

207TH Meeting**Erskineville Town Hall
Erskineville****Wednesday, 27 May 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, 27 May 1998.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minutes of the Extraordinary Meeting of Council of 11 May 1998 and the Ordinary Meeting of Council of 13 May 1998, be taken as read and confirmed.

Carried.

Leave of Absence - Councillor Harcourt

A request was received from Councillor Harcourt for leave of absence from the Council meetings on 27 May and 10 June 1998.

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

That leave of absence be granted to Councillor Harcourt from the Council meetings on 27 May and 10 June 1998.

Carried.

MINUTE BY THE MAYOR

27 May 1998

**PUBLIC RELATIONS - MR AND MRS JOSEPH CASEY -
60TH WEDDING ANNIVERSARY (2018194)**

It is with pleasure that I advise Council of the approaching 60th Wedding Anniversary of Mrs. Mary and Mr. Joseph Casey, of Leamington Avenue, Newtown.

Mary and Joseph Casey will be celebrating their anniversary on Thursday 11 June 1998 and I consider it appropriate for Council to recognize this wonderful occasion.

Recommendation:

That a letter of congratulations be forwarded to Mr and Mrs Casey, from Council and that a floral arrangement also be forwarded to them on this very special occasion.

Councillor Vic Smith (SGD)
Mayor

GENERAL MANAGER

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

At the request of Councillor Macken, the Mayor directed that congratulations and a floral arrangement be also sent to Mr and Mrs. Brophy of Potts Point on the occasion of their 60th Wedding Anniversary.

MINUTE BY THE MAYOR

27 May 1998

PUBLIC RELATIONS – HANDS OFF AUSSIE POST CAMPAIGN (2018307)

Council has received a request from the CEPU (Communications Electrical Plumbing Union) seeking support of their HANDS OFF AUSSIE POST CAMPAIGN.

The CEPU has launched this national community campaign to defend Australia Post, its services and jobs. The campaign will inform the public about what is at stake and mobilise community opposition, with the aim of convincing the Federal Government to reject the National Competition Council's Report and its proposals.

The proposals have been made despite the opposition from an array of major community organisations throughout Australia including local government and rural groups.

The campaign will concentrate its efforts up to the next Federal Election.

Keys areas of concern are:

- **Increased postal charges for the vast majority of Australians. Australia Post would no longer be able to fund the uniform 45c basic postage rate which applies uniformly to all Australians;**
- **The closure of post offices – both Corporate and Licensed Post Offices;**
- **Longer delivery times; and**
- **The cancelling of a range of services currently enjoyed by the community.**

All too well do the residents of South Sydney know the impacts from reduced or lost banking and postal services.

It is therefore considered appropriate for Council to support this campaign by way of petitions and posters placed in Council's libraries, activity clubs, leisure centres, town

GENERAL MANAGER

halls and offices. Copies of the petition and posters should be forwarded to local community groups and organisations as well.

Recommendation:

That Council gives its support to the Communications Electrical Plumbing Union's HANDS OFF AUSSIE POST CAMPAIGN and such assistance to be provided as follows:-

- (1) the placing of petitions and poster in Council's libraries, activity clubs, leisure centres, town halls and offices;
- (2) that petitions and posters be forwarded to local organisations;
- (3) that Council's Community Liaison Officer be responsible for the distribution and collections of petitions and liaise with the CEPU;

and involving the estimated cost of \$500 for printing for which funds are available in the Community Liaison Budget (EBN 44HO) account.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

It was moved by Councillor Bush, seconded by Councillor Fowler, that the matter be deferred so as to allow Council to obtain a legal advising on the placing of Communication Electrical Plumbing Union (CEPU) posters and petitions in Council's premises, supporting the proposed action.

The amendment was then put and lost.

Carried on the casting vote of the Chairperson.

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

MINUTE BY THE MAYOR

26 May 1998

COMMITTEES - COMMERCIAL WASTE MINIMISATION AND MANAGEMENT POLICY - FORMULATION (2014109)

Recently I received a copy of Sydney City Council's Commercial Waste Minimisation and Management Policy.

This Policy was developed in response to investigations that revealed a high incidence of misuse of street litter bins for commercial waste purposes, collection contractors not requiring containerisation and irregular collection times.

These same issues exist within South Sydney and are currently regulated by the Waste Services Branch Ordinance Inspectors.

The Waste Services Manager has reviewed the policy and is supportive of its principles and objectives. In his opinion inclusion of supporting strategies such as a Local Approval Policy and a Local Orders policy would increase the effectiveness of commercial waste management regulation.

Adoption of a similar policy in South Sydney would further supplement Council's present regulation program, improve the appearance of the City, reduce potential environmental health risks and facilities waste reduction targets set out in the Regional Waste Plan of the Southern Sydney Waste Board.

The policy would also make individual commercial waste generators responsible for correct handling and storage of waste generated in their premises and the costs involved with approved collection and disposal procedures.

Recommendation:

It is recommended that the Waste Services Manager proceeds with the formulation of a Commercial Waste Management Policy. If implementation of this policy requires resources that exceed the 1998/99 Budget Estimates, the preparation of a further report be prepared for Council's consideration and determination.

Councillor Vic Smith (SGD)
Mayor

GENERAL MANAGER

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

27 May 1998

DONATION - THE WOMEN'S LIBRARY - FUNDING TOWARDS PROVISION OF INTERNET SERVICES (2001967)

I have received a request for funding assistance towards the provision of internet services within The Women's Library at No.8-10 Brown Street, Newtown.

The Library has been attempting to provide internet services to their users for quite some time now, but with limited success as they do not have the appropriate hardware and software to hook up to the internet nor the finances to provide ongoing access.

With financial assistance they will be able to have the Library internet services up and running and improve their level of services to the community.

The cost of providing the appropriate computer and software is \$2,000. The Library will acknowledge Council as the provider of this technology within the Library premises.

Recommendation:

That approval be given to the payment of a donation in the sum of \$2,000 to The Women's Library towards the provision of internet services and that funds for the expenditure be added to the 1997/98 Budget.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

20 May 1998

ANTISOCIAL ACTIVITIES - JUVENILE CRIME IN WOOLLOOMOOLOO - MURAL PROJECT (2016504)

Further to my previous minute on the increasing problem of juvenile crime in Woolloomooloo, Council has been asked to provide some support for a new youth mural project in the area, initially targeting the embellishment of a much graffitied wall in Sydney Place.

It is proposed that the new mural project – to be coordinated by the Woolloomooloo Crime Prevention and Safety Coordinator – will be a joint initiative between Council, the NSW Premier's Department, the Department of Housing, the Department of Juvenile Justice, D4 and local business.

As well as making a tangible contribution towards the beautification of the area (which is a known "hotspot" for crime and antisocial behaviour) the aim of the project is to engage identified "at risk" local youth, aged 12-18 years, in a community project which asserts their ownership of the particular area in a positive way and helps develop their skills and self esteem. It is hoped that the project will also improve the community's perception of these young people, some of whom will work on the mural as part of their Community Services Orders.

It is estimated that the total cost of engaging an Aboriginal artist to conduct the mural will be approximately \$5,000. However, if any funds are left over these would be carried forwards toward the cost of a second mural within the area.

It is proposed that the project will be conducted within a relatively short time period, with the mural planned to be completed around the middle of June. The artist will facilitate workshops with local youth to develop a design and also support them in actually implementing the artwork.

The final design for the mural will be exhibited publicly in the foyer of both the Woolloomooloo Community Centre and also the Mary McDonald Centre just before and during installation.

I am therefore proposing that Council contribute \$2,000 towards the cost of engaging an artist, as well as providing in kind support with barricades to secure the area during installation, and with the supply of materials for the workshops.

Recommendation:

It is recommended that Council supports the new mural project in Woolloomooloo by contributing \$2,000 towards the cost of engaging an artist together with in kind support to secure the area during installation and with workshop supplies.

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Funds to cover the financial contribution (\$2,000) is available in the 1997/98 Community Services Section Youth Program Budget (KRB 0001 66DO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 17 signatures appended from residents objecting to the Development Application at Nos. 27 Waratah Street, Rushcutters Bay, as it will adversely affect the traffic movement and streetscape of Clement Street, Rushcutters Bay.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 14 signatures appended from residents of Munni Street, Newtown, requesting the removal of the basket ball hoop in the Harold Street Reserve, Newtown because of noise nuisance associated with the use.

Received.

3.

The Mayor tabled a petition with approximately 104 signatures appended from residents indicating their displeasure at the state of the park in Chelsea Street, Redfern, and requesting Council to re-grass, groom and fence the park.

Received.

GENERAL MANAGER

QUESTIONS WITHOUT NOTICE

1.

STREETSCAPES - LAWRENCE STREET, ALEXANDRIA - PROPOSED CLOSURE - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2016906)**Question:**

I understand that Council has on its Work Program the proposal to block off Lawrence Street and the Fountain Street end. A resident has approached me seeking information on when or if the proposal will proceed. Can I have a report outlining the status of this proposal?

Answer by the Mayor:

I will have a report prepared for this weeks Councillors Information Service.

2.

KING STREET, NOS. 69 - 77, NEWTOWN - PROPOSED CHANGE OF USE TO ENVIRONMENTALLY SUSTAINABLE COMMUNITY SPACE- QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2008656)**Question:**

I understand a proposal is being considered to restore the Trocadero Building in King Street, Newtown, and to convert the building into a environmentally sustainable community space. As this change of use would make the property rateable, could Council consider providing rate relief to the new leasees at least in the early stages of the redevelopment?

Could the Mayor also write to the Minister for Planning requesting a Permanent Conservation Order on the Building?

Answer by the Mayor:

I will ask the General Manager to seek legal advice in regards to the rates on the property and have a report prepared for Council's committee. I will write to the Minister for Planning seeking that Conservation Order on the site.

GENERAL MANAGER

3.

PARKS - INTERSECTION OF CLEVELAND STREET AND REGENT STREET, REDFERN - CLEANING OF GARDEN BEDS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2004457)

Question:

Can Council staff investigate the cleaning of the garden beds at the intersection of Cleveland and Regent Streets, especially on the railway overpass and on the Chippendale side of the intersection?

Answer by the Mayor:

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

4.

CLEANING - ASHMORE STREET, ERSKINEVILLE - REMOVAL OF DUMPED CAR - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2017302)

Question:

Can Council investigate a possible dumped car on Ashmore Street, Erskineville near the corner of Binning Lane?

Answer by the Mayor:

I will have both the Director of Public Works and Services and Director of Health and Community Services investigate that matter for you tomorrow and have a report prepared for the Councillor Information Service.

5.

SIGNS - CORNER OF GORDON STREET AND REGENT STREET, PADDINGTON - OBSTRUCTION OF STOP SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2008555)

Question:

The stop sign at the corner of Gordon and Regent Street Paddington is situated in such a position that it is not visible to drivers of approaching vehicles.

Can the relevant Council Officer investigate and reposition the stop sign?

Answer by the Mayor:

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

6.

STREETS - WARATAH STREET, RUSHCUTTERS BAY - REQUEST FOR LANDSCAPING - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (5259971)**Question:**

The residents of Waratah and Clement Street, Rushcutters Bay have requested for landscaping to the eastern side of Waratah street between Bayswater Road and Clement Street.

The residents have made particular reference to the island wedges installed at each end of the angular parking spaces in this block - One outside Ash's Cafe and the other on the corner of Waratah and Clement Street. Both have asphalt surfaces and are badly deteriorating.

Could the surfaces be replaced with brick or tile paving and installed with bollards?

It would be an appropriate time to upgrade the street. At present the eastern edge of Waratah and Clement Street are being prepared for new water mains pipes for the development on the Travelodge. Can the developer's Section 94 Contribution pay for the street improvement?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate the current situation in respect of the streetscape and have a joint report prepared for Committee with the Director of Planning and Building with respect to Section 94 Contributions.

7.

BUCKLAND STREET, NOS. 123 - 129, ALEXANDRIA - NOTIFICATION OF DEVELOPMENT APPLICATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (U97-01169)**Question:**

A resident of Buckland Street wishes to know how close to a proposed development site does one have to be in order to receive notification of the Development Application. She has been told that it is the Planner's discretion - should there not be a set rule for these letters to ensure that all affected residents are given the right to reply. Figures of 302 letters of notification have

been quoted as a proper number for other developments - Why had the Council been so mean with postage for this particular development? No Signs were posted.

The resident in question lives 12 doors from the development site and feels that she has been ignored in this instance. She thinks that she may be directly affected.

The resident is also questioning the Planning Department regarding a perception of the rule for the developer and another for the private individual. A Development Application for a resident was knocked back as Buckland Street is a Heritage Conversation Area and as such the house fronts are not to be altered. However, the warehouse site looks it is going to be altered without regard to its position in a Heritage Conservation area.

Answer by the Mayor:

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

8.

CLEANING - TILFORD STREET, ZETLAND - REMOVAL OF DUMPED CAR - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017302)

Question:

There is a dumped Truck in Tilford Street, Zetland. Could the appropriate Officer please investigate?

Answer by the Mayor:

I will have a response prepared for the Councillors Information Service.

9.

HEALTH - USE OF CIGARETTE AND ASH "BUTT-OUT-BINS" IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (H51-00084)

Question:

I recently noticed a series of cigarette and ash "butt-out-bins" which are vandal proof and durable.

The bins attach to the side walls of a building and without cluttering the streets provide a clean and safe receptacle that prevents cigarette butts littering our pavements and polluting our water ways. It would seem that these bins would safely dispose of syringes should they be used for such purpose.

It tabled a brochure from the manufacturer and supplier and request that the appropriate Officer prepare a report on these and other bins which may serve the same purpose.

Answer by the Mayor:

I will have a report prepared for the appropriate Council Committee.

10.

PARKS - PEDESTRIAN ACCESS BETWEEN HARCOURT PARADE AND CREWE PLACE, ROSEBERY - REQUEST FOR CLOSURE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2018329)

Question:

I was contacted by residents of Harcourt Parade, Rosebery requesting that the pedestrian access between Harcourt Parade and Crewe Place Reserve be closed. Could I please have this matter investigated?

Answer by the Mayor:

There is a major problem there at the moment and I will ask the Director of Public Works and Services to investigate that matter as a matter of urgency and have a report prepared for this weeks Councillors Information Service and if there needs to be a closure then he takes the appropriate action.

11.

TRAFFIC - INSTALLATION OF TRAFFIC LIGHTS AT ABERCROMBIE STREET AND SHEPHERD STREET AND ABERCROMBIE STREET AND LAWSON STREET, CHIPPENDALE- QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T52-00051)

Question:

Could I please have a report on the status of the installation of traffic lights at Abercrombie/Shepherd and Abercrombie/Lawson Streets?

Answer by the Mayor:

I will have a report prepared for the next Committee in relation to that matter.

12.

PARKS - CLEANSING AND MAINTAINING OF STREET CLOSURES AND STREET GARDENS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2004457)

Question:

Could I please be advised as to where the report into the cleansing and maintaining of street closures and street gardens is at?

Answer by the Mayor:

I understand there is a report prepared ready for the next Committee.

13.

TRAFFIC - MITCHELL ROAD AND MADDOX STREET, ALEXANDRIA - PROPOSAL FOR A ROUNDABOUT - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T52-00103)

Question:

Could I please be advised as to where the proposed roundabout at the intersection of Mitchell Road/Maddox Street is at in Council?

Answer by the Mayor:

I will have a report prepared for the Councillors Information Service.

14.

PARKS - MYRTLE STREET AND SHEPHERD STREET, CHIPPENDALE - MAINTENANCE OF PALM TREE AT ROUNDABOUT - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2004457)

Question:

Could I please have the health of the palm tree at the roundabout on Myrtle/ Shepherd Street, Chippendale checked?

Answer by the Mayor:

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

REPORT OF THE FINANCE COMMITTEE

20 May 1998

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

At the commencement of business at 6.33 pm those present were:-

Councillors Deftereos, Fenton, Macken, and Waters.

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

That the Report of the Finance Committee of its meeting of 20 May 1998, be received and the recommendations set out below for Items 2 to 5, inclusive, be adopted. The recommendation for Item 1 being shown as immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

PUBLIC RELATIONS - SYDNEY 2000 OLYMPIC GAMES - ESTABLISHMENT OF COMMITTEE - COUNCILLOR AND STAFF REPRESENTATIVES (2009321)

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

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 13 May 1998, it be resolved:-

- (a) that a Council Olympic Committee be established to deal with the problems which will result from Sydney hosting the year 2000 Olympic Games and such committee consist of representatives from the Planning and Building, Public Works and Services, Health and Community Services Departments and the General Manager's Unit;
- (b) that the question of nominating a Councillor representative on the Committee is submitted to Council without recommendation.

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

GENERAL MANAGER

- (1) the deletion of clause (b) of the recommendation and the insertion in lieu thereof of a new clause (b), namely:-
 - (b) that Councillors Bush and Fenton be representatives on the above Committee;
- (2) the addition of a clause (c) to the recommendation, namely:-
 - (c) that the word "Paralympic" be added to the title of the Committee and that Mr. G. Oakley of the Health and Community Services Department be also a representative on the above Committee.

Motion, as amended by consent, carried.

2.

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

That the report by the Director of Finance dated 24 April 1998, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

3.

CHARLES STREET, NO. 82, ERSKINEVILLE - SALE OF LAND FOR UNPAID RATES (2010218)

That arising from consideration of a report by the Director of Finance dated 14 April 1998, approval be granted for action to be taken to sell property No.82 Charles Street, Erskineville, under the provisions of Sections 713 to 726 of the Local Government Act, 1993.

Carried.

4.

LICENSING - ABERCROMBIE STREET, NO. 370, DARLINGTON - PROPOSED FOOTWAY LICENCE (2017547)

That arising from consideration of a report by the Director of Public Works and Services dated 14 May 1998, approval be given to:-

- (1) the granting of a licence to Dennis Callahan over an area of 6 square metres of the footway of Abercrombie Street adjacent to The Royal Hotel at No. 370 Abercrombie Street as shown stippled on Plan No S4-130/694 and subject to the conditions in the schedule accompanying the Director's report;

GENERAL MANAGER

- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 accompanying the Director's report, or failed to execute the licence agreement.

Carried.

5.

PLANT AND ASSETS - SUPPLY AND DELIVERY OF 12 MOTOR VEHICLE FLEET ITEMS (2015532)

That arising from consideration of a report by the Director of Public Works and Services dated 6 May 1998, approval be given to:-

- (A) the acceptance of the following tenders submitted for the supply and delivery of 12 Motor Vehicle Fleet Items in accordance with Council's Specification No. PWS.3/98 under the following categories:
 - (1) Category 'A' - The tender by Clintons Motor Group dated 20 April 1998 for one Toyota Camry CSi sedan in the sum of \$18,355 (sales tax exempt) and three Toyota Camry CSi sedans in the sum of \$22,382 per unit (sales tax payable), in the total sum of \$85,501 less a total trade-in allowance of \$78,140 on Council vehicles Nos. 5002, 6132, 6096 and 6601, in the total sum of \$7,361;
 - (2) Category 'A' – The tender by Brian Hilton Toyota dated 21 April 1998 for one Toyota Camry CSi sedan in the sum of \$21,200 and three Toyota Camry CSi sedans in the sum of \$21,380 per unit (no trade basis) in the total sum of \$85,340 less a trade in allowance of \$19,000 on Council vehicle No. 6098, in the total nett sum of \$66,340;

GENERAL MANAGER

- (3) Category 'A' – The tender by Pennant Hills Toyota dated 22 April 1998 for one Toyota Camry CSi sedan in the sum of \$22,760 less a trade-in allowance of \$19,856 on Council vehicle No. 6287 in the total nett sum of \$2,904;
- (4) Category 'B' – The tender by Manly Mitsubishi dated 21 April 1998 for one Mitsubishi Magna Executive station wagon in the sum of \$20,945 less a trade-in allowance of \$18,600 on Council vehicle No. 5006 in the total nett sum of \$2,345;
- (5) Category 'B' – The tender by Paul Wakeling Pty Ltd dated 21 April 1998 for one Mitsubishi Magna Executive station wagon in the sum of \$20,945 (sales tax exempt) and one Mitsubishi Magna Executive station wagon in the sum of \$25,522.74 (sales tax payable) in the total sum of \$46,467.74 less a total trade-in allowance of \$38,410 on Council vehicles Nos. 6134 and 6238, in the total nett sum of \$8,057.74;
- (6) Category 'C' – The tender by Suttons Homebush Holden dated 20 April 1998 for one Holden Commodore 'S' Pack utility in the sum of \$19,230.29 less a trade-in allowance of \$22,250 on Council vehicle No. 4541 for a credit of \$3,019.71;

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

- (B) The disposal of three Council vehicles, Nos. 6146, 6226 and 6228 at auction.

Carried.

The Finance Committee Meeting terminated at 6.36 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 20 MAY 1998 AT 6.37 PM

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matters) 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:-

GENERAL MANAGER

Item 1 - Financial Matter

Item 2 - Personnel Matter

Item 3 - Property Matter

Item 4 - Leasing Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 20 May 1998, be received and the recommendations set out below for Items 1 to 4, inclusive, be adopted.

The Committee **recommended** the following:-

1.

**FINANCE - OUTSTANDING DEBTS - RENTS AND SUNDRIES AT
31 MARCH 1998 (2005599)**

That the report by the Director of Finance dated 29 April 1998, detailing outstanding sundry and rent debts at 31 March 1998, be received and noted.

Carried.

2.

**ADMINISTRATION - PROPERTIES - MANAGEMENT - DEPOT
RELOCATIONS - TEMPORARY POSITION OF ENGINEERING DESIGN
OFFICER - APPOINTMENT (2010310)**

That approval be given for the appointment of a temporary Engineering Design Officer for a period of 12 months, to assist in the project management of the relocation of Council's work depots for which funds are available in the 1998/99 Draft Works Programmes (CWP refers).

(DPWS report 1.5.98)

Carried.

3.

**PROPERTIES - UNIT 19, 2 KENSINGTON MEWS, KENSINGTON STREET,
WATERLOO - PROPOSED SALE (2012358)**

That arising from consideration of a report by the Director of Corporate Services dated 18 May 1998, approval be given to dispose of the

abovementioned premises at public auction at an amount determined by valuation and selling costs.

Carried.

4.

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

That the report by the Director of Corporate Services dated 14 May 1998, submitting the January, February and March 1998, Quarterly Report on all Council's vacant Commercial properties that are available, be received and noted.

Carried.

The Finance Confidential Committee Meeting terminated at 6.42 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

20 May 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

At the commencement of business at 6.35 pm, those present were:-

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

Moved by the Chairperson (the Mayor, Councillor Smith), seconded by Councillor 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 2, 5 to 11, inclusive, 13 to 17, inclusive, 19 to 21, inclusive, 25 to 27, inclusive, be adopted. The recommendations for Items 1, 3, 4, 12, 18, 22 to 24, having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

1.

**DARLINGHURST ROAD, NOS. 111 - 139, POTTS POINT - NEW WALL
CLADDING LOGO AND ADVERTISING TO HOTEL CAPITAL -
DEVELOPMENT APPLICATION (U97-00342)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority, refuses to consent to the application submitted by Alt Media to erect a 16m high x 12m wide multi media display board on the southern elevation of the "Hotel Capital" building for the following reasons, namely:-
- (1) The proposed advertising sign is considered excessive in size as it exceeds the maximum permissible area of 4m² identified in Clause 26(3) of Local Environmental Plan No. 101 and 10.3.3 of Development Control Plan NO. 7;
 - (2) The size, design and positioning of the proposed sign will adversely impact on the host building and the locality as a whole, including the important visitors from Darlinghurst Road and Victoria Street;
 - (3) The sign is likely to create a traffic nuisance and increase the danger to vehicular and pedestrian traffic.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

2.

**CHARLES STREET, NO. 74, ERSKINEVILLE - ALTERATIONS AND
ADDITIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION
(U98-00185)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by G Terry & J Courtney, owners, for permission to make alterations and additions to the existing dwelling and erect a shed, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawings dated 25 February 1998, numbered 1 to 4 inclusive;
 - (2) That the rear first floor balcony shall be deleted to the satisfaction of the Director of Planning and Building;

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- (3) That the ceiling height of the shed shall be reduced to 2200mm and the pitched roof replaced with a skillion roof, to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:-

- (4) LDA376 - Hours of building work;
- (5) LDA377 - Construction noise regulation;
- (6) LDA389 - Stormwater disposal requirements;
- (7) LDA392 - No obstruction to public way;
- (8) LDA393 - Delivery of refuse skips;
- (9) hsc800 - Use of appliances emitting intrusive noise;
- (10) DA351 - Building Application required.
- (B) 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;
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

DAVIES STREET, NO. 33, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND ERECT AN ADDITIONAL DWELLING - DEVELOPMENT APPLICATION (U97-01105)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr T Rivard, for permission to carry out alterations and additions to the existing dwelling (Stage 1), subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans drawings 1 of 8 to 5 of 8 only, all dated November 1997 as they relate to Stage 1 only;
- (2) That Stage 2 of the proposal being for the additional dwelling house shall be deleted from the proposal;
- (3) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building 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;
- (4) That the proposed front fence shall be reduced to a maximum height of 1400mm above the footpath level;
- (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (6) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (8) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (9) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (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.

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

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

- (B) That the applicant be advised that approval of the Stage 1 alterations and additions to the existing dwelling and the carrying out of that development will prejudice any future application for a second dwelling on the site.
- (C) That the persons who made representation be advised of Council's decision.

Carried.

4.

LANG ROAD, NO. 82, CENTENNIAL PARK - ERECT REAR FIRST FLOOR MASTER BEDROOM, ROBE, ENSUITE AND BALCONY - BUILDING APPLICATION (Q98-00159)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Gordon & Valich for permission to carry out new building work comprising new first floor master bedroom, ensuite, robe, balcony and other minor alterations to the ground floor at the abovementioned premises, in accordance with submitted plans numbered BA01-BA06 and specification received on 24 February 1998, subject to the following conditions, namely:-
 - (1) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);

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- (2) That compliance shall be given to all of the conditions shown on the approved plan;
- (3) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall be informed in writing **prior to the commencement of work** of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;

-and the Council shall be immediately informed in writing if:-

 - (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (4) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council Officers;
- (5) That the approval shall only relate to the work shown coloured on the approved plans;
- (6) That the use of the premises shall remain as dwelling in single occupation only;
- (7) That the hours and days during which building work may be carried out shall be restricted to between 7.00 am and 5.00 pm Mondays to Fridays and 7.00 am and 3.00 pm Saturdays with no work being carried out on Sundays or public holidays;
- (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 existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (10) That structural details shall be submitted for consideration and approved prior to the commencement of any structural work. You are advised that by a resolution of Council, all structural plans must be accompanied by a certificate from an **approved**

practising Structural Engineer. Details of the procedure of Structural Certification are attached herewith;

- (11) That a certificate shall be submitted at the completion of the proposed work from a registered structural engineer confirming that all structural work complies with the approved certified structural plans;
- (12) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (13) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;
- (14) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (15) That a suitable automatic fire detection and alarm system shall be installed to comply with E1.7 of the BCA;
- (16) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (17) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (18) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (19) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (20) 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;
- (21) 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;

- (22) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (23) That the toilet shall be ventilated by means of an approved air handling system, exhausting at least 25 l/s;
 - (24) That plans and specifications showing details of all proposed air handling systems shall be submitted to the Planning and Building Department and approval obtained before the installation is commenced;
 - (25) 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;
 - (26) That for the purpose of child safety, it is recommended that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

FOVEAUX STREET, NO. 136, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING PREMISES - DEVELOPMENT APPLICATION (U98-00144)

That the application submitted by Wicks and Associates, with the authority of Patricia Wicks and Joanne Malcom, for permission to make alterations and additions, to the abovementioned premises be deferred to the next Planning and Development Committee meeting to be held on 3 June 1998.

Carried.

6.

CROWN STREET, NOS. 496 - 512, SURRY HILLS - CHANGE OF USE TO A CAR REPAIR STATION - DEVELOPMENT APPLICATION (U97-00146)

That the development application submitted by Trivett Classic Garage Pty Ltd, to operate a proposed car repair station within the lower ground floor of the

existing building at the abovementioned premises be deferred to the next Planning and Development Committee to be held on 3 June 1998.

Carried.

7.

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

That the application submitted by Ms A Wright (owner) for permission to extend the trading hours of the hotel until 3.00a.m Mondays to Saturdays at the abovementioned premises be deferred until August 1998.

Carried.

8.

JENNINGS STREET, NO. 22, ALEXANDRIA - DEMOLISH EXISTING COTTAGE AND ERECT THREE TERRACE HOUSES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00160)

(A) That the Council as the responsible authority grants its consent to the development application submitted by Mr B A Radice, with the authority of Mr T Griffiths, for permission to demolish the existing dwelling and to erect 3 terraces and to subdivide, the abovementioned premises, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans 9805-1 and 9805-2 dated 25 February 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	\$7,221	2E97001.BGYO
Open Space/Townscape/Public Domain	\$2,157	2E97002.BGYO
Accessibility And Transport Management	\$ 28	2E97006.BGYO
	\$ 110	2E97007.BGYO
Total	\$9,516	

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

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

where:

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

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

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

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

(B) Works in Kind

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

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

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

Approved Works will only be off-set against the same category of works.

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

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

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

- (3) That a landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate and provide details of hard works and softworks including decorative paving types, garden bed edging, planting types and species, plant numbers and sizes (container size and height, Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (4) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped or removed. A letter of application is to accompany the Building Application marked to the attention of the Tree preservation Officer;
- (5) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre container size, 2.5 metres high, and 75mm caliper and to be the following:-

STREET TREES TO BE PROVIDED

STREET	SPECIES	NO OF TREES TO BE PROVIDED
Jennings Street	Eucalyptus	1 Sideroxylon "Pink"

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- (6) That the Developer arrange with the Parks Development Branch for a final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application;
- (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 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;
- (11) 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;
- (12) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (13) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (14) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;

- (15) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (16) That all relevant sections of the BCA shall be complied with;
- (17) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme Areas;
- (18) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) balcony balustrade treatment;
 - (d) proposed fences;
 - (e) size and proportion of windows and doors;
- (19) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (20) That details of the manner in which it is intended to remove spoil and rubbish from the site during the course of demolition, excavation or refurbishment operations as well as measures to be adopted for the eradication of any vermin from the site shall be submitted to the Health and Community Services Department and approval obtained prior to the commencement of the work;
- (21) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (22) 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;
- (23) That any external glazing shall have a reflectivity not exceeding 20%.

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

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

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

Carried.

9.

FRANCIS STREET, NOS. 33 - 35, EAST SYDNEY - USE FIRST FLOOR AS A BROTHEL - DEVELOPMENT APPLICATION (U98-00200)

- (A) That the Council as the responsible authority refuses its consent to any application by Mr J Offner, with the authority of DOM Holdings Pty Ltd the use of the upper floor of an existing building as a homosexual brothel for the following reasons, namely:-
- (1) That the proposal, given its location within the heart of the Residential 2(b) zone is inconsistent with the zone objectives.;
 - (2) That there is no evidence to suggest that the premises will cater to local demand generated by residents of East Sydney.
 - (3) That the cumulative impact of a concentration of sex industry premises is inconsistent with the residential amenity of the area.
 - (4) That the premises has only been in existence for approximately two years and therefore represents a recent increase in the number of brothels in the area.
 - (5) The site is near to the Unitarian Church and to public space used by Sydney Grammar School students.
 - (6) That given the circumstances of the case the proposal if approved would not be in the public interest.
- (B) That persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

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.

Carried.

11.

NEWMAN STREET, NO. 81, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q97-01032)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Ms S Downie for permission to carry out alterations and additions to the rear of the premises including a new enclosed stair along part of the side passage, new bathroom, kitchen and ground floor deck, all in accordance with the submitted unnumbered plan received on 24 February 1998, subject to the following conditions, namely:-
- (1) That privacy screens to a height of 1.6m shall be provided to the eastern and western sides of the deck at the rear of the premises;
 - (2) That the new windows in the external walls less than 900m from the side boundaries shall be deleted;
 - (3) That the opening between bedroom 3 and bedroom 4 shall not be bricked up so as to borrow natural light and ventilation from the adjoining room in accordance with Parts 3.8.4 and 3.8.5 of the BCA;
 - (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (6) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (7) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street

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area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;

- (8) 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;
- (9) That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;
- (10) That the details of the existing and proposed drainage system shall be submitted for approval. You are advised that by resolution of Council, all drainage details must be accompanied by a certificate from a licensed builder or architect;
- (11) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plans;
- (12) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;

and the following adopted standard conditions:

- (13) BC2 - Compliance with Local Government Act 1993;
- (14) BC3 - Compliance with conditions on plan;
- (15) BC8 - Details of contractor;
- (16) BC11 - Inform Council for inspections;
- (17) BC15 - Approval relates to coloured work;

- (18) BC20 - Premises to remain as single dwelling;
- (19) BC62 - Survey Certificate for setup of building;
- (20) BC63 - Survey Certificate for finished building;
- (21) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (22) BC111 - Hours of work;
- (23) BC113 - Work to comply with noise standards;
- (24) BC114 - Existing building to be kept in stable condition;
- (25) BC116 - New work not to encroach boundaries;
- (26) BC119 - Requirements when excavating below footings;
- (27) BC123 - Demolition to comply with standard;
- (28) BC167 - Structural details and certification to be submitted;
- (29) BC170 - Structural certificate upon completion;
- (30) BC175 - Comply with Timber Framing Code;
- (31) BC176 - Approval for permanent work only;
- (32) BC185 - Footings to comply with standard;
- (33) BC186 - No structural work until approval granted;
- (34) BC337 - Construction of boundary walls;
- (35) BC340 - Non-flammable sarking materials;
- (36) BC341 - Roof lights in dwellings;
- (37) BC352 - Glazing materials;
- (38) BC421 - Private stairs construction;
- (39) BC529 - Smoke alarm systems;
- (40) BC603 - Damp and weatherproofing;
- (41) BC608 - Ceiling heights;
- (42) BC609 - Natural light and ventilation;

- (43) BC617 - Rain or dampness penetration;
 - (44) BC618 - Flashing to be provided;
 - (45) HSC800 - Use of appliances emitting intrusive noise;
 - (46) HSC014 – Hot water safety devices.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

BOURKE STREET, NO. 486, SURRY HILLS - COMPLIANCE WITH COUNCIL APPROVAL - BUILDING APPLICATION (Q89-00849)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

That arising from a report by the Director of Planning and Building dated 1 May 1998, regarding the application for compliance of Council approval at the abovementioned premises be deferred to the next Planning and Development meeting to be held on 3 June 1998.

Carried.

13.

RILEY STREET, NOS. 252 - 284, SURRY HILLS - ERECT 162 RESIDENTIAL FLATS AND SHOPS - DEVELOPMENT APPLICATION (U97-001208)

That the development application submitted by Allan Corke Architects, with the authority of Key Nominees Pty Ltd, for permission to erect residential flats and shops at the abovementioned premises, be deferred to the next Planning and Development Committee meeting to be held on 3 June 1998.

Carried.

14.

SOUTH DOWLING STREET, MOORE PARK - SUPACENTA - EXTEND CONSTRUCTION HOURS - DEVELOPMENT APPLICATION (U98-00181)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Supacenta Pty Ltd, for permission

to extend the hours of construction to 6.00 a.m. to 8.30 p.m. Monday to Saturday, subject to the following conditions, namely:-

- (1) That the extended hours of construction shall be confined to 6.00 a.m. to 8.00 p.m. Mondays to Fridays and 6.00 a.m. and 6.00 p.m. on Saturdays for a maximum period of eight weeks;
- (2) That Council shall be advised at least 1 week in advance of when the eight week period is to commence;
- (3) That the applicant shall set up a hot line to be staffed during the extended construction hours to deal with complaints and shall advise Council, residents of Raleigh Park and residents bounded by South Dowling Street, Barker Street and Todman Avenue of the hot line telephone at least 1 week prior to the extended construction hours commencing;
- (4) That the applicant shall keep a record of any complaint received and the action taken and shall provide details to Council upon request;
- (5) That cranes shall only be positioned on South Dowling Street;
- (6) That no crane movements are to occur from Todman Avenue frontage of the Supacenta;
- (7) That all lighting used to illuminate the roof top area shall be adjusted to shine on the roof top only, so that no light spill occurs;
- (8) That all illumination of the roof top shall cease at 8.15 p.m.;
- (9) 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;
- (10) 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;
- (11) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (12) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever.

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

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

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

Carried.

15.

BOURKE STREET, NOS. 782 - 822, WATERLOO - DEMOLITION OF SEVERAL BUILDINGS AND STRUCTURES - SOME BUILDINGS EXCLUDED - BUILDING APPLICATION (Q97-00906)

- (A) That the Council, advise Meritons of its approval to demolish buildings 2, 33, 34A and 34, identified by Godden and Mackay, subject to the following conditions, namely:-
- (1) That the façade of buildings (on the corner of South Dowling and Crescent Street) up to the point where façade steps on South Dowling Street shall be retained) (essentially the facades of building 34 and 34A);
 - (2) That prior to any demolition taking place of buildings 2, 33, 34A and 34, details including certification from a registered structural engineer shall be submitted to Council and approved showing how the façade to be retained will be protected during the demolition and remain structurally safe.
- (B) That the Director of Planning and Building with Council's Parks Development Manager contact a representative of the Powerhouse Museum, Industrial Section, regarding the industrial equipment at the abovementioned site.

(DPB Report 15.5.98)

Carried.

16.

FLINDERS STREET, NO. 86, DARLINGHURST - TO USE PREMISES AS RESTAURANT WITHIN THE MANOR HOUSE - DEVELOPMENT APPLICATION (U97-01093)

At the Council meeting and Committee meeting Councillor Fowler declared an interest in the item in that he lives adjacent to the subject property and did not take part in discussion or voting.

- (A) That the Council as the responsible authority grants its consent to the application submitted by Peter Mulroney & Co with the authority of Mr T Berry (owner) for permission to undertake alterations and additions at the abovementioned premises subject to the following conditions:-
- (1) That the development shall be generally in accordance with plan DA03 and statements dated 18 November 1997 and 11 May 1998;
 - (2) That the hours of operation shall be restricted to between 7.00 a.m. to 11.00 p.m. Mondays to Thursdays and 7.00 a.m. to 1.00 a.m. Fridays and Saturdays ;
 - (3) That the use shall operate for a trial period of 12 months after which time a further application for permanent use shall be lodged for consideration or the use shall cease;
 - (4) That the rear door to Flemings Lane shall not be used for any purpose, other than emergency access, between 7.00pm and 7.00am the following morning;
 - (5) That the maximum number of people using the ground floor dining area and courtyard shall be restricted to fifty-six (56) at any time;
 - (6) That no amplified music shall be used at any time, other than low level background music;
 - (7) That no functions shall take place unless they relate to guests of the hotel;
 - (8) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

and the following adopted standard conditions:

- (9) LDA201 - Make separate application for sign;
- (10) LDA371 - No dancing;
- (11) HSC801 - Noise from premises;
- (12) LDA371 - No dancing;
- (13) HSC500 - Premises to be ventilated;
- (14) HSC018 - Sanitary facilities;
- (15) HSC200 - Compliance with Food Premises Code;
- (16) HSC300 - Air handling systems for future food premises;
- (17) HSC301 - Cooking of food only if air handling system is provided;
- (18) HSC101 - Not give rise to emissions into the environment and further, that all mechanical ventilation to kitchen be placed on a timer that relates to hours of operation;
- (19) HSC700 - Compliance with code for Garbage Handling System;
- (20) HSC704 - Garbage storage area;
- (21) hsc706 - Storage of recyclables;
- (22) hsc711 - Commercial contract (trade waste);
- (23) hsc801 - Noise from premises;
- (24) That approval be vested in the current owners of the property in order to safeguard future residential amenity.

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

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

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

Carried.

17.

PALMER STREET, NOS. 173 - 175, DARLINGHURST - ATTIC RENOVATIONS AND CONSTRUCTION OF BEDSITS AT REAR OF PROPERTY - DEVELOPMENT APPLICATION (U97-01198)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr J P Hunt, with the authority of Mr C & Ms H & Ms M Heard & Mr J Hunt, and Mr J O'Neill & Ms S Borham for permission to undertake alterations and additions, subject to the following conditions, namely;-
- (1) That the development shall be generally in accordance with plans Nos. 970302 DA1a-3a dated December 1997 and received by Council on 7 May 1998;
 - (2) That all openings in the northern elevation of the proposed first floor extension and the northern elevation to the terrace to 175 Palmer Street be fitted with louvred screening or similar device to prevent overlooking of the adjoining property, to the satisfaction of the Director of Planning and Building. Details to be included with the Building Application.
 - (3) That the proposed first floor stairway/bridge between the studio and the main dwelling of 175 Palmer Street be deleted from the proposal;
 - (4) That the proposed kitchens shall be deleted from the studio units and these areas shall not be used as separate dwellings at any time;
 - (5) That the butterfly roof forms to the proposed studio units shall be set back from Woods Lane and/or lowered or otherwise amended to reduce its visibility from the lane, to the satisfaction of the Director of Planning and Building. Details to be submitted with the Building Application;

and the following adopted standard conditions:-

- (6) LDA351 - Building Application required;
- (7) LDA376 - Hours of building work;
- (8) LDA387 - Footway crossings;

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- (9) LDA389 - Stormwater disposal requirements;
 - (10) LDA391 - Builder's Hoarding Permits;
 - (11) LDA392 - No obstruction to public way;
 - (12) LDA393 - Delivery of refuse skips;
 - (13) LDA394 - Cost of alteration to signposting;
 - (14) hsc018 - Sanitary facilities;
 - (15) hsc500 - Premises to be ventilated;
 - (16) hsc200 - Compliance with Food Premises Code;
 - (17) hsc202 - Plans and specifications for proposed food premises;
 - (18) hsc700 - Compliance with code for Garbage Handling System;
 - (19) hsc800 - Use of appliances emitting intrusive noise.
- (B) That persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

MACLEAY STREET, NOS.36-38, ELIZABETH BAY - ELEVEN STOREY RESIDENTIAL FLAT BUILDING CONTAINING 10 UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00887)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No 1 objection against the development standard pertaining to height within Clause 18 of Local Environmental Plan No 101 is well founded and compliance is therefore unreasonable and unnecessary for the following reason:-
- The additional height will result in a development which is compatible in bulk, scale, height and form to adjoining development and will not impose any significant environmental impact.
- (B) That the Council as the responsible authority grants its consent to the development application submitted by Ercole Palazzetti Pty Ltd, with the authority of Lanlex No.125 Pty Ltd, for permission to demolish the

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existing premises and erect an 11-storey residential flat building comprising 10 units and strata subdivision at Nos.36-38 Macleay Street, Elizabeth Bay, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with submitted plans numbered 01A to 03A, 04C, 05A, 06A, 07B, 08A and 09B, dated September 1997;
- (2) That this consent shall lapse after a period of two years from the date this consent becomes effective, unless the development to which it relates is commenced (The applicant is advised that an application can be made to the Council before the period expires, for an extension of 1 year);
- (3) 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 final linen plan;
- (4) That the southern elevation of the development shall be treated so as to provide a greater level of interest for the residents of 40 Macleay Street and windows located on this elevation shall be opaque or similar. Details shall be submitted to the Director of Planning and Building's satisfaction with the Building Application;
- (5) That subject to the approval of the respective bodies, a dilapidation report shall be submitted to Council prior to construction, for the adjacent premises being Nos.34, 36A, 36B and 40 Macleay Street;
- (6) That the existing right-of-way, including the fully enclosed garbage enclosure, security gate and intercom shall to be restored to at least the current standard, and any proposed work in the right of way shall be undertaken with the consultation of all those bodies benefiting from the right of way;
- (7) That the security gate and intercom within the right of way shall remain unobstructed and maintained in working order at all times;
- (8) That during construction/demolition, the right-of-way is to be maintained and unobstructed at all times;
- (9) Section 94 Contributions

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

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$12,977	2E97001.BGYO
Open Space/Townscape/Public Domain	\$3,893	2E97002.BGYO
Accessibility And Transport	\$ 54	2E97006.BGYO
Management	\$ 199	2E97007.BGYO
Total	\$17,123	

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

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

where:

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

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

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

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

Works in Kind

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

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

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

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

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

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

- (10) That a maximum of 15 off-street car parking spaces and one loading bay 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 two spaces for visitors and the remainder for residents of the development, with a minimum of 1 car space allocated to each unit;
- (12) That an intercom facility be provided at the entrance of the driveway for visitors;

- (13) That all unit numbers in the building proposed to be strata subdivided shall correspond to the Lot numbers in the Strata Plan and where this is impractical the relevant lot number shall be permanently affixed to each unit to the satisfaction of the Director of Planning and Building;
- (14) That all parking or utility lots shall be part of a parent Lot or otherwise they shall be subject to a restriction on user referred to in Section 39 of the Strata Titles Act 1973.
- (15) That all visitor car spaces shall be clearly identified on the Strata Plan and shown as common property;
- (16) That the premises including the car park areas and all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the BCA and Council's Ventilation Code;
- (17) That a management plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted to the Director of Planning and Building and approval obtained prior to any commencement of work on the site;
- (18) That the carwash bay and vehicle servicing area shall be graded and drained to the sewer in accordance with the requirements of Sydney Water;
- (19) 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;
- (20) 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;
- (21) That all fresh air intake and exhaust air discharge vents shall be located in positions approved by the Health and Community Services Department;
- (22) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (23) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;
- (24) That the pergola structure on the western balcony on level 9 fronting Macleay Street shall be deleted and only consist of a balcony balustrade to the satisfaction of the Director of Planning and Building;
- (25) That a photographic archival recording of the existing building shall be prepared by a qualified Heritage Architect prior to its demolition, to the satisfaction of the Director of Planning and Building;

-and the following adopted standard conditions:-

- (26) LDA12 - Applicant to liaise with Sydney Water;
- (27) LDA21 - No resident parking for residential flat developments;
- (28) LDA29 - Provide sign indicating parking;
- (29) LDA63 - Surface marking for traffic circulation;
- (30) LDA101 - Provide landscaping plan;
- (31) LDA152 - Schedule of finishes;
- (32) LDA153 - Reflectivity of external glazing;
- (33) LDA161 - Provide common television aerial;
- (34) LDA261 - Washing down of trucks;
- (35) LDA351 - Building Application required;
- (36) LDA367 - Timing device on alarms;
- (37) LDA368 - Display of street numbers;
- (38) LDA376 - Hours of building work;
- (39) LDA377 - Construction noise regulation;
- (40) LDA384 - New alignment levels;
- (41) LDA385 - Colonnade and footpath levels;
- (42) LDA386 - Road Opening Permit;

- (43) LDA387 - Footway crossings;
- (44) LDA389 - Stormwater disposal requirements;
- (45) LDA391 - Builder's Hoarding Permits;
- (46) LDA392 - No obstruction to public way;
- (47) LDA393 - Delivery of refuse skips;
- (48) LDA396 - Works within boundaries;
- (49) LDA397 - Energy Australia dedication;
- (50) LDA399 - Cost of consequential roadworks;
- (51) hsc103 - Environmental site assessment being carried out;
- (52) hsc001 - Compliance to Director of Health and Community Services;
- (53) hsc100 - Removal of spoil from site;
- (54) hsc101 - Not give rise to emissions into the environment;
- (55) hsc018 - Sanitary facilities;
- (56) hsc111 - Liquid wastes to sewer;
- (57) hsc700 - Compliance with code for Garbage Handling System;
- (58) hsc705 - Construction of garbage room;
- (59) hsc706 - Storage of recyclables;
- (60) hsc800 - Use of appliances emitting intrusive noise;

NOTE 1: The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

NOTE 2: The owner's attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

NOTE 3: For the purpose of child safety, it is recommended that all new or replacement hot water systems be designed to deliver hot water to a maximum 50° C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices.

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

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

- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That all relevant sections of the BCA shall be complied with;
 - (2) That a smoke lobby shall be provided between the fire control room and the fire isolated passage at ground floor level.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

That the application be deferred.

Amendment negatived.

It was moved by Councillor Deftereos, seconded by Councillor Fowler, that the motion be amended by the addition of a condition (61) to the recommendation, namely:-

- (61) That the wall on the southern side of the building be of a light colour or sandstock.

Amendment carried.

At the request of Councillor Fowler, and by consent, the motion be further amended by the addition of a condition (62) and a Part (E) to the recommendation, namely:-

- (62) That the boundary wall of the car park be solid and the car park levels be mechanically ventilated to the terrace level;
- (E) That the Building Application be notified to residents of 36A, 36B, and 40 Macleay Street and consequently if objections are received, a report be presented to the Planning and Development Committee.

Motion, as amended by Councillors Deftereos and Fowler, carried.

19.

PLANNING - ROLLER SHUTTERS IN KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (534216)

That the report by the Director of Planning and Building dated 15 May 1998, regarding the above matter be received and noted.

Carried.

20.

SWANSON STREET, NOS. 1-3, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO HOTEL - DEVELOPMENT APPLICATION (U98-00002)

- (A) That the Council resolved that the State Environmental Planning Policy No. 1 objection against the development standards relating to FSR in Clause 10 of Local Environmental Plan No. 107 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons:-
 - (1) That the minor increase in FSR is acceptable in terms of residential amenity impacts will not detract from the character of the existing streetscape in terms of bulk and scale.
- (B) That the Council as the responsible authority grants its consent to the development application submitted by H & E Leach, with the authority of Kevin Snell Architects, for permission to convert the courtyard into a restaurant with associated kitchen and relocation of toilets, to convert the 6 bedrooms on the first floor into a function room, dining room and lounge with associated bar and toilets and modify at the abovementioned premises, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with submitted plans DA01- DA02 dated December 1997.
 - (2) That the doors located on either side of the casino shall be closed after 6.00pm;

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- (3) That the windows at the rear of the property shall remain closed at all times;
- (4) That the windows to the toilets shall be fixed and obscurely glassed;
- (5) That the street facades of the building shall not be altered in any way and are to be restored;
- (6) That the ground floor front bar area (including wall tiles and joinery) and staircase are to be retained and restored;
- (7) That the sign to the gents toilets is to be recorded and repainted near the existing ladies sign;
- (8) That any fabric recovered from the alterations should be re-used where possible;
- (9) That the new materials and finishes should be sympathetic to the original fabric;
- (10) That the hours of operation shall be restricted to 10.00am to 11.00pm Monday to Thursday, 10.00am to 12.00 midnight Fridays to Saturday and 10.00am to 10.00pm Sundays;
- (11) That at no time shall pinball machines, amusement machines or the like be installed in the premises;
- (12) That no dancing shall be conducted on the premises;
- (13) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (14) 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;

- (15) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (16) That prior to the commencement of any demolition/building work, an application for a Builder's Hoarding Permit shall be made to the Director of Public Works and Services and a hoarding shall be erected to the satisfaction of the Director of Public Works and Services;
- (17) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (18) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (19) That the garbage storage area shall be adequately screened to the satisfaction of the Director of Planning and Building;
- (20) That no garbage or industrial waste shall be placed on the public way, eg. footpaths, roadways, plazas, reserves, at any time;
- (21) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (22) That no dancing shall be conducted on the premises;
- (23) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (24) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (25) That the construction of the premises shall comply with the requirements of the Natural Code for the construction and fitout of food premises;
- (26) 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";
- (27) 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;
- (28) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced.
- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (2) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (3) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
 - (4) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
 - (5) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
 - (6) 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;
 - (7) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (8) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with

balustrades and handrails in accordance with D2.16 of the BCA respectively;

- (9) That all relevant sections of the BCA shall be complied with;
 - (10) That the proposed storage room on the second floor shall be deferred and that area used for laundry purposes only;
 - (11) That the premises shall not be used as a Place of Public Entertainment with specific attention directed at the function room;
 - (12) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision;

Carried.

21.

DEVONSHIRE STREET, NOS. 235-241, SURRY HILLS - USE PREMISES AS EDUCATION ESTABLISHMENT - DEVELOPMENT APPLICATION (U98-00064)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Actors' Centre, with the authority of Trustees of the Catholic Church, for permission to an existing church hall as an actors' school, subject to the following conditions, namely:-
- (1) That hours of operation shall not extend beyond 9am to 10pm on Mondays to Thursdays, 9am to 7pm on Fridays and 10am to 5pm on Saturdays, except as varied by condition (2);
 - (2) That performance of student work may take place on not more than six weekends in any year for not more than 32 performance, and a register of these performances shall be kept and shall be available for inspection on demand by Council staff;
 - (3) That no performance of student work shall extend beyond 10.30pm;

- (4) That the seating capacity of the hall shall not exceed 120 persons and there shall be no admittance charge;
 - (5) That the hall shall not be hired to any other organisation for any function, event or purpose without the consent of the Council;
 - (6) That the entertainment uses permitted by conditions (2) to (4) shall not take place until a building application for an entertainment license has been submitted and approved;
 - (7) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
 - (8) That no additional signage shall be displayed without the consent of the Council;
 - (9) That the person who lodged an objection be advised of the Council's decision.
- (B) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

EDWARD STREET, NO.57, DARLINGTON - ALTERATIONS AND ADDITION TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U98-00061)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

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

That the extent of non-compliance is minor and the impact on adjoining properties is acceptable

- (B) That the Council as the responsible authority grants its consent to the application submitted by Walton and Associates, with the authority of P and D Francis, for permission to make alterations and additions to the existing dwelling, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with the submitted plan numbered 20/97 - DA1 dated January 1998 as amended by the sketch labelled SK001 dated 1 May 1998;
 - (2) That the first floor rear facing window shall be fitted with a privacy screen and that details be submitted with the Building Application to be to the satisfaction of the Director of Planning and Building, following consultation with the owner of No.59 Edward Street, Darlington.
 - (3) That the eaves on the first floor at the rear shall be reduced in depth to about 600mm, to the satisfaction of the Director of Planning and Building;
 - (4) That the proposed pergola shall not be covered;
 - (5) 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;
 - (6) 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;
 - (7) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
 - (8) 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;

- (9) 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;
- (10) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (12) That 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;
- (13) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building 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;
- (14) That details of storm water drainage shall be submitted with the Building Application including a Council Storm water Certificate.

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 advised of the Council's decision.

Carried.

23.

KING STREET, NO.638, NEWTOWN - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U98-00008)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the limitation on non-residential uses to 50% of gross floor area contained in Local Environmental Plan No.107 is well founded and that compliance is unnecessary for the following reasons:
- The zoning of the property has changed since the application was submitted and the new zoning permits full commercial and retail use;
 - The impact of the proposal, as recommended, on the locality is considered acceptable
- (B) That the Council as the responsible authority grants its consent to the application submitted by Christin Sim, with the authority of Ms L Kelso, for permission to use the premises as a brothel, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has satisfied the following conditions (a) and (b) and details as to how the applicant proposes to satisfy those matters shall be submitted within two months of the date of this deferred commencement:
- (a) That a shopfront shall be reinstated on King Street and about 50m² of the ground level shall be converted to a separate non-residential tenancy to the satisfaction of the Director of Planning and Building;
 - (b) That the lounge, staff and waiting room facilities located on the ground floor shall be relocated to the first and/or second floors and the number of bedrooms thereby reduced to a maximum of 6, to the satisfaction of the Director of Planning and Building;

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- (2) That the development shall be generally in accordance with plans number DA 01 to DA 05 inclusive dated 31/10/1997 as amended by the following conditions;
- (3) That a separate development application shall be lodged for the specific use of the required ground floor non-residential tenancy;
- (4) That the hours of operation of the brothel shall be restricted to between 7.00am and 12 midnight 7 days and with trial extended closing hours Fridays and Saturdays of 2am for a period of 8 months. The Applicant shall advise Council in writing of when the trial commences and may apply for a permanent extension of hours at any time after 6 months from the commencement of the trial;
- (5) That a qualified security guard shall be employed to monitor and manage the behaviour of clients and staff within the premises and in the vicinity of the premises daily from 7pm until closing, to the satisfaction of the Director of Planning and Building (evidence of such arrangements by way of a contract or the like with a security personnel provider must be available for inspection by Council upon request);
- (6) That each bedroom shall contain its own sanitary facilities including a toilet, shower or bath, and hand basin for use by sex workers and clients, to the satisfaction of the Director of Health and Community Services;
- (7) That the premises shall comply with the health standards in Council's Brothels Policy, to the satisfaction of the Director of Health and Community Services;
- (8) That a separate application shall be made at the appropriate time for any signs proposed in association with the brothel;
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (10) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (11) That the use of the premises shall not give rise to:-
 - (a) 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;

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

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

- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (2) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (3) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
 - (4) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (5) That a residential sprinkler system shall be installed throughout the building. The system shall comply with a standard of installation and maintenance in accordance with the requirements of Australian Standard 2118.4-1995. Prior to commencing installation the installer shall obtain Council approval pursuant to Section 2 of the Code. Any variation from approved plans shall require additional approvals from Council.
 - (6) That good housekeeping shall be maintained at all times;
 - (7) Egress paths shall be kept free of obstructions/storage at all times;
 - (8) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.

The certificate shall be in the form of a typed report providing the following minimum requirements:-

- (a) the electrical contractors licence number;

- (b) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (c) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
 - (d) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.
 - (e) Alternatively, a report from Energy Australia would satisfy the above requirements;
- (9) That the stairway shall be smoke enclosed in construction using one or more of the following and shall be provided with direct discharge to a road or open space leading to a road:-
- (a) non-combustible, non-shattering materials, or
 - (b) toughened glass with a minimum thickness of 10mm or wired glass with a minimum thickness of 6mm in steel frames with a maximum pane size of 1.0m², or 3.0m² in a sprinklered building;
 - (c) ceilings within the enclosure shall be constructed of non-combustible material, appropriately fixed to a suitable non-combustible structure;
 - (d) doors opening into the enclosure shall be smoke doors;
 - (e) all other openings (eg transoms, grills, etc.) shall be protected by non-combustible material.
- (10) Fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;
- (11) That all internal areas shall be provided with mechanical ventilation in accordance with requirements of F4.5 of the BCA and Council's Ventilation Code;
- (12) That doorways to all bedrooms and the lounge on the ground floor level shall be protected by self closing solid core doors not less than 35mm thick.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

- (E) That the Building Application be notified to residents together with the applicant's proposal to satisfy conditions (B)(1)(a) and (B)(1)(b).

Motion, as amended by consent, carried.

24.

KIMBERLEY GROVE, NO. 2, ROSEBERY - SECTION 94 CONTRIBUTIONS - DEVELOPMENT APPLICATION (U95-00505)

That Council endorses the payment of \$65,200 from available Section 94 funds towards the cost of installing traffic signals at the intersection of Dalmeny Avenue and Epsom Road.

At this stage and at 7.30 pm, it was moved by Councillor .Bush, seconded by Councillor Fowler:-

- That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, as it dealt with a legal matter.

Carried.

Those present at the meeting of the Committee of the Whole being:

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

At 7.36 pm the Council Meeting resumed.

The Mayor then asked the Supervising Committee Clerk to read out the recommendation of the Committee of the Whole.

The Supervising Committee Clerk read out the following recommendation, namely:-

That Council endorses the payment of \$65,200 from available Section 94 funds towards the cost of installing traffic signals at the intersection of Dalmeny Avenue and Epsom Road.

(DPB Report 19.5.98)

The recommendation of the Committee of the Whole was then put and carried.

25.

VICTORIA STREET, NO.19, BEACONSFIELD - ALTERATIONS AND ADDITIONS INCLUDING NEW FIRST FLOOR - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01207)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Classic Plans, with the authority of Mrs A Widjaja, for permission to erect a first floor level containing three bedrooms, a bathroom and family room and to carry out alterations and additions at the rear of the ground floor and internally, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans submitted on 29 December 1997;

(2) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 903	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 268	2E97002.BGYO
Accessibility And Transport	\$ 2	2E97006.BGYO
Management	\$ 14	2E97007.BGYO
Total	\$1187	

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

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

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where:

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

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

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

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

(B) Works in Kind

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

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

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

Security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve

months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

and the following standard adopted conditions:

- (3) LDA154 – Windows to be of timber joinery;
- (4) LDA163 - New brickwork to match existing;
- (5) LDA376 - Hours of building work;
- (6) LDA377 - Construction noise regulation;
- (7) LDA351 - Building Application required;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA392 - No obstruction to public way;
- (10) LDA393 - Delivery of refuse skips;
- (11) hsc018 - Sanitary facilities;
- (12) hsc500 - Premises to be ventilated;
- (13) hsc700 - Compliance with code for Garbage Handling System;
- (14) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

- (C) That Council resolve that it is satisfied that the objection against the development standard (1:1 floor space ratio) contained in Clause 10 of Local Environmental Plan No. 114 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-

That the proposed floor space ratio (1.03=1) is only marginally in excess of the 1:1 permitted and a reduction to the building so as to comply with the standard would not change the appearance of the building.

- (D) That the Department of Urban Affairs and Planning be notified of Council's determination under State Environmental Planning Policy No. 1.

Carried.

26.

PLANNING - SAFER DESIGN POLICY REPORT ON EXHIBITION (2013745)

That approval be given to:-

- (1) the recommended strategies included in the Safer Designs Policy being referred to Councils Risk Management Committee for comment and further consideration in consultation with appropriate staff;
- (2) Council adopting the "Designing for Security Guidelines", outlined in appendix "d", as Council Guidelines;
- (3) those people who wrote submissions in regard to the Safer Design Policy being advised at Council's decision;
- (4) Council amend South Sydney Development Control Plan 1997 Urban Design as set out in appendix "b" and "c";
- (5) the proposed amendments to DCP 1997 being placed on public exhibition in accordance with the statutory requirements.

(DPB Report 18.5.98)

Carried.

27.

MCLACHLAN AVENUE, NOS.74-76, RUSHCUTTERS BAY - SECTION 102 APPLICATION (U95-00779)

- (A) That the Council as the responsible authority refuses its consent to the Section 102 application submitted by Richard Seidman to modify conditions No. 4, 10, 11 and 14 of the consent granted on the 26 June 1996, for the following reasons, namely:-
- (1) That the proposal does not comply with the requirements of Development Control Plan No. 11;
 - (2) That the proposal will set an undesirable precedent;
 - (3) That the proposal will place further and unacceptable pressure on the single lane two way right of way access off McLachlan Avenue;
 - (4) That the proposal is not consistent with Council's Strategy for a Sustainable City of South Sydney in terms of reduction of car usage in South Sydney;
 - (5) 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.

The Planning and Development Committee Meeting terminated at 9.20 p.m.

At this stage it was moved by Councillor Macken, seconded by Councillor Lay, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the appointment of Councillor John Bush on the Rushcutters Bay Park - Plan of Management - Steering Committee.

Carried.

As all the members of the Council were not present, the Chairperson (the Mayor) ruled the business to be of great urgency.

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

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PARKS - RUSHCUTTERS BAY PARK - PLAN OF MANAGEMENT - STEERING COMMITTEE - APPOINTMENT OF ADDITIONAL MEMBER

That Councillor John Bush be appointed to the Rushcutters Bay Park , Plan of Management Steering Committee.

Carried.

The Council Meeting terminated at 7.40 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER