - (a) Reduction in the height of the building so that it does not exceed 9m measured vertically from the natural ground surface to the underside of the ceiling of the top most habitable floor;
 - (b) The replacement of the curved roof form with a straight pitched roof of approximately 35 degree pitch;
 - (c) The rear balcony to be reduced in depth to a maximum of 1200mm and in area to a maximum 3m²;
- (3) That a colour scheme for the building, incorporating heritage colours, shall be submitted for the approval of the Director of Planning and Building and the street elevation shall be painted in accordance with the approved colour scheme;
- (4) That the proposed new brickwork shall match the existing;
- (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 any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems;
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction,

Maintenance and Demolition Sites";

- (9) 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;
- (10) 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;
- (11) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (12) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (13) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (14) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (16) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (17) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975.

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

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

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

Carried.

20.

HENDERSON ROAD, NOS. 146 - 150, ALEXANDRIA - EXTEND HOTEL TRADING HOURS - DEVELOPMENT APPLICATION (U97-00934)

That the application submitted by Ms A Wright for permission to extend the trading hours of the hotel until 3.00 am Mondays to Saturdays be deferred to the next Planning and Development Committee meeting to be held on 6 May 1998, as requested by the applicant in fax dated 1.4.98.

Carried.

21.

BELLEVUE STREET, NOS. 10 - 12, SURRY HILLS - CONTINUE USE AS A BROTHEL - DEVELOPMENT APPLICATION (U97-00778)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mrs T Dicker and Mr P Johnson, with the authority of Mr M Roberts and others, for permission to use the premises as a brothel, subject to the following conditions, namely: -
- (1) That the development shall be generally in accordance with the details provided within the Statement of Environmental Effects dated August 1997 and plans dated 25th June 1997 and numbered DA01-04 2 as held on Council file U97-00778;
 - (2) That at no time shall retail sale of sex paraphernalia be made from the premises;
 - (3) That no advertising including red lights shall be displayed on the premises without the prior consent of Council and any signs shall be the subject of a separate application;
 - (4) That the existing lattice fence fixed to the front entrance stair to 10 Bellevue Street shall be removed within 1 month of the date of this consent;
 - (5) That a maximum of three 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;

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- (6) That the hours of operation shall be restricted to between 10.00 a.m. and 2.00 a.m. the following morning;
- (7) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's Waste Management/Minimisation Fact Sheets;
- (8) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems as required by Conditions (13)(14) below;
 - (b) the garbage room or garbage receptacle storage area as required by Condition (7) above;

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

and the following adopted standard conditions:-

- (9) LDA36 - Loading only within confines of the site;
- (10) LDA170 - Commercial daily garbage collection;
- (11) LDA167 - No garbage on public way;
- (12) LDA257 - Regulation of noise transmissions;
- (13) hsc500 - Premises to be ventilated;
- (14) hsc555 - Bathroom ventilation;
- (15) hsc400 - Compliance with Brothels Policy
- (16) hsc402 - Clean linen
- (17) hsc404 - Changing of linen
- (18) hsc406 - Sanitary facilities
- (19) hsc410 - Supply of condoms
- (20) hsc411 - Contaminated waste disposal
- (21) hsc413 - STD information
- (22) hsc414 - Examination of clients
- (23) hsc416 - Health check-ups

- (24) hsc111 - Liquid wastes to sewer;
- (25) hsc412 - Swimming and spa pools maintenance
- (25) hsc715 - Trade waste;
- (26) hsc801 - Noise from premises;

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

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

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (2) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
 - (3) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;

- (4) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (5) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (a) Plasterboard;
 - (b) Perforated gypsum lath with a normal paper finish;
 - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;
 - (6) That a suitable automatic fire detection and alarm system shall be provided throughout the buildings;
 - (7) That all doorways to bedrooms and loungerooms shall be protected by self closing solid core doors not less than 35mm thick;
 - (8) That storage cupboards under stairways shall be removed;
 - (9) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council within 1 month of the date of this consent and all required works shall be completed within 3 months of the approval of the building application. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

KNOX STREET, NOS. 5 - 5A, ROSE STREET, NOS. 11 - 21, AND CITY ROAD, NO. 20A, CHIPPENDALE - DEVELOPMENT APPLICATION - DEFERRED COMMENCEMENT (U97-00983)

- (A) That the applicant, Knox Street Apartments Pty Ltd, be advised that the amended plans lodged on 24 February, 1998 and refined on 23 March, 1998 satisfactorily address the terms of condition 1 of the deferred commencement consent of 23 February, 1998 to the development

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application U97-00983 for 5-5A Knox Street, 11-21 Rose Street and 20A City Road, Chippendale, and the development consent is now "operative".

- (B) That all other conditions of the development consent must be complied with, as well as the terms of the resolution of Council at its meeting on 11 February, 1998 (including plans for the improvements to surrounding streets prior to or with the building application).
- (C) That the people and organisations who made submissions regarding the revised plans be advised of the Council's decision.

(DPB Report 27.3.98)

Carried.

23.

PLANNING - POST SUBMISSION REPORT ON THE GREEN SQUARE DRAFT STRUCTURAL MASTERPLAN (2013184)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That Council:-

- (a) adopt the key principles and elements of the Green Square Structural Masterplan outlined in Section 4 of the Director's report, as a framework for further work and negotiation to develop statutory plans for the Green Square redevelopment area, noting that this adoption does not involve the specific controls proposed under the Masterplan, such as heights and FSRs;
- (b) endorse the processes and procedures for the planning of Green Square as established in the interim project brief outlined in section 5.1 of this report;
- (c) endorse the establishment, as a matter of priority, of an in-house project team comprising key officers from Council, as nominated by the Heads of Department, to work in partnership with other key stakeholders in planning for redevelopment of the area;
- (d) endorse the concept of preparing a staged LEP(s) and DCP(s) for Green Square, commencing with those areas where the principles of the Green Square Masterplan can be more readily achieved, as identified in this report and as nominated by Council;
- (e) endorse the establishment of a working party with the Department of Urban Affairs and Planning and the South Sydney Development

Corporation, to progress the planning for the area and resolve various issues raised in this report;

- (f) advise those persons who made submissions on the exhibition of the Green Square Masterplan of Council's decision.

(DPB Report 27.3.98)

Carried.

24.

**WYNDHAM STREET, NOS. 71 - 73 (AND GARDEN STREET, NOS. 78 - 82),
ALEXANDRIA - 20 UNIT RESIDENTIAL FLAT DEVELOPMENT -
DEVELOPMENT APPLICATION (U97-00524)**

That the application submitted by Mr. Keith Kelly, permission to demolish existing buildings and erect a new residential flat development containing 20 units and basement car parking at the abovementioned premises be deferred for further discussion between the applicant and the Director of Planning and Building and resident representatives in an endeavour to address the concerns expressed by the residents.

At the request of Councillor Fowler and by consent, the motion was amended by the deletion of all the words after the word "representatives" where appearing in the fifth line of the recommendation and the insertion in lieu thereof, of the following new words " to address scale, bulk and height with a view to increase unit configuration and type".

Motion, as amended by consent, carried.

25.

TRAFFIC - KINGS CROSS PEDESTRIAN AMENITY SCHEME (5168536)

That Council agrees to:-

- (1) the implementation of the Pedestrian Amenity Scheme for Darlinghurst Road , between Bayswater Road and Fitzroy Gardens;
- (2) the Urban Design Concept Plan proceeding to the community for consultation and comment;
- (3) the Urban Design Concept Plan being modified based on community consultation;
- (4) the modified Urban Design Plan being forwarded to South Sydney Traffic Committee prior to coming to Council for final approval.

(DPWS Report 27.3.98)

At the request of Councillor Fenton and by consent, the motion was amended by the deletion of Clause (1) of the recommendation and the insertion in lieu thereof, of the following new Clause (1) namely:-

- (1) the implementation of a Pedestrian Amenity Scheme for Darlinghurst Road, between Bayswater Road and Fitzroy Gardens.

Motion, as amended by consent, carried.

26.

ELIZABETH STREET, NO. 944, ZETLAND - DEMOLISH EXISTING DWELLING - BUILDING APPLICATION (Q97-01052)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Clonara Holdings Pty Ltd permission to demolish the subject dwelling at the abovementioned premises for the following reasons namely:-
 - (1) That the existing building contributes to the quality of the streetscape;
 - (2) That the applicants have not demonstrated that the building has no local heritage significance;
 - (3) That the proposal would result in the loss of viable residential accommodation.
- (B) That the applicant be advised of Council's view that amended plans for the Development Application incorporate the retention and refurbishment of this building.

Carried.

27.

ELIZABETH STREET, NO. 637, WATERLOO - ERECTION OF BALCONY AT REAR OF PREMISES - DEVELOPMENT APPLICATION (U97-01192)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr J EL Alam, for permission to retain the rear deck measuring 4555x x 3100mm covered to a depth of 1730mm by an awning, subject to the following conditions, namely:-

- (1) That this consent is limited to the use of the area of the rear deck covered by the proposed awning for recreational purposes, in connection with the attached dwelling and the works required to complete the structure as amended by conditions included below. (The consent does not authorize the works that have been carried out prior to obtaining the necessary approval of Council. The attention of the applicant is drawn to part B of this consent notice);
- (2) That the rear deck shall be completed in accordance with the submitted plans reference 97/103-A as amended by the conditions below;
- (3) That the deck area shall be cut back so as to not extend beyond the rear alignment of the building at No. 639 Elizabeth Street, Waterloo ie having a maximum depth of 1730mm and an area of 7.88m²;
- (4) That the area under the deck shall not be enclosed without the prior approval of Council;
- (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 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;

and the following adopted standard conditions:

- (6) LDA152 - Schedule of finishes;
- (7) LDA367 - Timing device on alarms;
- (8) LDA376 - Hours of building work;
- (9) LDA377 - Construction noise regulation;
- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA392 - No obstruction to public way;
- (12) LDA393 - Delivery of refuse skips;
- (13) HSC800 - Use of appliances emitting intrusive noise.

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

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

- (B) That the Council issue an Order pursuant to the Local Government Act to the owners requiring that structural certification of the unauthorized structure shall be submitted from a Structural Engineer.
- (C) That a Notice/Order be issued on the premises pursuant to the Local Government Act to require removal of so much of the unauthorized work as extends beyond the alignment of the proposed awning as shown on the submitted plan 97/103A-1;
- (D) That subject to compliance with the relevant conditions in Part A, with Part B and with Part C, Council take no further action in respect of this matter;
- (E) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

28.

FLINDERS STREET, NO. 88 - 94 AND NOS. 98 - 102, DARLINGHURST - MATTERS RELATING TO GRANTED CONSENT (2013073)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

That the report by the Director of Planning and Building dated 30 March 1998, regarding the above matter, be received and noted.

Carried.

29.

PLANNING - INVITATION BY NEWCASTLE CITY COUNCIL TO INSPECT AND DISCUSS THE INNER CITY NEWCASTLE LANDSCAPE STRATEGY (2009125)

- (A) That Council approve a delegation of Officers to attend an inspection and discussion of projects completed through the Newcastle City Council's Inner City Newcastle Landscape Strategy on Thursday, 30 April 1998.
- (B) That Councillors Bush and Fowler be nominated to participate in the delegation to Newcastle.

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(DPB Report 30.3.98)

Carried.

30.

BRUMBY STREET, NOS. 16 - 22, CLISDELL STREET, NOS. 7 - 9, SURRY HILLS - ERECT NEW RESIDENTIAL APARTMENTS - DEVELOPMENT APPLICATION (U97-00957)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr J Sophios, for permission to demolish Nos. 7-9 Clisdell Street and portion of Nos. 16-22 Brumby Street and erect a new residential flat building containing 16 units and basement car parking for the following reasons, namely:-
- (1) That the proposal as submitted exceeds the maximum permissible floor space ratio of 1:1 and height limit of six metres as identified in Development Control Plan 1997 and is therefore considered an overdevelopment of the site;
 - (2) That the setbacks, siting, design, bulk and scale of the building and its relationship with adjoining development are considered unsatisfactory;
 - (3) That the proposal will detrimentally affect the amenity of adjoining and nearby properties (particularly the rear courtyard area of the approved development at No 6-14 Brumby Street Surry Hills) in terms of loss of privacy, solar access and outlook;
 - (4) That the demolition of the existing terraces in Clisdell Street together with the replacement with the proposed building will adversely impact on the Brumby Street/Clisdell Street streetscape and will undermine the significance of the proposed conservation area;
 - (5) That the circumstances of the case and the public interest in that a number of submissions have been received with respect to the proposal.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

31.

**LAWRENCE STREET, NOS. 194 - 218, ALEXANDRIA - ERECT
RESIDENTIAL FLAT BUILDING CONTAINING 44 UNITS AND 1 SHOP -
DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT
(U97-00775)**

- (A) That Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the 9m maximum height contained in Local Environmental Plan No.107 is well founded and that compliance is unnecessary for the following reason:

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

- (B) That the Council as the responsible authority grants its consent to the application submitted by Max Sgammotta Architects, with the authority A & J Investments Pty Ltd, for permission to demolish the existing buildings and erect a new building containing 44 residential units, one retail tenancy and 38 parking spaces, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawings numbered DA01 to DA08 Revision A dated 15 January 1998;
- (2) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition Open Space/Townscape/ Public Domain	\$ 87,414	2E97001.BGYO
Public Domain	\$ 25,959	2E97002.BGYO
Accessibility And Transport Management	\$ 306	2E97006.BGYO
	\$ 1,2,51	2E97007.BGYO
Total	\$114,930	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

Applicants are advised to contact the Council **as soon as possible** concerning the specific requirements for any proposal for works-in-kind. Details submitted after the 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 offset against the same category of works.

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

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

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

- (3) That, prior to or upon submission of the building application, the developer shall lodge an application under S.116 of the Roads Act for widening of the footway on the corner of Lawrence and Maddox Streets and for provision of angled parking adjacent to the site in Lawrence Street. Subject to a successful outcome under the Roads Act, the developer shall carry out, to Council's specifications and satisfaction, design construction and supervision of the above works or make a contribution of \$15,000 towards the cost of kerb extensions and \$10,000 towards the cost of providing angled parking (any excess to be refunded if works cost less). Bank guarantees shall be lodged for the contributions required by this condition before release of the building application which shall be cancelled if the work is satisfactorily carried out by the developer or drawn upon if the work is not carried out before the building is ready for occupation;
- (4) That the floor space ratio of the building shall not exceed 1.38:1;
- (5) That a total of 38 off street parking spaces shall be provided, including 1 space for the shop and 7 visitor spaces, to the satisfaction of the Director of Planning and Building;
- (6) That visitor parking spaces shall be located such that they are not within the secure parking area or are accessible via an intercom system to each unit;
- (7) That 15 secure bicycle parking spaces for residents shall be provided within the car park area and at least 4 bicycle spaces for visitors located to the satisfaction of the Director of Planning and Building;

- (8) That the car park and ramp shall be designed in accordance with the requirements of DCP 11 and AS2890.1 especially in regard to grades, transitions and setback of columns from the end of car spaces and details shall be submitted with a building application, to the satisfaction of the Director of Planning and Building;
- (9) That the proposed two buildings fronting Euston Lane shall be moved at least 1500mm closer to the Lane to increase the separation distance between them and the building fronting Lawrence Street, to the satisfaction of the Director of Planning and Building;
- (10) That the applicant shall dedicate to Council free of charge a strip of land 600mm wide along the entire frontage on Euston Lane for the purpose of footpath widening, a 3m splay at the corner of Maddox Street and Lawrence Street and a 2.5m splay at the corner of Maddox Street and Euston Lane, sealed or landscaped to the satisfaction of the Director of Public Works and Services and the Director of Planning and Building (all reasonable legal expenses involved in the transfer of the land shall be borne by Council);
- (11) That the communal courtyard shall be embellished (e.g. with landscaping, seating, paving, etc.) to encourage residents to make use of the space, to the satisfaction of the Director of Planning and Building;
- (12) That the proposed retail outlet shall not be used for cooking of food unless an approved air handling system is installed to the cooking appliances;
- (13) That the car park shall be ventilated in accordance with the requirements of AS 1668.2 – 1991, Section 4.4;
- (14) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems; and
 - (c) the garbage room and recyclables storage area

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (15) That the development shall not encroach upon Euston Lane;
- (16) That the developer shall provide root barriers 1m in depth along the alignment of Euston Lane to prevent root intrusion into the public way where large Eucalyptus are to be planted, to the satisfaction of the Director of Public Works and Services;

- (17) That all street tree planting shall include suitable root barriers, to the satisfaction of the Director of Public Works and Services;
- (18) That the arrangements for the storage and collection of garbage, including a separate storage area for the shop, shall be determined in consultation with Council's Waste Services Branch and set out in the building application, to the satisfaction of the Director of Public Works and Services;
- (19) That a landscape plan for the site prepared by a suitably qualified person shall be submitted showing hard and soft works, decorative paving, garden edging, furniture, pergolas, fencing, existing and proposed critical levels, planting types and species, plant number and sizes (container size and height), irrigation and subsoil drainage where landscaping is to be provided on a slab shall be submitted for approval by the Director of Public Works and Services;
- (20) That minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (21) That the landscaping is to be provided on a slab, minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass, including a suitable layer of waterproofing and drainage and a 75mm layer of mulch for gardens;
- (22) That the developer shall provide street trees (new and infill) in accordance with Council's Street Tree Masterplan (1996) and trees provided shall be 75 litre container size, 2.5m high, 75mm caliper and planted at 10 metre intervals, to the satisfaction of the Director of Public Works and Services;
- (23) That proposed seating types as indicated on the landscape plan shall be approved by the Parks Development Branch prior to installation;
- (24) That any security fencing proposed for the site shall be located behind perimeter landscape areas, in each case to the satisfaction of the Director of Planning and Building and the Director of public Works and Services;
- (25) That the developer shall arrange with the Parks Development Branch for a final inspection of the landscape works to ensure that work has been carried out in accordance with the approved landscape plan;
- (26) 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 maintenance after practical completion;

- (27) 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;
- (28) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to the release of the approved building plans/prior to the release of the final linen plan (delete as applicable).
- (29) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (30) 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;
- (31) That a separate application shall be submitted at the appropriate time for the specific use of the shop;
- and the following adopted standard conditions:-
- (32) LDA21 - No resident parking for residential flat developments;
- (33) LDA251; - Only Clean Water to discharge;
- (34) LDA260 - On-site stormwater detention;
- (35) LDA376 - Hours of building work;
- (36) LDA384 - New alignment levels;
- (37) LDA387 - Footway crossings;
- (38) LDA388 - Stormwater disposal details;

- (39) LDA389 - Stormwater disposal requirements;
- (40) LDA391 - Builder's Hoarding Permits;
- (41) LDA392 - No obstruction to public way;
- (42) LDA394 - Cost of alteration to signposting;
- (43) LDA399 - Cost of consequential roadworks;
- (44) LDA386 - Road Opening Permit;
- (45) LDA393 - Delivery of refuse skips;
- (46) LDA351 - Building Application required;
- (47) LDA29 - Provide sign indicating parking;
- (48) LDA44 - Driving in forward direction only;
- (49) LDA48 - Safe walking surface on crossing;
- (50) LDA49 - Signage for vehicular egress;
- (51) LDA153 - Reflectivity of external glazing;
- (52) LDA162 - Provide common aerial for each building;
- (53) LDA201 - Make separate application for sign;
- (54) LDA368 - Display of street numbers;
- (55) hsc103 - Environmental site assessment being carried out;
- (56) hsc500 - Premises to be ventilated;
- (57) hsc555 - Bathroom ventilation;
- (58) hsc700 - Compliance with code for Garbage Handling System;
- (59) hsc706 - Storage of recyclables;
- (60) hsc801 - Noise from premises.
- (61) That ground floor units shall be wheelchair accessible via ramps, to the satisfaction of the Director of Planning and Building;
- (62) That subject to access being made available, dilapidation reports shall be carried out at the developer's expenses on adjacent

buildings that may potentially be affected by excavation and construction works, to the satisfaction of the Director of Planning and Building;

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

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

- (C) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;
- (D) That the persons who made representations in respect of the proposal be notified of the Council's decision.
- (E) That Council resolves to notify adjacent residents and property owners when the Building Application is received and allow 14 days for residents to inspect the plans and make comments.

At the request of Councillor Fowler and by consent, the motion was amended by the addition of the words "with the site contamination report" after the word "received" where appearing in the second line in Clause (E) of the recommendation.

Motion, as amended by consent, carried.

The Planning and Development Committee Meeting terminated at 8.40 p.m.

The Council Meeting terminated at 7.21 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER