

**209<sup>TH</sup> Meeting**

**Erskineville Town Hall  
Erskineville**

**Wednesday, 24 June 1998**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.35 pm on Wednesday, 24 June 1998.

**PRESENT**

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

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

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**GENERAL MANAGER**

**Confirmation of Minutes**

Moved by Councillor Macken, seconded by Councillor Fenton:-

That the minutes of the Ordinary Meeting of Council of 10 June 1998, be taken as read and confirmed.

Carried.

**Apology**

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

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

**Leave of Absence - Councillor Fowler**

A request was received from Councillor Fowler for leave of absence from all meetings of Council, including Council and Committee Meetings, from 22 July to 12 August 1998.

It was moved by Councillor Deftereos, seconded by Councillor Bush:-

That leave of absence be granted to Councillor Fowler from all meetings of Council, including Council and Committee Meetings, from 22 July to 12 August 1998.

Carried.

**Leave of Absence - Councillor Lay**

A request was received from Councillor Lay for leave of absence from the Committee Meeting on 22 July 1998.

It was moved by Councillor Harcourt, seconded by Councillor Macken:-

That leave of absence be granted to Councillor Lay from the Committee Meeting on 22 July 1998.

Carried.

## **MINUTE BY THE MAYOR**

24 June 1998

### **DEVELOPMENT - LEGAL ADVICE INTO COUNCIL GRANTING PLANNING APPROVAL FOR SAFE INJECTING ROOMS (2018557)**

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

In October last year I was asked to present a statement to the Joint Select Committee for the Parliamentary Inquiry into safe injecting rooms. Attached for Councillors information is a copy of that submission.

Council's evidence to the Inquiry was based on an acknowledgement of the seriousness of the drug problem in South Sydney, and the health, safety and amenity risks created by drug users injecting on South Sydney streets and the discarding of syringes in public places. We argued that this problem needs to be treated as a health issue and that it needs bi-partisan support with the State Government providing direction for Local Government. Furthermore, any such proposal would only be undertaken after extensive consultation with residents and stake-holders.

Unfortunately the Select Committee was unable to gain bi-partisan support for the setting up of safe injecting rooms and no further action on the issue has been taken at the State Government level.

The problem of syringe disposal and drug injection in public places is one that is continually raised by South Sydney residents. Feedback on this issue demonstrates that the community is in favour of any methods that get drug use, and its associated problems, off the street – so long as the location of the alternative is not near their property, local parks or playgrounds.

I propose that given the extent of the problem in this Council area, we should take the initiative in trying to co-ordinate a local response to it. Discussions surrounding this issue have been held with the Reverend Raymond Richmond from the Wayside Chapel, and Dr. Ingrid Van Beek from the Kirketon Road Centre who are both extremely concerned that without a regulated, health focussed response, this problem could potentially become worse.

The Kirketon Road Centre is currently working with the Police and Health agencies in examining possible ways of establishing regulated safe injecting rooms in existing illegal "shooting galleries".

Any proposal for a regulated safe injecting room, for example set up under the auspices of the Kirketon Road Centre, would need Council approval. Any granting of approval would of course have to be subject to many stringent conditions, which are too numerous and complex to list for the purposes of this minute. However, I would add that it would be a priority to establish support on the issue from other similarly

**GENERAL MANAGER**

affected Council areas, so as to avoid a "bottle-neck" situation in South Sydney in terms of the establishment of injecting rooms and drug use.

I believe that Council should take some positive action on this issue and it is therefore recommended that Council investigate, through its lawyers, the legality of the granting of planning approval to proposals for safe injecting rooms in South Sydney.

**Recommendation:**

- (1) That the General Manager investigates, through Council's lawyers, the question of Council legally granting planning approval for the establishment of Safe Injecting Rooms.
- (2) That should the advice confirm that Council can legally approve safe injecting rooms, further discussions take place with relevant health agencies and the Police as to possible policies and procedures for the establishment of Safe Injecting Rooms.
- (3) That we call on other similarly affected Councils to investigate options for the establishment of Safe Injecting Rooms in their areas, so as to avoid a "bottle-neck" of drug use in South Sydney.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE MAYOR**

18 June 1998

**CELEBRATIONS - WOOLLOOMOOLOO FESTIVAL, SATURDAY  
19 SEPTEMBER 1998 - DONATION (C52-00133)**

Council received a letter from the Department of Juvenile Justice on behalf of a group of community members from the Woolloomooloo area requesting assistance with the organisation and promotion of a proposed Woolloomooloo Festival to be held on Saturday, 19 September 1998.

**GENERAL MANAGER**

Subsequently a meeting was held between Emma Rawlings, Community Development Worker with the Department of Justice and Council staff to discuss the Woolloomooloo Festival.

At present the Festival is being organised on an extremely limited budget relying mainly on donations from community agencies. The organising committee was too late to apply for a donation under Council's Community Development Grants Scheme, applications for which closed on 31 December 1997.

The Woolloomooloo Festival Organising Committee requests Council provide assistance for the hire of equipment (fete stalls, stage and chairs), promotion (banners and advertisements in local papers) and technical support (sound equipment and generators) for the Festival. The budget for the provision of these services would come to \$5,000 and would be coordinated by Council's Special Events Coordinator.

**RECOMMENDATION:**

That Council agrees to provide a donation of \$5,000, under Section 356 of the Local Government Act (1993) to the Woolloomooloo Festival, to be held on Saturday, 19 September 1998, towards the cost of the hire of equipment (fete stalls, stage and chairs), promotion (banners and advertisements in local papers) and technical support (sound equipment and generators) with the coordination of the expenditure of the donation to be undertaken by the Council's Special Events Coordinator and that funds be voted accordingly.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE MAYOR**

24 June 1998

**DONATIONS - REQUEST FOR PRINTING OF POSTERS TO  
PROMOTE PEOPLE FOR PUBLIC HOUSING (2018558)**

Council has received a request from 'People for Public Housing' for support to print 1000 colour posters to promote the organisation.

**GENERAL MANAGER**

People for Public Housing are a community-based organisation formed in response to the housing reforms proposed by the Federal Government. The group evolved out of the Council driven 'Save Public Housing' campaign in 1997. Whilst Council is still actively involved in ensuring that any reform process will not further disadvantage tenants in the South Sydney Local Government Area, it is considered that an empowered community is best placed to continue an ongoing campaign.

The group currently provides updates of developments in the reform process to members, participates in rallies and community action to raise awareness of the issues in the community and aims to ensure that the reform process is promoted to relevant media outlets.

The printing of posters for the organisation will enable them to increase their profile within the Local Government Area and as such will ensure the residents of South Sydney continue to be informed of changes in housing policy.

Council's publications officer has indicated that the cost of printing promotional posters for the organisation would be in the area of \$2,500. Funds are available for this purpose in Health & Community Services Department's 1997/98 "Community Campaigns' Budget (KCB 0012 77FO).

**Recommendation:**

That Council provides assistance to People for Public Housing through the printing of 1000 Colour Posters, at a cost of \$2,500 for which purpose funds are available in the 1997/98 Health & Community Services Budget (KCB 00012).

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of the words "at a cost" where appearing in the second line of the recommendation and the insertion in lieu thereof of the words "up to an amount of".

Motion, as amended by consent, carried.

**MINUTE BY THE MAYOR**

23 June 1998

**COMMUNITY SERVICES - AFFIRMATION OF COUNCIL'S COMMITMENT  
TO MULTICULTURALISM AND TOLERANCE (2012935)**

As Council is no doubt aware, public discussion is being dominated by the rise of the One Nation party, and its intolerant and ill-informed policies on issues such as race, immigration and multiculturalism.

As a result, there is growing concern among minority groups as to the possible effects of these racist and intolerant sentiments.

I believe that as a Council representing a vastly diverse population, we have a responsibility to speak out against racism and demonstrate our commitment to tolerance, multiculturalism and Reconciliation.

In the South Sydney area, 30% of our population comes from a Non-English speaking background. There are over 136 migrant groups, who between them speak over 60 languages, and a large Aboriginal population of some 3,000 people.

Multiculturalism is a valuable resource to our society. Diversity has enriched the South Sydney community.

South Sydney has a proud tradition of tolerance and commitment to multiculturalism, and now more than ever, we should be reaffirming a commitment of respect for all our residents.

**Recommendation:**

- (1) That Council affirms its unconditional commitment to multiculturalism, Reconciliation and tolerance.
- (2) That all Council policies and activities continue to incorporate this commitment and work towards the building of a tolerant, safe, harmonious and culturally diverse community.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

**GENERAL MANAGER**

It was moved by Councillor Fowler, seconded by Councillor Bush, that the motion be amended by the deletion of the word "unconditional" where appearing in the first line of clause (1) of the recommendation and the insertion in lieu thereof of the word "full".

Amendment carried.

Motion, as amended by Councillor Fowler, carried.

## **MINUTE BY THE MAYOR**

18 June 1998

### **COMMUNITY SERVICES - COMMUNITY AID ABROAD'S TASTE OF THE NATION - FITZROY GARDENS, SATURDAY 17 OCTOBER 1998(2015944)**

Council has received a letter from Community Aid Abroad requesting assistance with their second Taste of the Nation, food and wine fair, proposed to be held in Fitzroy Gardens, Kings Cross on Saturday, 17 October 1998 from Noon to 3.00 pm.

Last year Council gave approval for Community Aid Abroad to have free use of Fitzroy Gardens to hold the inaugural Taste of the Nation. Council also provided assistance in the form of rubbish removal, access to amenities (water and portaloos), and some assistance with promotion of the event.

The 1997 Taste of the Nation event involved 30 of Sydney's top restaurants and several wineries to raise funds for Community Aid Abroad's hunger relief projects in 30 countries around the world. The 1997 event raised some \$40,000 for these projects.

Community Aid Abroad has made a separate application for financial assistance under Council's Community Grants Scheme for this year's event. Additionally they have requested similar assistance to that provided last year ie free use of the park, rubbish removal, access to water and toilet amenities and some assistance with promotion of the event.

#### **RECOMMENDATION**

That Council agree to allow Community Aid Abroad to have free use of Fitzroy Gardens to hold the 1998 Taste of the Nation Food and Wine Event on Saturday, 17 October 1998 from Noon to 3.00 pm as well as providing assistance with the removal of rubbish, access to amenities (water and toilets) and some assistance with promotion of the event.

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 GENERAL MANAGER**

19 June 1998

### **PERSONNEL - SENIOR STAFF - ANNUAL REPORTING OF CONTRACTS (P53-00119)**

A minute by the General Manager dated 19 June 1998, was circulated to all Councillors prior to the Council Meeting.

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

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minute by the General Manager, be received and noted.

Carried.

### **MINUTE BY THE GENERAL MANAGER**

23 June 1998

### **FINANCE - SYDNEY COASTAL COUNCILS GROUP, LIMITED FUNDING AVAILABLE TO COASTAL COUNCILS TO IMPLEMENT THE NSW COASTAL POLICY (M45-00018)**

At the Ordinary meeting of the Sydney Coastal Councils Group held on 20 June 1998 at Woollahra Council, attended by Councillors Sonia Fenton, Margaret Deftereos and Greg Waters and Area Design Engineer Kim Yu of Public Works and Services Department. Madam Chair, Councillor Patricia Harvey gave a brief report on Item 6.2- The Activities of the Coastal Committee of NSW (copy in file).

**GENERAL MANAGER**

Councillor Harvey draws attention to the NSW Government's action in downsizing the structure and reducing funding to the existing Coastal and Estuary Management Program. She stressed that the Government's action will affect local governments implementing their responsibilities as outlined in the NSW Coastal Policy and through the Coastal and Estuary Management Program.

Councillor Harvey encouraged each individual Council to write to the Minister for Urban Affairs and Planning and the Minister for Land and Water Conservation to raise our concerns and support the Group's stance on this issue. She also welcomes Councillor(s) take up this issue with the Local State and Commonwealth members.

Our Council only controls a small coastal frontage; sections of Elizabeth Bay and Rushcutters Bay (approximately 300m). We are responsible for the sections of seawall along Beare Park (Elizabeth Bay) and the Reg Bartley Oval (Rushcutters Bay). Under the Coastal and Estuary Management Program we can apply for funding assistance for the reconstruction of the seawalls and foreshore parks if the seawalls are damaged or deteriorated badly.

Currently, all three spheres of government share the responsibilities for the management of the coastal zone. Local governments have responsibilities for coastal development on private land and council owned, controlled and managed land (Council's control end at low water mark). The reduction in funding will affect those Councils that have long coastal frontage and estuary area (eg Pittwater Council and Waverley Council etc) more than Councils with less coast frontage such as South Sydney Council. Since we are a member of the Sydney Coastal Council Groups and supported the Sydney Regional Coastal Management Strategy, it is important that local Governments can obtain funding assistance to carry out their responsibilities in coastal management.

Consequently, it is recommended that Council resolve to show its support on this issue and to send letters to the Minister for Urban Affairs and Planning and the Minister for Land and Water Conservation on the funding issue.

**Recommendation:**

That Council supports Sydney Coastal Councils Group's concerns regarding the matter of reduced funding to the Coast and Estuary Management Program and that letters be sent to the Minister for Urban Affairs & Planning and the Minister for Land & Water Conservation voicing Council's concerns on the funding issue.

J. W. Bourke (SGD)

**General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**GENERAL MANAGER**

**QUESTIONS WITHOUT NOTICE**

1.

**BOURKE STREET, NOS. 752 - 766, ANN, RILEY AND ALBION STREETS - DENSITY RATIO TO OPEN SPACE AFTER APPROVAL OF DEVELOPMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U97-01114)**

**Question:**

Could I have a report from the Director of Planning and Building that notes the relationship of the recent developments at the Sergeant's Pie site and Ann, Riley and Albion Streets, regarding density ratio to open space before and after the approval of these developments?

**Answer by the Mayor:**

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

2.

**HUTCHINSON STREET, NOS. 5 - 13, SURRY HILLS - REFUSAL OF MEDIATION TO OWNERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2012683)**

**Question:**

I refer to a court order on Strata Plan 20659, Nos. 5 - 13 Hutchinson Street, Surry Hills. Could I have a report by the appropriate Officer why mediation was refused to meet on site with the owners by Council?

Could I request that the General Manager review this case and to seek some mediation for realistic requirements unlike the current demands for certification from 14 years ago?

**Answer by the Mayor:**

Yes.

3.

**LICENSING - BUSKING INCIDENCE IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (L56-00057)**

**Question:**

Could Council Officers prepare a report on the incidence of Ordinance Officers reporting buskers, there locations and times of report? And secondly, in light of

**GENERAL MANAGER**

Sydney City's policy on busking areas and the licencing of buskers, could Officers report on a policy for South Sydney City Council to complement that of the Central Business District?

**Answer by the Mayor:**

Yes.

4.

**ADMINISTRATION - POSSIBILITY OF COUNCIL PROVIDING LOW COST INTERNET ACCESS TO RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2011322)**

**Question:**

Now that South Sydney is one of only a 100 odd providers of Internet services in Australia, could I have a report on the possibility of Council providing a low cost, or at cost, Internet service for our residents? Current commercial Internet providers charge between \$30 and \$50 per month for access. This restricts access to the information superhighway, especially for the lower paid members of our community.

Our Council may be in a position to remove this inequality of access as well as ensuring that the information technologies of the future are open to all in our community.

**Answer by the Mayor:**

I will ask the Director of Corporate Services to have a report prepared for the next Committee on 22 July 1998.

5.

**PARKS - POSSIBLE CLOSURE OF WALKWAY FROM HARCOURT PARADE TO CREWE PLACE, ROSEBERY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2018329)**

**Question:**

Council is currently investigating the possibility of closing the walkway from Harcourt Parade, Rosebery, to Crewe Place Reserve. Residents have indicated that they have concerns relating to safety, graffiti and general security in this area. Could the Mayor make representations on behalf of residents to the Patrol Commander at Redfern, particularly as any action to close or restrict access to this lane will take some time?

**Answer by the Mayor:**

I will speak to the Patrol Commander at Redfern and I will also write a letter to him asking for patrols to be carried out in that area until such time that a decision has been made by Council and the Traffic Committee.

6.

**STREETS - YARALLA STREET, NEWTOWN - INSTALLATION OF ACCESS RAMPS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2001803)****Question:**

I have had a request from several residents in Yaralla Street, Newtown, asking that access ramps be installed at the Bucknell Street and Yaralla Street intersection. One of the residents is confined to a wheelchair and there are a number of young children in the area. The lack of ramps makes it difficult to get up to King Street. Could this matter be dealt with as soon as possible?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter for you within the next 48 hours and have a report prepared for the Councillors Information Service this Friday.

7.

**PARKS - WILSON STREET, DARLINGTON - REQUEST FOR FOOTWAY TREATMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2004457)****Question:**

I have received a letter from a resident in Wilson Street, Darlington, regarding the footway treatment along the section of Wilson Street, between Golden Grove and Codrington Streets. The letter raises the issue of a grass verge, similar to the other side of the street and a number of other issues.

Could I please have a report as to the viability of a grass verge in this area as well as the issues raised as to street plantings?

**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 with a timetable as to when the work will be carried out.

8.

**STREETS - BARCOM AVENUE, DARLINGHURST - REPAIRS TO STAIRS FRONTING NOS. 55 -77 BARCOM AVENUE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2003425)**

**Question:**

Residents of Barcom Avenue, Darlinghurst, have expressed concern of the poor and dangerous state the common stairs are in that lead from Barcom Avenue to the right of way fronting Nos. 55 - 77 Barcom Avenue.

Could the relevant Council Officer investigate and take appropriate action and a report circulated in the Councillors Information Service?

**Answer by the Mayor:**

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

9.

**PARKS - FITZROY GARDENS, KINGS CROSS - ERECTION OF "NO SKATING" SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2015172)**

**Question:**

I have received complaints from residents and park users that skateboarders are making Fitzroy Gardens, Kings Cross, very dangerous. As there is a high proportion of senior citizens in the area who enjoy using the park, could a sign be erected saying "No Skateboards"?

**Answer by the Mayor:**

Yes. Once signs have been erected I will have the Ordinance Inspectors police that area.

10.

**LIBRARIES - ACCESS TO THE INTERNET BY RESIDENTS/RATEPAYERS AT KINGS CROSS LIBRARY - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2003201)**

**Question:**

When the Internet was first installed in the Kings Cross Library, one had to produce a library card to get a booking. This practice is no longer.

The result is that it is monopolised by backpackers sending e-mails to the point where a booking must be made a week ahead. The complaint is that residents/

ratepayers who pay for the service are being excluded by travellers who are using it for free as a means of communication.

Could the relevant Council Officer investigate the complaint and initiate a method of access to the Internet so that the residents/ratepayers are not disadvantaged?

**Answer by the Mayor:**

That is already underway and there will be a report coming to Council.

**REPORT OF THE FINANCE COMMITTEE**

17 June 1998

**PRESENT**

**Councillor Sean Macken (Chairperson)**

**Councillors – Margaret Deftereos and Sonia Fenton**

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

Councillors - Deftereos, Fenton, and Macken.

**Apology:**

Leave of Absence granted to Councillor Waters at Council Meeting of 10 June 1998, for the Committee Meeting of 17 June 1998.

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

That the Report of the Finance Committee of its meeting of 17 June 1998, be received and the recommendations set out below for Items 1 to 18, inclusive, be adopted. The recommendation for Item 19 being shown as immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**PUBLIC RELATIONS - COMPUTERISATION - PURCHASE AND  
INSTALLATION OF FIRE WALL AND ASSOCIATED SYSTEMS -  
UPGRADING COUNCIL'S COMPUTER NETWORK (2013327)**

That arising from consideration of a report by the Director of Corporate Services dated 8 May 1998, it be resolved that:-

- (a) Expressions of Interest/Quotation be called from suitable applicants for the purchase of a Sun Microsystems Internet Server 450 at an estimated cost of \$43,751. Funds being available from the Information Technology Section 1998/1999 Revenue Estimates;
- (b) Expressions of Interest/Quotation be called from suitable applicants for the purchase of Sun Microsystems SunScreen SPF/EFS fire wall solution at an estimated cost of \$100,000, funds being available from Computer Reserves;
- (c) Expressions of Interest/Quotation be called from suitable applicants for the purchase of the Commonwealth Bank e-commerce gateway solution at an estimated cost of \$35,800. Funds being available from computer reserves;
- (d) the Information Technology Section being granted approval to proceed with the construction of Council's Internet and Extranet with the use of E-commerce to provide and deliver services of Council;
- (e) after the Expressions of Interest are received, Tenders be called for the supply of the abovementioned Items.

Carried.

2.

**FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD  
ENDING 29 MAY 1998 (2015594)**

That the Investment Report of the Director of Finance dated 11 June 1998, be received and noted.

Carried.



3.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - MAY 1998  
(2018343)**

That arising from consideration of a report by the Director of Finance dated 5 June 1998, approval be given to the confirmation of the payment of the accounts totalling \$16,361,585.65, as detailed in the Summary of Warrants for the Month of May 1998.

Carried.

4.

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

- (A) That approval be given to the inclusion of Holden Vectra GL, 4 Cylinder Sedan or equivalent to the nominated Council's non-executive fleet in Council's adopted vehicle replacement policy dated 25 February 1998.
- (B) That approval be given to the acceptance of:
- (1) the tender submitted by Brian Hilton Toyota for the supply and delivery of six Toyota Camry CSi sedans in the sum of \$21,865 per vehicle, in the total sum of \$131,190 less a total trade in allowance of \$92,000 on Council vehicle Nos. 4083 and 6218 Toyota Camry station wagons and Nos. 4098, 6128 and 6130 Toyota Camry sedans, in the total nett sum of \$39,190 in accordance with Council's Specification PSW 4/98 and the firm's tender dated 25 May 1998;
  - (2) the tender submitted by Bill Buckle Autos Pty Ltd. for the supply and delivery of one Toyota Camry CSi sedan in the sum of \$22,489 less a trade in allowance of \$16,800 on Council vehicle No. 4091 Mitsubishi station wagon, in the total nett sum of \$5,689 in accordance with Council's Specification PWS 4/98 and the firm's tender dated 26 May 1998;
  - (3) the tender submitted by Clintons Motor Group for the supply and delivery of one Toyota Camry CSi sedan in the sum of \$22,673 less a trade in allowance of \$18,160 on Council vehicle No. 6235 Ford sedan in the total nett sum of \$4,513 in accordance with Council's Specification PWS 4/98 and the firm's tender dated 26 May 1998;
  - (4) the tender submitted by Sundell Holden for the supply and delivery of three Holden Vectra sedans in the sum of \$19,874 (sales tax exempt) and one Holden Vectra sedan in the sum of \$24,208 (sales tax payable) in the total sum of \$83,830 less a total trade in allowance of \$79,080 on Council vehicle Nos. 5011,

**GENERAL MANAGER**

5012, 6504 and 6229 Ford sedans in the total nett sum of \$4,750 in accordance with Council's Specification PWS 4/98 and firm's tender dated 25 May 1998;

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

(C) The disposal of Council vehicle No. 6505 Holden sedan at auction.

(DPWS Report 5.6.98)

Carried.

5.

**RESIDENT PARKING PERMITS - ILLEGAL SALE BY PUBLIC - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (P51-00015)**

That arising from consideration of a report by the Director of Public Works and Services dated 12 June 1998, it be resolved that:-

- (1) Council conducts random checks of parking stickers to determine whether an abuse of the permit scheme is widespread;
- (2) a further report on the matter be submitted after the checking process is complete.

Carried.

6.

**GOODS AND EQUIPMENT - ROAD MAKING MATERIALS - SSROC TENDER - SUPPLY AND DELIVERY 1 JULY 1998 TO 30 JUNE 2000 ACCEPTANCE OF TENDERS (2017768)**

That arising from consideration of a joint report by the Director of Corporate Services and the Director of Public Works and Services dated 11 June 1998, approval be given to the following tenders for the supply of road making materials during the period 1 July, 1998 to 30 June, 2000 with an option of a further 12 months subject to a review of the effectiveness of the agreement.

**Specification 1 Crushed Quarry Rock Products.**

Benedict Sand and Gravel T/A Moran Investments Pty Ltd.

**Specification 3 Supply and Spraying of Bitumen.**

Boral Asphalt with Sami Pty Ltd as the alternate supplier. The supply of 7mm aggregate from Boral Asphalt at \$69.50m<sup>3</sup> and Sami Pty Ltd at \$84.00m<sup>3</sup>.

**GENERAL MANAGER**

**Specification 4 Stabilisation of Road Pavements.**

Boral Asphalt for cement stabilisation.  
Stabilised Pavements for lime and foam stabilisation.

**Specification 5 Cold Overlay Asphalt.**

Pioneer Road Services Pty Ltd.

**Specification 7 Asphaltic Concrete – Supply/Supply & Deliver/Supply, Deliver and Lay.**

Supply Only  
(Item 1)

Pioneer Road Services Pty Ltd to be ex-bin supplier with Boral Asphalt as the alternate supplier.

(Item 2)

Supply and Deliver

Boral Asphalt with Pioneer Road Services Pty Ltd and CSR Emoleum as the alternate suppliers in preference order.

(Item 3)

Supply, Deliver And Lay

Boral Asphalt with CSR Emoleum and Pioneer Road Services Pty Ltd as the alternate suppliers in preference order.

**Specification 8 Pavement Profiling, Asphalt Pavement Repairs and Resurfacing.****Profiling Pavements****(Item 1)**

Pavement Salvage with Boral Asphalt and CSR Emoleum as the alternate suppliers in preference order.

**Profiling of Pavements and Supply and Laying of Asphaltic Concrete (Item 2)**

Boral Asphalt with CSR Emoleum as the alternate supplier.

**Specification 9 Hot In-Place Asphalt Recycling (HIPAR).**

Sami Pty Ltd.

-provision for the expenditure on the above products has been made in the 1998/1999 Revenue Estimates of the Public Works and Services Department and will also be made in the following years.

Carried.

7.

**PROPERTIES -MAINTENANCE - OXFORD STREET, NO. 66,  
DARLINGHURST - REPLACEMENT OF ROOF - CALLING OF  
QUOTATIONS (2018373)**

That arising from consideration of a report by the Director of Corporate Services dated 11 June 1998, approval be given to:-

- (1) upgrade the roof at No. 66 Oxford Street, Darlinghurst, to the extent shown on the plan, accompanying the Director's report;
- (2) call Quotations from Roofing Contractors to carry out the proposed roof upgrade;
- (3) funds of \$40,000 being allocated in the 1998/99 Works Programme to carry out the proposed roof upgrade.

Carried.

8.

**MOTOR VEHICLES - COMMUNITY BUS SCHEME - QUARTERLY REPORT  
JANUARY - MARCH 1998 (M56-00008)**

That arising from consideration of a report by the Director Health and Community Services dated 3 June 1998, confirmatory approval be given to the motor vehicles' use costs, as listed in the report above, being treated as donations and charged against Section 356 of the Local Government Act, 1993.

Carried.

9.

**PROPERTIES - COUNCIL'S NURSERY AND PARKS DEPOT NOS. 38-54  
BARWON PARK ROAD, ST. PETERS - UPGRADE AND REFURBISHMENT  
- ACCEPTANCE OF QUOTATION (2017190)**

That arising from consideration of a report by the Director of Corporate Services dated 10 June 1998, it be resolved that:-

- (1) approval be given to engage Cooida Constructions Australia Pty Ltd for the sum of \$481,650 to complete additions and alterations to Council's Nursery and Parks Depot, Barwon Park Road, St. Peters;
- (2) funds of \$48,165 (10% of the Contract Value) be allocated as a contingency for variations;

**GENERAL MANAGER**

- (3) total funds of \$529,815 be allocated to Account Code CWP 9002 for the above items;
- (4) a further report to be submitted at a later date regarding additional funds for other items such as landscaping and relocation costs;

-for which funds are currently available from the Depot Relocation Reserve (Account Code CWP 9000 Series).

Carried.

Councillor Bush requested that his name be recorded as voting against the foregoing motion.

**10.**

**PROPERTIES - UPGRADING - WORKS DEPOT BUILDING NO. 94 EPSOM ROAD, ROSEBERY - PREPARATION OF DESIGN DOCUMENTATION - ACCEPTANCE OF TENDER (2017175)**

That arising from consideration of a report by the Director of Corporate Services dated 12 June 1998, approval be given to:-

- (1) engage Perumal Pedavoli Architects for the sum of \$116,800, to prepare design documentation for the Maintenance, Cleansing and Garage/Fleet Management Depots at No.94 Epsom Road, Rosebery;
- (2) funds of \$12,000 (Approximately 10% of the contract value) being allocated as contingency for contract variations;
- (3) call tenders for construction of the proposed works, following completion of the design;

-for which funds are available from the Depot Relocation Reserve (Account Code: CWP 9000 Series).

Carried.

Councillor Bush requested that his name be recorded as voting against the foregoing motion.

**11.**

**LICENSING - CROWN STREET, NO. 505, (ELEPHANTS FOOT HOTEL) - SURRY HILLS - PROPOSED FOOTWAY LICENCE EXTENSION (L56-00731)**

That arising from consideration of a report by the Director of Public Works and Services dated 12 June 1998, approval be given to:-

- (1) the granting of a licence to Banisa Holdings Pty Ltd over an area of 48.7 square metres of the footway of Crown Street and Devonshire Street adjacent to The Elephants Foot Hotel at No. 505 Crown Street, Surry Hills as shown stippled on Plan No S4-130/505C and subject to the conditions in the schedule accompanying the Director's report;
- (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 by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions (7) and (8) accompanying the Director's report, or failed to execute the licence agreement.

Carried.

**12.**

**STREETS - UNUSED BUDGETS - RE-VOTING FROM INCOMPLETE 1997/98 WORKS PROGRAM ITEMS (2010337)**

That arising from consideration of a report by the Director of Public Works and Services dated 15 June 1998, Council adopt amendments and Budget re-allocations to the 1998/99 Parks Development Works Program as detailed in the abovementioned report.

Carried.

**13.**

**STREETS - 1998/99 ENGINEERING WORKS PROGRAMME - PROPOSED TRAFFIC WORKS (2010337)**

That arising from consideration of a report by the Director of Public Works and Services dated 12 June 1998, Council adopts the Traffic Works and funding allocations as listed in the abovementioned report for the 1998/99 Engineering

Works Programme, subject to the deletion of Verona Street, Paddington (Footway widening) and the amount of \$9,000 where appearing under the heading "Works to be carried over from the 1997/98 Engineering Works Program" where appearing on page 1 of the abovementioned report, bringing the total amount to \$233,000 to be re-voted for 1998/99.

Carried.

14.

**PROPERTIES - OXFORD STREET, NOS. 58-60, AND BURTON STREET 1A, DARLINGHURST - PROPOSED LEASE TO FINE EJ PTY LIMITED (2013909)**

That arising from consideration of a report by the Director of Corporate Services dated 11 June 1998, approval be given to Fine Ej Pty Limited being offered a 10 year Lease with a five year Option of Council premises, Basement, Nos. 58-60 Oxford Street, and No. 1A Burton Street, Darlinghurst, for use as a Restaurant, at a rental of \$8,000 per month (\$96,000 per annum) gross, from a date to be determined subject to the following conditions, namely:-

- (1) That the Lease is to be reviewed by 3% on the 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> terms and to Market on the 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 9<sup>th</sup> terms. If the Option is exercised, it is to be reviewed to Market, with the same Rent Review structure to apply;
- (2) That the Lessee is to provide a Bank Guarantee equivalent to 3 months rental together with unconditional Personal Guarantees for the term of the Lease;
- (3) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than **Ten Million Dollars** indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease;
- (4) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs, etc, by the Lessee during the term of the Lease period, must first be submitted to the Property Branch Manager prior to any submission of plans, etc, to Council's Planning and Building Department for Statutory approvals;
- (5) That a "rent free" period of 2 months is to apply from the date of the Building Application approval;
- (6) That the Lessee will be required to obtain the necessary Licences from Council's Health and Community Services Department in connection with the preparation of food;

**GENERAL MANAGER**

- (7) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessee;
- (8) That all relevant documents are to be executed by Council's Attorney.

Carried.

15.

**LICENSING - PROPOSED INSTALLATION OF COMMUNICATION CONDUIT - UNDERGROUND - ALONG BOUNDARY LANE, CHIPPENDALE (Q97-00904)**

That arising from consideration of a report by the Director of Public Works and Services dated 9 June 1998, approval be given to:-

- (1) the University of Sydney under Part 9 Division 3 of the Roads Act 1993 to construct and install underground communication conduits to carry telephone cables under and parallel to the southern side of Boundary Lane at the rear of properties Nos. 357-383 (University Computer Centre) and Nos. 385-389 (Mandebaum House) Abercrombie Street as shown on submitted plan attached to the file and subject to the conditions in the schedule accompanying the Director's report;
- (2) Council entering into a licence agreement with the University of Sydney allowing them to use the conduit for a period of 25 years at an annual charge determined by Council under Section 611 of the Local Government Act 1993 and set by the annual Scale of Fees and Charges adopted by Council;
- (3) the execution of all relevant documents and plans under the Common Seal of Council or by Council's Attorney.
- (4) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement.

Carried.

16.

**DONATIONS - 1998 COMMUNITY GRANTS PROGRAM - FINANCIAL ASSISTANCE GRANTS AND SUBSIDISED ACCOMMODATION (2012703/2016721)**

At the Donations Sub-Committee Meeting and Council Meeting the following Councillors declared an interest in the undermentioned items, and did not take part in discussions or voting on these matters:

**GENERAL MANAGER**



- 3.10 Kings Cross Chamber of Commerce - Councillor Sonia Fenton.
- 4.11 Darlington Aftercare Association - Councillor Jill Lay
- 6.6 Redfern Skills Centre - Councillor Sean Macken
- 6.8 Sex Workers Outreach Project (SWOP) - The Deputy Mayor, Councillor Christine Harcourt
- 6.17 The Factory Community Centre Inc. - The Mayor, Councillor Vic Smith
- 8.4 South Sydney Police Citizens Youth Club - The Deputy Mayor, Councillor Christine Harcourt

That the recommendation of the Donations Sub-Committee of its meeting held on 11 June 1998, as detailed in the minute by the Director of Health and Community Services dated 15 June 1998, and set out hereunder, be approved and adopted, namely:-

**1. DONATIONS - 1998 SUBSIDISED ACCOMMODATION GRANTS (P56-00044)**

The following submissions for subsidised accommodation be adopted, namely:-

<b>COMMUNITY GRANTS PROGRAM 1998</b>				
Subsidised Accommodation - Recommendations				

Applicant	File Number	Recommendation	
		Rent Payable	Subsidy
1 Australian AIDS Memorial Quilt	2014105	\$6,520 p.a.	\$13,400 p.a.*
2 D4 Family Support Service – Children’s Services	D53-00283	\$700 p.a.	\$18,000 p.a.*
3 East Sydney Community Based High School Ltd	2014156	\$990 p.a.	\$64,405 p.a.*
4 Gay and Lesbian Rights Lobby Inc.	D53-00342	\$9,000 p.a.	\$36,500 p.a.*
5 Inner City Legal Centre	D53-00257	\$Nil p.a.	\$23,520 p.a.*

**GENERAL MANAGER**

6	Inner Sydney Regional Council for Social Development	D53-00376	\$3,000 p.a.	\$30,000 p.a.*
7	Metro Television Ltd	D53-00417	\$20,000 p.a.	\$27,160 p.a.*
8	PACT Youth Theatre	D53-00350	\$6,000 p.a.	\$50,420 p.a.*
9	People Living With HIV/ AIDS NSW Inc.	2014161	\$8,500 p.a.	\$20,500 p.a.*
10	Radio Eastern Sydney Co-op Ltd	D53-00370	\$3,000 p.a.	\$12,000 p.a.*
				Letter to be written to Botany Council requesting contribution towards rental.
11	South Sydney Youth Services	D53-00368	\$1 p.a.	\$7,559 p.a.*
12	The Association to Resource Co-op Housing (ARCH)	2014162	\$16,220 p.a.	\$8,050 p.a.*
13	Tom Bass Sculpture School	2015125	\$24,960 p.a. (market rent)	Nil
				Letter to be sent advising that market rental will be charged from 1 July 1998 at Broadway premises and relocation expenses will be met by Council.
14	Metropolitan Community Church Sydney	2013125	\$3,910 p.a.	\$18,320 p.a.*
15	Out FM Sydney Ltd	2017148	\$16,800 p.a. (Market Rent)	Nil
				Letter to be sent requesting information regarding income and when they will be notified regarding their licensing application.
16	Unemployed Peoples Embassy	D53-00300	No properties currently available.	

17	The Gender Centre	2018197	No properties currently available.	
18	Kings Cross Community & Information Centre	D53-00353	\$1 p.a.	N/A
			Continue on a month to month lease and reassess following consideration of the recommendations of the Human Services Review.	
19	Redfern Legal Centre	D53-00388	\$7,000 p.a.	\$23,070 p.a.*
20	Beehive Industries Co-op Ltd	2018320	\$108,000 p.a.	\$84,825 p.a.*
21	Women's Library	2001967	\$4,398 p.a.	\$10,240 p.a.*

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**TOTAL SUBSIDY: \$447,969**

\* It is recommended that the proposed subsidies be approved for a twelve (12) month period.

## 2. SPECIFIC DONATIONS UNDER SECTION 356

### 1. Aged and Disability Services

1.1	Voluntary Workers' Insurance Reimbursement	2,200
1.2	Insurance of Clubs' fund at Activity Clubs	360
1.3	Petrol Subsidy, Voluntary Workers	30,000
1.4	Other Assistance, Voluntary Workers	2,500
1.5	Fares and Bridge Toll, Voluntary Workers	9,000

### 2. Children's Services

2.1	K.U. Children's Services Inc Subsidy towards the operation of Council's Kindergartens	49,784
2.2	Redfern Occasional Child Care	10,000
2.3	Children and Nutrition Project (Breakfast Program)	3,000
2.4	Rosebery Child Care Centre (through Council's 1998/9 Works Program KW99024)	(2,000)

### 3. Other Community support

3.1	Community Bus Scheme	45,000
3.2	Old Time Dances, Redfern	1,920
3.3	Annual Betty Makin Memorial Youth Scholarships	2,000
3.4	Hall hire rebates	25,000
3.5	Assistance to Redfern Legal Centre	60,000

<b>TOTAL</b>		<b>240,764</b>
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-That approval be given to the an amount of \$20,000 being added to the 1998/9 Budget to allow for the development of software to record and track support and assistance provided to Community groups by Council.

### 3. DONATION UNDER SECTION 356

<b>COMMUNITY GRANTS PROGRAM 1998 Financial Grants - Recommendations</b>
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Categories/Applicants	File Number	Recommendation
<b>ABORIGINAL SERVICES</b>		
1.1 Baptist Inner-City Ministries	D53 00391	1) Refused 2) \$5,000
1.2 Mudgin-Gal Aboriginal Corporation	2004229	1) \$5,000 2) \$5,000 - A letter to be forwarded to Marrickville Council requesting financial support towards the Safe Houses.
1.3 Residents for Reconciliation	2017150	\$1,000
1.4 The Settlement	2015975	1) \$5,000 2) Refused
1.5 Wunanbiri Aboriginal Pre-School Inc	2004665	\$4,000 plus in-kind support. With the organisation encouraged to invite other local pre-school to visit the indigenous nature trail for educational purposes.
<b>Sub-Total</b>		<b>\$25,000</b>

### AGED & DISABILITY SERVICES

2.1 Australian Red Cross NSW	2009510	Refused
2.2 Creative Skills Centre (Australian Red Cross)	2009510	Refused

**GENERAL MANAGER**

2.3	Eastern Area Visit Programme - The Sisters of Charity Outreach	2017127	\$800 with the organisation encouraged to continue to address the needs of NESB clients.
2.4	Junction House Inc	2001711	\$1,500
2.5	Kings Cross Community and Information Centre Inc.	D53 00353	Refused
2.6	Luncheon Club AIDS Support Group Inc.	2014188	\$1,000
2.7	Redfern Home Visit & Support Service	5276240	\$3,000 with the organisation encouraged to address the needs of NESB clients.
2.8	Redfern Old Time Dances	D53 00053	(\$1,920)
2.9	Serenity NSW Inc	2015756	Refused
2.10	Sydney PWA Living Centre	2017142	\$1,000
2.11	The Boomerang Club	2014946	\$600
2.12	The Mercy Arms	2017177	Refused
<b>Sub-Total</b>			<b>\$7,900</b>

#### **ARTS & CULTURAL DEVELOPMENT**

3.1	Amnesty International (Paddington Group)	2017146	Refused
3.2	Bay of Angels Costume Hire	2017156	Refused
3.3	CTV-1 Community TV	D53-00377	1) \$2,000 2) \$2,000
3.4	Darlinghurst Theatre Company	2017307	\$2,000
3.5	DiversiTV	2017176	Refused
3.6	Ersleville/Alexandria Chamber of Commerce	2017152	Refused

3.7	First Draft Gallery	2005904	\$5,000 and the Arts and Cultural Development Officer to negotiate direct benefits to South Sydney.
3.8	Kids Activities Newtown Community Arts Marrickville	2008104	\$5,000
3.9	Kings Cross Arts Festival	2017151	Refused
3.10	Kings Cross Chamber of Commerce	2009790	1) Refused 2) \$5,000 Cr. Fenton declared an interest in the item and did not take part in discussion and voting.
3.11	New Theatre	D53 00076	\$5,000
3.12	Newtown Neighbourhood Centre	D53-00224	\$5,000
3.13	PACT Co-operative Ltd (PACT Youth Theatre)	D53 00350	\$5,000 and the Arts and Cultural Development Officer to negotiate events to be held in South Sydney.
3.14	The Des Tooley Company	2017134	Refused
3.15	Waterloo Girls Centre	D53-00216	\$2,000
3.16	Waterloo School of Arts	2017192	Refused
3.17	Metro Television – Channel Free Youth Media Access	D53-00417	\$5,000

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<b>Sub-Total</b>			<b>\$43,000</b>
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#### **FAMILIES & CHILDREN'S SERVICES**

4.1	"The Shop" Women & Children's Centre Inc	D53 00366	\$5,000
4.2	Aunties & Uncles Co- operative Family Project Ltd	2017135	Refused

**GENERAL MANAGER**

4.3	Children and Nutrition Project	H51-00089	(\$3,000)
4.4	CONTACT Inc	2000643	\$500
4.5	D4 Family Support Service - Children's Services	D53 00283	\$4,000
4.6	K.U. Children's Services	2000259	(\$49,784)
4.7	Newtown North Before & After School Centre	5276313	\$3,698
4.8	Redfern Early Childhood Centre	D53 00204	\$250
4.9	Redfern Occasional Care Centre	D53 00284	(\$10,000)
4.10	Rosebery Child Care Centre	D53 -00381	(\$1,450)*
4.11	Darlington Aftercare Association	2001017	\$1,500 Cr. Lay declared an interest in the item and did not take part in discussion and voting.
4.12	Darlo Playcentre – Darlinghurst Primary School P & C Association	2017140	\$2,000
4.13	Gardeners Road OSHC Centre	2011165	Refused – To be reconsidered if alternative sources of funding are successful.
4.14	Lady Gowrie Child Centre	D53-00345	\$1,500
4.15	Melanie Alexander Nursery School	2017130	Refused
4.16	Our Lady of Mount Carmel School	2015996	1) \$500 2) \$2,000
4.17	St Mary's Primary School	D53-00369	\$1,500
<b>Sub-Total</b>			<b>\$22,448</b>

**GAY & LESBIAN SERVICES**

5.1	Gay & Lesbian Teachers Association Inc	2017181	Refused
5.2	Sydney Gay & Lesbian Mardi Gras	2014734	\$50,000 in-kind support for the parade clean-up, cleansing security and toilets etc.

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<b>Sub-Total</b>			<b>\$50,000</b>
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**GENERAL**

6.1	Cat Defence Network Inc	2017168	Refused
6.2	Community Aid Abroad	2015944	\$3,000 in-kind support for free use of Fitzroy Gardens, supplying recycling bins and clean-up and rubbish removal at the conclusion of the event.
6.3	Kings Cross 2000	2010392	\$600
6.4	Redfern Heights Tenant Group	2014165	\$505
6.5	Redfern Legal Centre	D53-00388	\$10,000
6.6	Redfern Skills Centre	2017129	\$5,000 Cr. Macken declared an interest in the item and did not take part in discussion and voting.
6.7	Riley Street Tenants Group	2017141	\$5,277
6.8	Sex Workers Outreach Project (SWOP)	2017165	1) Refused 2) Refused The Mayor indicated that Cr. Harcourt had asked him to declare an interest in this item on her behalf

**GENERAL MANAGER**



6.9	Society of St Vincent De Paul – Family and Welfare Unit	D53-00327	\$5,000
6.10	South Sydney Amateur Swimming Club	D53-00196	\$800
6.11	South Sydney Community Aid Co-operative	D53-00098	1) \$5,000 2) \$832 - waive garbage collection fees
6.12	South Sydney Domestic Violence Committee	2011708	\$1,000
6.13	St James Anglican Church	D53-00253	\$2,000
6.14	Surry Hills Neighbourhood Centre	D53-00387	1) Refused 2) \$5,000
6.15	Surry Hills Public Tenants Association	2017155	1) \$600 2) \$2,000 3) Refused 4) \$300 5) Refused 6) To be referred to the Arts and Cultural Development Officer for consideration.
6.16	Sydney Job Creation Scheme Inc	2017136	Refused
6.17	The Factory Community Centre Inc	D53-00341	\$5,000 The Mayor declared an interest in the item and did not take part in discussion and voting.
6.18	The Salvation Army – Irwin Centre	D53-00392	\$4,400
6.19	The Wayside Chapel	D53-00365	\$2,000
6.20	Unemployed People's Embassy	D53-00300	Refused
6.21	Uniting Church – Newtown Mission	D53-00295	\$5,000

6.22	Waterloo Community Garden Group	2017166	\$850
6.23	Waterloo Neighbourhood Centre	2015151	\$3,000
6.24	We Help Ourselves	D53-00276	\$3,784
6.25	Woolloomooloo Community Project Inc	2017133	\$5,000
6.26	Wrap With Love	2012357	\$3,000
6.27	Alexandria Resident's Action Group (ARAG)	2018553	\$1,500 one-off seeding grant.

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<b>Sub-Total</b>			<b>\$80,448</b>
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#### **MIGRANT SERVICES**

7.1	Bangladesh Youth Federation of Australia Inc.	2017154	Refused
7.2	Greek Welfare Centre	2017138	Refused
7.3	St Lazarus Church School Community	2017153	Refused
7.4	Tutti Benvenuti – All Welcome	2016765	Refused

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<b>Sub-Total</b>			<b>\$0</b>
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#### **YOUTH SERVICES**

8.1	Annual Betty Makin Memorial Youth Awards	2004342	(\$2,000)
8.2	NSW Police Service	2003508	Refused
8.3	South Sydney Callisthenic Club	2017139	\$2,000

**GENERAL MANAGER**

8.4	South Sydney Police Citizens Youth Club	D53-00367	1) \$1,960 2) \$3,040 The Mayor indicated that Cr. Harcourt had asked him to declare an interest in this item on her behalf
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<b>Sub-Total</b>	<b>\$7,000</b>
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<b>Total Unspecified</b>	<b>\$235,796</b>
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<b>Specific</b>	<b>\$240,764</b>
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<b>TOTAL AMOUNT RECOMMENDED FOR ALLOCATION</b>	<b>\$476,560</b>
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( )\* = Specific Grant

( )\* = Allocated under 1998/9 Works Program

Carried.

17.

**PUBLIC RELATIONS - ADVERTISING - ACCEPTANCE OF TENDERS FOR THREE YEAR PERIOD AS FROM 1 JULY 1998 - APPOINTMENT OF PREFERRED ADVERTISING AGENCIES - LOCAL GOVERNMENT AND SHIRES ASSOCIATION ACTING AS MEDIATOR (5025487)**

That approval be granted to the appointment of Adcorp Australia and TMP Worldwide as Council's preferred advertising agencies for the three year period commencing 1 July 1998 as per the conditions of tender called on behalf of all Councils, for which provision for advertising expenditure has been made within the Draft Budget Estimates for 1998/99 and will be made during the ensuing years.

(DCS Report 16.6.98)

Carried.

18.

**TRAFFIC - PEDESTRIAN SAFETY CONFERENCE- AUSTRALIAN COLLEGE OF ROAD SAFETY, MELBOURNE 29 AND 30 JUNE 1998 - ATTENDANCE OF COUNCIL'S COMMUNITY ROAD SAFETY OFFICER (5098773)**

That arising from consideration of a report by the Director of Public Works and Services dated 9 June 1998, approval be given to:-

**GENERAL MANAGER**

- (1) the attendance of Ms Suzanne Baker, Community Road Safety Officer, to the Pedestrian Safety Conference;
- (2) the costs of approximately \$767 for registration, airfares accommodation and expenses to attend the Conference from Cost account CBA0042, for which funds are available in the 1997/98 Revenue Estimates..

Carried.

19.

**COMPUTERISATION - SUPPLY AND INSTALLATION OF TWO RACK MOUNTED SERVERS - ACCEPTANCE OF TENDER (2001791)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay :-

That arising from consideration of a report by the Director of Corporate Services dated 17 June 1998, it be resolved that Council accept the submission from Australian Business Technologies, in the sum of \$248,761 for the supply and installation of two Rack Mounted Compaq Proliant Services as per tender S4013/98.

Carried.

The Finance Committee Meeting terminated at 7.03 p.m.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

**WEDNESDAY, 17 JUNE 1998 AT 7.04 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.

**Apology:**

Leave of absence was granted to Councillor Waters at Council Meeting of 10 June 1998 for the Committee Meeting of 17 June 1998.

**GENERAL MANAGER**

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

Item 1 - Property Matter

Items 2, 3 - Leasing Matters

Item 4 - Contractual Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 17 June 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted. The recommendation for Item 4 being shown as immediately following such Item.

The Committee **recommended** the following:-

1.

**MOTOR VEHICLES -STAFF USAGE - LEASEBACK " LEAVE AT HOME" VEHICLE (2003526)**

That the recommendation as contained in the report by the General Manager dated 9 June 1998, with the attached Policy, Appendix No. 1, be approved and adopted.

Carried.

2.

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

That the report by the Director of Corporate Services dated 2 June 1998, submitting the Quarterly Report of all outstanding rents and lease payments for the 3 month period ending 25 May 1998, be received and noted.

Carried.

3.

**PROPERTIES - LEASING - PALMER STREET NOS. 137-155, EAST SYDNEY - LEASE TO BEEHIVE INDUSTRIES CO-OPERATIVE LIMITED - SUBSIDISED ACCOMMODATION (L52-00183)**

That the recommendation as contained in the report by the Director of Corporate Services dated 2 June 1998, in respect of the lease of premises Nos. 137 - 155 Palmer Street, East Sydney, be approved and adopted.

Carried.

**GENERAL MANAGER**

4.

**STREETS - STREET FURNITURE - SELECTION OF BUS SHELTER DESIGN (2014501)**

At the Council Meeting, the Mayor 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 Macken, seconded by Councillor Harcourt :-

That arising from consideration of a report by the Director of Public Works and Services dated 16 June 1998, approval be given to the acceptance of the Cox-Richardson bus shelter design with a slanted roof as the standard bus shelter item of the selected range of street furniture items endorsed by Council on 25 February 1998.

Carried.

The Finance Confidential Committee Meeting terminated at 7.10 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

17 June, 1998

**PRESENT**

**Councillor Sonia Fenton (Chairperson)**

**Councillors – Margaret Deftereos and Sean Macken.**

At the commencement of business at 7.11 pm those present were:-

Councillors: Deftereos, Fenton and Macken.

**Apology:**

Leave of Absence was granted to Councillor Waters at Council Meeting of 10 June 1998, for the Committee Meeting of 17 June 1998.

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

That the Report of the Community Services Committee of its meeting of 17 June 1998, be received and the recommendations set out below for Items 1 to 4, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**STREETS - LANDMARKS - PLAQUES - INSTALLATION AT PARK ENTRANCE ABOVE NAVAL CAR PARK, VICTORIA STREET, POTTS POINT - INTERPRETATIVE SIGNAGE - OPEN SPACE - KINGS CROSS WALKING TOUR (2013750)**

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

There being no quorum present, Councillors Deftereos and Macken **recommended** the following:-

That arising from consideration of a joint report by the Director of Public Works and Services and the Civic Affairs Manager/Public Officer dated 28 May 1998, approval be given to:-

- (a) the installation of two cast bronze plaques at the gateways of the park above the Naval Car Park, Victoria Street, Potts Point, at an estimated cost of \$2,000, for which funds are available in the ENL 77F (Community Liaison – Promotional Budget);
- (b) the inaugural launch of the plaques be in conjunction with the Kings Cross Place Management Team's naming of the park event scheduled for early August 1998.

Carried.

At this stage a quorum was present and the Committee **recommended** the following:-

2.

**GRANTS - HEALTH - SECTION 12 DIRECTIVE - URBAN WATERWAYS - STORMWATER MANAGEMENT PLANS (2016955)**

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 10 June 1998, approval be given to:-

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- (1) form a multi disciplinary team consisting of officers from the Health and Community Services, Public Works and Services and Planning and Building Departments to ensure a consistent Council approach across the three-stormwater catchments;
- (2) at the completion of the abovementioned process, prepare a collated stormwater management plan for Council consisting of the three-stormwater catchments of Port Jackson (south), Cooks River and Mill Pond Creek.

Carried.

**3.**

**CONFERENCES - EASTERN REGION LOCAL GOVERNMENT  
ABORIGINAL AND TORRES STRAIT ISLANDER FORUM - ATTENDANCE  
OF COUNCIL'S ABORIGINAL DEVELOPMENT OFFICER (2018350)**

That arising from consideration of a report by the Director of Health and Community Services dated 11 June 1998, approval be given to:-

- (1) Council's Aboriginal Development Officer attending the Eastern Region Local Government Aboriginal & Torres Strait Islander Forum;
- (2) acceptance of the Forum's aims and objectives;
- (3) the Mayor or his nominee attending the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum.

Carried.

**4.**

**PARKS - RECONCILIATION PARK, REDFERN, BOUNDED BY WILLIAM  
STREET, GEORGE STREET AND JAMES STREET - OFFICIAL NAMING  
CEREMONY (2016730)**

That arising from consideration of a report by the Director of Public Works and Services dated 16 June 1998, approval be given for an official naming ceremony for "Reconciliation Park" to be held on a date to be fixed by the General Manager.

Carried.

The Community Services Committee Meeting terminated at 7.13.p.m.



**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

17 June 1998

**PRESENT****The Mayor, Councillor Vic Smith (Chairperson)****Councillors - John Bush, John Fowler, Jill Lay.**

At the commencement of business at 6.48 pm, those present were -

The Mayor and Councillors - Bush, Fowler, Lay.

**Apology:**

An apology for non-attendance was received from Councillor Christine Harcourt..

That the Report of the Planning and Development Committee of its meeting of 17 June 1998, be received and the recommendations set out below for Items 1,2,5,7,9,10,13 to 18, inclusive 20,24,25,27 to 33,inclusive, 36 to 39, inclusive, be adopted. The recommendations for Items 3, 4, 6, 8, 11, 12, 19, 21 to 23, inclusive 26,34, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**WILLIAM STREET, NOS. 244-246, POTTS POINT - CHANGE OF USE TO HOTEL - DEVELOPMENT APPLICATION (U97-01097)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Solotel Pty Ltd, with the authority of Bell Developments Pty Ltd, for permission to change the use of the ground floor retail area to a hotel operating 24 hours a day 7 days a week, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA 9216-101, dated November 1997;
  - (2) That the applicant shall erect a ground floor sign to the William Street elevation. The sign should be located near the proposed William Street access to the proposed hotel and be in accordance with Clause 57 of the South Sydney Local Environmental Plan 1998. The sign is to state "Bar Lounge Access Only" or words to

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a similar effect. The sign is to be the satisfaction of the Director of Planning and Building;

- (3) That a separate application shall be submitted at the appropriate time for any proposed signage, other than that referred to in Condition (2);
- (4) 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;
- (5) That the walls and ceiling of the proposed hotel be acoustically insulated to ensure compliance with Condition (4) above;
- (6) That no live entertainment shall occur in the proposed hotel. The only form of music which is to occur in the proposed hotel is low level pre-recorded background music;

and the following adopted standard conditions:-

- (7) LDA351 - Building Application required;
- (8) LDA376 - Hours of building work;
- (9) LDA392 - No obstruction to public way;
- (10) LDA393 - Delivery of refuse skips;
- (11) BC26 - Comply with BCA.

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

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

2.

**COPELAND STREET, NO.18, ALEXANDRIA - ALTERATIONS AND ADDITIONS TO TERRACE HOUSE - DEVELOPMENT APPLICATION (U98-00137)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr J Alliker, with the authority of Mr R & Ms S Alliker, for permission to carry out alterations and additions to include a rear dormer and ground floor extension, at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans dated 18 February, 1998;
  - (2) That the dormer at the rear shall be setback 500mm from the rear wall. Details to be included with any Building Application;

and the following adopted standard conditions:-

- (3) LDA153 - Reflectivity of external glazing;
- (4) LDA152 - Schedule of finishes;
- (5) LDA163 - New brickwork to match existing;
- (6) LDA351 - Building Application required;
- (7) LDA376 - Hours of building work;
- (8) LDA377 - Construction noise regulation;
- (9) LDA389 - Stormwater disposal requirements;
- (10) LDA392 - No obstruction to public way;
- (11) LDA396 - Works within boundaries;
- (12) LDA393 - Delivery of refuse skips;
- (13) hsc500 - Premises to be ventilated;
- (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, and would not be in the public interest.

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

Carried.

**3.**

**GARDEN STREET, NO.114, ALEXANDRIA - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00107)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr R J Dyer, with the authority of Mr R & Mrs C Dyer, for permission to erect two dormers at the front and a first floor rear addition, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans DA01- DA03, dated February, 1998;
  - (2) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
    - (a) external finishes to walls;
    - (b) roofing finishes;
    - (c) balcony balustrade treatment;
    - (d) proposed fences;
    - (e) size and proportion of windows and doors;
  - (3) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures;

and the following adopted standard conditions:-

- (4) LDA153 - Reflectivity of external glazing;
- (5) LDA351 - Building Application required;

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- (6) LDA376 - Hours of building work;
- (7) LDA377 - Construction noise regulation;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA391 - Builder's Hoarding Permits;
- (10) LDA392 - No obstruction to public way;
- (11) LDA393 - Delivery of refuse skips;
- (12) hsc500 - Premises to be ventilated;
- (13) hsc800 - Use of appliances emitting intrusive noise.

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

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

#### 4.

**MACLEAY STREET, NOS., 91-93C, POTTS POINT - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING INCLUDING TWO ADDITIONAL RESIDENTIAL LEVELS CONTAINING 8 UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-0244)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by Selwyn Property Holdings, with the authority of Kimberley Securities Ltd., for permission to carry out alterations and two additional levels to the existing building for the following reasons, namely:-
  - (1) That adequate provision has not been, and cannot be made for the servicing of the site;

- (2) That adequate provision has not been, and cannot be made for the provision of off-street car parking associated with the development.
  - (3) That the proposed development would adversely impact on the amenity of adjoining development and development in the locality as a result of disruption caused by construction traffic in Macleay Street and Hughes Street.
  - (4) That given the circumstances of the case 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.

5.

**STREETS - ABANDONMENT OF PROPOSED COUNTY ROAD  
RESERVATION NEWTOWN TO ERSKINEVILLE LINK ROAD (S06-00693)**

That Council:-

- (1) respond to the Roads and Traffic Authority advising them that, in principle, Council does support the abandonment of the County Road Reservation between Enmore Road, Newtown and Erskineville Road/ Union Street, Erskineville, known as the Newtown to Erskineville Link Road, subject to the RTA's firm commitment be given for construction of the Euston Road/McEvoy Street corridor as an easterly by-pass of Erskineville Road, Mitchell Road and King Street.
- (2)(a) write to the State Rail Authority requesting the expedition of a revised Master Plan/Development Control Plan for the Newtown Station precinct and incorporate the changes to vehicular access due to the abandonment of the Newtown to Erskineville Link Road and other related planning issues
  - (b) Council seek the support of the Roads and Traffic Authority and the NSW Police to this proposition.

(DPB 28.5.98)

Carried.

6.

**ELIZABETH STREET, NO.942, ZETLAND - ERECT 6 TERRACES -  
DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT  
(U97-01000)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

(A) That the Council resolves that the State Environmental Planning Policy No 1 objections against the development standards relating to the maximum floor space ratio in Clause 10 of Local Environmental Plan No 114 is well founded and compliance is therefore unreasonable and unnecessary for the following reason, namely:-

(1) That additional floor space is acceptable in terms of residential amenity and will not detract from the character of the existing streetscape in terms of bulk and scale, and the objectives of Clause 10.

(B) That the Council as the responsible authority grants its consent to the application submitted by Clonlara Holdings Pty Ltd, for permission to erect 6 x 2 storey terraces, each with a studio over a rear garage and to subdivide, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with drawing No DA01-DA07 as amended on 24 April 1998;

(2) That a maximum of 6 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;

(3) That any work proposed for the existing terrace shall be subject to development approval;

(4) (A) Section 94 Contributions

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

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<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$20,646	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 6,168	2E97002.BGYO
Accessibility And Transport	\$ 78	2E97006.BGYO
Management	\$ 315	2E97007.BGYO
<b>Total</b>	<b>\$27,207</b>	

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

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

where:

**C** is the original contribution amount as shown above;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** 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.

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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.

- (5) That the rear studios above the garages not be used as a separate dwelling;

and the following adopted standard conditions:-

- (6) LDA151 - Schedule of finishes;
- (7) LDA152 - Schedule of finishes;
- (8) LDA21 - No resident parking for residential flat developments;
- (9) LDA351 - Building Application required;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;

- (12) LDA384 - New alignment levels;
- (13) LDA386 - Road Opening Permit;
- (14) LDA387 - Footway crossings;
- (15) LDA389 - Stormwater disposal requirements;
- (16) LDA391 - Builder's Hoarding Permits;
- (17) LDA392 - No obstruction to public way;
- (18) LDA394 - Cost of alteration to signposting;
- (19) BC26 - Comply with BCA;
- (20) LDA367 - Timing device on alarms;
- (21) hsc103 - Environmental site assessment being carried out;
- (22) hsc500 - Premises to be ventilated;
- (23) hsc800 - Use of appliances emitting intrusive noise.
- (24) That the garage openings are to have a minimum width of 3m. Details to be submitted with the Building Application;
- (25) That all the terraces are to be rendered and materials are to be consistent in all of the terraces eg. balcony detailing. Details and sample materials to be used shall be submitted with Building Application and be to the satisfaction of the Director of Planning and Building;
- (26) That the front fence of the terraces shall be part rendered brick no higher than 1m and part vertical member iron fence. Details to be submitted with the Building Application and to be to the satisfaction of the Director of Planning and Building.

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

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

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

Carried.

7.

**SPRINGFIELD AVENUE, THE VILLAGE CENTRE - NOS. 24-30, POTTS POINT - ALTER HOURS OF OPERATION OF KARAOKE RESTAURANT - DEVELOPMENT APPLICATION (U98-00314)**

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by D H Kwon with the authority of the owner Rifon Pty Ltd to alter the operating hours of the existing karaoke restaurant, for the following reasons, namely:-
- (1) That the proposal would result in a loss of residential amenity in relation to noise and anti-social behaviour;
  - (2) That the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of this matter be advised of Council's decision.

Carried.

8.

**SYDNEY STREET, NO.17, ERSKINEVILLE - GROUND AND FIRST FLOOR ADDITIONS TO EXISTING SINGLE STOREY TERRACE - DEVELOPMENT APPLICATION (U98-00357)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr D & Mrs B Thompson, for permission to ground and first floor additions to existing single storey terrace, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated April, 1998, submitted on 27 April, 1998;
  - (2) That the balcony at the rear of the ridge addition be deleted and may be replaced by a juliet balcony set in one metre on each side to the satisfaction of the Director of Planning and Building;
  - (3) That the proposed dormer to Sydney St be redesigned to be proportioned to 1.5:1 measured from head to ceiling of window frame;
  - (4) That the garage door to the rear have a minimum width of 3.0 metres;

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

and the following adopted standard conditions:

- (6) LDA351 - Building Application required;
- (7) BC26 - Comply with BCA;
- (8) HSC500 - Premises to be ventilated;
- (9) HSC800 - Use of appliances emitting intrusive noise;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;
- (12) LDA378 - No machinery on premises;
- (13) LDA387 - Footway crossings;
- (14) LDA389 - Stormwater disposal requirements;
- (15) LDA393 - Delivery of refuse skips;
- (16) LDA394 - Cost of alteration to sign posting.
- (B) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

**9.**

**CHARLES STREET, NO.41, ERSKINEVILLE - BUILD STUDIO ABOVE EXISTING GARAGE - REVISED DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01145)**

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standard relating to floor space ratio standard in Clause 10 of Local Environmental Plan No. 107 is well founded and compliance is therefore

unreasonable and unnecessary for the following reason, namely:-

The exceedance in the standard is relatively minor and the proposal represents an improvement in the existing streetscape and will not have an unreasonable impact on surrounding properties as a result of the additional floor space.

(B) That the Council as the responsible authority grants its consent to the application submitted by Zdravko Trandafilovic, with the authority of Zdravko and Loza Trandafilovic , for permission to erect a first floor studio above the existing garage at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA1/B;
- (2) That the John Street elevation shall be amended to incorporate an additional vertically proportioned opening at ground level to the satisfaction of the Director of Planning and Building, details to be submitted in the building application;
- (3) 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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$564	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$168	2E97002.BGYO
Accessibility And Transport	\$ 2	2E97006.BGYO
Management	\$ 9	2E97007.BGYO
<b>Total</b>	<b>\$743</b>	

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;

**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

**CPI<sub>1</sub>** 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

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

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

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

- (4) That the proposed studio shall not be used as a separate dwelling or for any commercial, industrial or warehousing purposes;
- (5) That a lattice style privacy screen at least 1600mm in height shall be provided along the edges of the landing of the external stairs;
- (6) That all new external windows and doors shall be constructed in timber joinery;
- (7) 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) size and proportion of windows and doors;

and the following adopted standard conditions:

- (8) LDA351 - Building Application required;
- (9) LDA367 - Timing device on alarms;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;
- (12) LDA389 - Stormwater disposal requirements;
- (13) LDA392 - No obstruction to public way;
- (14) LDA393 - Delivery of refuse skips;

- (15) LDA396 - Works within boundaries;
- (16) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the Secretary of the Department of Urban Affairs and Planning be notified of Council's determination under SEPP No.1 in accordance with the Department's Circular No.117 of 9 December 1986.

Carried.

## 10.

### **WYNDHAM AND GARDEN STREETS, NOS. 71-73, AND NOS. 68-72, ALEXANDRIA - 20 UNITS RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00524)**

- (A) It is advised that Council is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the maximum height limit of 9m within Local Environmental Plan No.107 is well founded (believing compliance is unnecessary and reasonable) for the following reasons, namely:-
  - (1) The overall bulk and scale of the proposed are acceptable;



- (2) The excess height does not cause significant impact on the character or amenity of the surrounding area.
- (B) It is advised that Council is satisfied that the State Environmental Planning Policy No.1 objection against the development standard relating to the maximum floor space ratio of 1:1 within Local Environmental Plan No.107 for 71 Wyndham Street, Alexandria (a portion of the site) is well founded (believing compliance is therefore unnecessary and unreasonable) for the following reasons, namely:-
- (1) That compliance with the limit would result in detrimental impacts elsewhere and inappropriate site planning;
  - (2) That the building scale is acceptable at that portion of the site;
  - (3) That the external impacts associated with the non-compliance at that section of the site are not unreasonably adverse.
- (C) That the Council as the responsible authority grants its consent pursuant to the development application submitted by Mr Keith Kelly, for permission to demolish existing buildings and erect a new residential flat development containing 13 units, 4 residential dwellings and a basement car parking at 71-73 Wyndham Street and 68-72 Garden Street, Alexandria, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans numbered A02D-A07D, dated 8 May, 1997(except where amended by the conditions below);
  - (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;
  - (3) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;
  - (4) (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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$40,497	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$12,062	2E97002.BGYO
Accessibility And Transport	\$ 141	2E97006.BGYO
Management	\$ 573	2E97007.BGYO
<b>Total</b>	<b>\$53,273</b>	

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;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** 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.

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

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

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

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

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

- (5) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA and shall be submitted to Council for referral to the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that Building Approval will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA. No works on the site shall be undertaken prior to the EPA giving clearance other than works associated with the remediation of the land;
- (6) That the southern side wall for the length of the side property boundary of No. 84 Garden Street shall be retained (and supported as necessary), through the excavation and demolition process, to its current height, and the basement car park shall be located off the boundary below, if necessary;

- (7) That the Building Application shall be accompanied by a report from a qualified structural engineer, recommending how the wall referred to in condition (6) can and should be retained through the demolition and excavation process, and these recommendations must be subsequently followed;
- (8) That details of all side fences shall be included in the building application, to the satisfaction of the Director of Planning and Building and the northern side fence shall be of masonry construction, to a height of 2.0m and to the applicant's/owner's full expense;
- (9) That the dormer windows to Garden Street shall have a maximum overall width of 1.2m;
- (10) That the first and second floor balconies to the rear of the building fronting Wyndham Street shall include screening (to be detailed in the building application) to a height of at least 1.8m above finished floor level on the ends of the balconies and a side return screen of at least 1m width at both ends;
- (11) That the rear alignment of the building to Garden Street shall not project beyond the rear alignment of the adjoining southern dwelling, while the front alignment shall be the same;
- (12) That the roof pitch of the building to Garden Street shall not exceed 35 degrees, to be detailed in the Building Application;
- (13) That the windows and doors to both Garden and Wyndham Streets shall be timber framed;
- (14) That the ground level adjacent to No. 84 Garden Street shall not be increased by more than 100mm;
- (15) That the exposed southern walls shall be rendered, bagged or painted a light colour to assist in the deflection of light;
- (16) That mature street trees shall be provided in accordance with Council's Street Tree Masterplan and shall be provided, at the applicant's full expense, together with new footways and guttering, as necessary, prior to release of the final linen plan of subdivision;
- (17) That a maximum of 23 car spaces shall be provided, designed in accordance with Council's Development Control Plan No. 11 and allocated on the basis of three for visitors (spaces 1-3) and the remainder for units (maximum one per unit);
- (18) The car park entry point shall include an intercom system to allow visitors access to the car park from the entry point;

- (19) The driveway width shall be at least 6 metres;
- (20) That the ramp shall be a maximum grade of 1:20 for the first 6m from the street, the 1:10 for 2m, then 1:5, then 1:8 for the last 2m and shall be designed to allow safe queuing of vehicles or such other arrangements as may be approved by the Director of Planning and Building;
- (21) That a system of mirrors and/or lights shall be installed at the bottom of the car park ramp for safe visibility;
- (22) That ground floor units to Garden Street shall be accessible for people with disabilities;
- (23) That the basement car park shall be ventilated in accordance with the requirements of AS 1668.2 – 1991, Section 4.4;
- (24) That a garbage receptacle area or room shall be provided within the basement and in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (25) That plans and specifications of mechanical ventilation and garbage storage shall be lodged with the building application;
- (26) That the developer shall apply to Sydney Water regarding clearance and bridging over the existing sewer main, with the response provided to the Council prior to the release of the Building Application;
- (27) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to the Council prior to the release of the building plans;
- (28) That a plan for the landscaping of the site, including details of any subsoil drainage where landscaping is provided on a slab and any proposed security fencing, shall be lodged with the Director of Planning and Building for approval and the site shall be landscaped in accordance with the plan as so approved and be maintained at all times to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;
- (29) That the applicant shall provide a dilapidation report for the properties/buildings immediately adjoining the site, with the Building Application;

and the following adopted standard conditions:

- (30) LDA152 - Schedule of finishes;
- (31) LDA351 - Building Application required;
- (32) LDA367 - Timing device on alarms;
- (33) LDA368 - Display of street numbers;
- (34) LDA376 - Hours of building work;
- (35) LDA377 - Construction noise regulation;
- (36) LDA384 - New alignment levels;
- (37) LDA387 - Footway crossings;
- (38) LDA389 - Stormwater disposal requirements;
- (39) LDA391 - Builder's Hoarding Permits;
- (40) LDA392 - No obstruction to public way;
- (41) LDA393 - Delivery of refuse skips;
- (42) LDA394 - Cost of alteration to signposting;
- (43) LDA396 - Works within boundaries;
- (44) hsc500 - Premises to be ventilated;
- (45) HSC555 - Bathroom ventilation;
- (46) HSC700 - Compliance with code for Garbage Handling System;
- (47) HSC706 - Storage of recyclables;
- (48) HSC801 - Noise from premises.

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

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

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- (E) That the Department of Urban Affairs and Planning be advised of Council's decision in regard to the State Environmental Planning Policy No.1 objection.
- (F) That Council notify residents affected after the Building Application has been submitted.

Carried.

11.

**MORT STREET, NO.1A, SURRY HILLS - ADDITION OF TWO UNITS ABOVE EXISTING UNITS - DEVELOPMENT APPLICATION (U98-00207)**

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by C Balafas to construct two additional units on an existing duplex building at the abovementioned premises for the following reasons, namely:-
  - (1) That the proposed building would be out of scale with adjoining building, and adversely affect the status of the conservation area;
  - (2) That the floor space ratio and height substantially exceed the adopted standards in Development Control Plan 1997;
  - (3) That the open space provision is inadequate for the proposed development;
  - (4) That approval would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

**BOURKE STREET, NOS. 563-565, SURRY HILLS, CARRINGTON HOTEL - CONTINUE TO USE PREMISES AS A PLACE OF PUBLIC ENTERTAINMENT - DEVELOPMENT APPLICATION (U98-00271)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Lotaish Pty Ltd, with the authority of Domeneo (No. 14) Pty Ltd, for permission to provide light

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entertainment to the rear section of the hotel, subject to the following conditions:-

- (1) That the maximum number of persons (including staff and entertainers) permitted in the back bar at any time shall be limited to 96;
- (2) That the two western most exits on the Arthur Street elevation be used only as Emergency Exits;
- (3) That at least two licensed uniformed security personnel be engaged from Thursday to Sunday nights to constantly patrol the area in the vicinity of the premises to ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Such patrols to commence at 9.00pm and to continue until the last patrons have left the entire premises and the vicinity;
- (4) That the light entertainment shall be restricted to recorded music only with volume controlled by bar staff and shall not include any live music;
- (5) That no entertainment shall be carried out on Mondays to Wednesday;
- (6) That all light entertainment on Thursdays to Saturdays shall cease by 10.30pm and by 8.00pm on Sundays;
- (7) That the use of the premises shall not give rise to:
  - (a) transmission of vibration to any place of different occupancy;
  - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
  - (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
  - (d) an "offensive noise" as defined in the Noise Control Act, 1975;



- (e) the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984;
- (8) That the applicant shall make application in writing to amend the entertainment authorisation, certification number 325, condition (3), one month of this consent. (Note condition (3) limited the validity of the entertainment authorisation issued on 11 June 1997 to a period of six months).
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**13.**

**HANSARD STREET, NO.15, ZETLAND - USE PREMISES AS A HOME OCCUPATION - DEVELOPMENT APPLICATION (U98-00370)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Hestelow James Catering, with the authority of Mr T & Mrs C Lagarde, for permission to use the abovementioned premises as a home occupation for the preparation of light food, subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with submitted plans dated 29 April 1998;
  - (2) That at no time shall loading and unloading operations be carried out via Chester Lane.;
  - (3) That at no time shall the premises be used for the cooking of food, other than that necessary for the preparation of light food only;
  - (4) That a minimum of 2 off-street car parking spaces shall be provided;
  - (5) That the hours of operation shall be restricted to between 8.00 a.m. and 4.00 p.m. Mondays to Fridays ;
  - (6) 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 of commercial food premises;

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

- (7) That the construction, fitout and finishing of the premises comply with Food (General) Regulation 1992 and the National Code for the Construction and Fitout of Food Premises;

and the following adopted standard conditions:

- (8) LDA36 - Loading only within confines of the site;
- (9) LDA45 - Parking and driveways to be kept clear;
- (10) LDA167 - No garbage on public way;
- (11) LDA201 - Make separate application for sign;
- (12) LDA257 - Regulation of noise transmissions;
- (13) LDA258 - Regulation of emissions;
- (14) LDA302 - Home occupation requirements;
- (15) LDA351 - Building Application required;
- (16) LDA367 - Timing device on alarms;
- (17) LDA376 - Hours of building work;
- (18) hsc500 - Premises to be ventilated;
- (19) hsc301 - Cooking of food only if air handling system is provided;
- (20) hsc700 - Compliance with code for Garbage Handling System;
- (21) hsc709 - Garbage room;
- (22) hsc711 - Commercial contract (trade waste);
- (23) hsc800 - Use of appliances emitting intrusive noise.

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

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

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

Carried.

14.

**ELIZABETH BAY ROAD, NO.77, ELIZABETH BAY - ERECT NEW  
BALCONIES, RENDER AND PAINT FACADE - DEVELOPMENT  
APPLICATION (U98-00342)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Wolf Architecture, for permission to undertake alterations and additions to the residential flat building, including the erection of balconies and the rendering of the facade at the subject premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated March 1998 and the amended plans dated 26 May 1998;
  - (2) That the seven southernmost balconies shall be deleted and be replaced in accordance with 'Option B' shown on the amended plans dated 26 May 1998, and that details of these balconies shall be submitted for approval with the Building Application;
  - (3) That a 1.8 metre privacy screen shall be attached to the southern edge of the balconies located immediately north of the balconies shown in Option B of the amended plans;
  - (4) That the living room windows in the southern wall of the units immediately north of the balconies shown in Option B shall be replaced with frosted glass non opening windows;
  - (5) That the maximum height of any privacy screen attached to the balconies shall be 1.8 metres;
  - (6) That this application does not give consent to the removal of trees on the site, an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
  - (7) That a plan for the landscaping of the site, including details of any subsoil drainage where landscaping is provided on a slab and any proposed security fencing, shall be lodged with the Director of Planning and Building for approval and the site shall be landscaped in accordance with the plan as so approved and be maintained at all times to the satisfaction of the Director of Planning and Building and the Director of Public Works and Services;

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and the following adopted standard conditions:-

- (8) LDA 152- Details of materials and colours.
  - (9) LDA 351- Submission of Building Application.
  - (10) LDA 376- Hours of Building/Demolition Work.
  - (11) LDA 377- Noise controls on Building Sites, Aust. Standards.
  - (12) LDA 391- Builders Hoarding Permit.
  - (13) LDA 392- Obstruction of Public way.
  - (14) LDA 393- Refuse Skips.
  - (15) LDA 396- Work within Boundary.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

**PLANNING FOR CONTAMINATED LAND - APPRAISAL OF IMPLICATIONS FOR COUNCIL OF NEW STATE LEGISLATION (2005569)**

That the report by the Director of Planning and Building dated 12 June 1998, be received and that Council prepare a DCP/Policy for contaminated land and that this project be placed on Council's Strategic Planning Works Programme for commencement when resources become available.

Carried.

16.

**TUDOR STREET, NO. 13, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U98-00284)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Gregory Addison for permission to alterations and additions to existing dwelling, including erection of a garage with loft above, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Job130 dated March 1998;

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- (2) That the proposed rebuilding of the rear wing of the terrace shall be undertaken so as to match the existing building envelope of the rear wing of the terrace;
- (3) That the two proposed bathroom windows, located on the western elevation and identified as the first floor, shall be stained or obscure glass and constructed in timber joinery;
- (4) That a Dilapidation Report together with plans shall be prepared by a qualified structural engineer and submitted with the Building Application. The Dilapidation Report should address the proposed works and the consequences (if any) on the structural integrity of No. 15 Tudor Street, Surry Hills. Also, the Dilapidation Report should investigate if there is or is not a dividing wall between No. 13 and 15 Tudor Street in the joint roof space between the rear wings of the two terraces. If no dividing wall exists the Dilapidation Report is to address this issue and state an appropriate building solution to the problem;

and the following adopted standard conditions:

- (5) LDA376 - Hours of building work;
- (6) LDA377 - Construction noise regulation;
- (7) LDA387 - Footway crossings;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA392 - No obstruction to public way;
- (10) LDA393 - Delivery of refuse skips;
- (11) LDA394 - Cost of alteration to signposting;
- (12) HSC500 - Premises to be ventilated;
- (13) HSC800 - Use of appliances emitting intrusive noise.

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

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

**ANGEL STREET, NO.70, NEWTOWN - ERECTION OF NEW 2 STOREY RESIDENTIAL DWELLING - DEVELOPMENT APPLICATION (U98-00335)**

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr Stuart Mitchell (owner) for permission to erect a new two storey residential dwelling in accordance with submitted plans, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing DA1C dated February 1998;
  - (2) That the site shall be secured outside construction hours;
  - (3) That a lapped paling fence or one that gives equal privacy shall be erected along the northern boundary of the site;
  - (4) That the existing power pole at the rear of the site shall be relocated to allow for future vehicular access to properties from Gowrie Lane;
  - (5) That, if possible, the existing Mulberry tree to the rear of the site shall be retained by redesign of the proposed carport, with details being submitted with the Building Application; and if for any reason this is not possible that new tall plants and/or creepers be planted at each side of the carport
  - (6) That privacy screens shall be erected to a height of 1.8m along the northern and southern edges of the proposed Juliet Balcony;
  - (7) That any paving of the rear yard of the property shall be of a permeable nature;
  - (8) That the height of the proposed brick wall at the front of the property shall be reduced to 1.4m;
  - (9) That building works shall be set back 1.17m from the rear property boundary;
  - (10) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

and the following adopted standard conditions:

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- (11) LDA351 - Building Application required;
- (12) hsc500 - Premises to be ventilated;
- (13) hsc800 - Use of appliances emitting intrusive noise;
- (14) LDA376 - Hours of building work;
- (15) LDA377 - Construction noise regulation;
- (16) LDA384 - New alignment levels;
- (17) LDA387 - Footway crossings;
- (18) LDA389 - Stormwater disposal requirements;
- (19) LDA392 - No obstruction to public way;
- (20) LDA393 - Delivery of refuse skips;
- (21) LDA394 - Cost of alteration to signposting.
- (22) That any windows facing Angel street be of a type and material appropriate to the conservation area status of Angle Street.

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.

18.

**BURREN STREET NOS. 92-98 AND NOS. CHARLES STREET NOS. 16-18  
ERSKINEVILLE - LANEWAY OFF ALBERT STREET, ERSKINEVILLE AT  
THE REAR - ACQUISITION BY COUNCIL (2017961)**

That further to resolution of Council of 12 November 1997, and arising from consideration of a report by the Director of Public Works and Services dated 10 June 1998, approval be given:-

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- (a) to all necessary action being taken to acquire the laneway off Albert Street, Erskineville at the rear of Nos. 92-98 Burren Street and Nos. 16-18 Charles Street under Part 12 of the Roads Act 1993;
- (b) to the laneway being dedicated as public road upon acquisition;
- (c) to the execution of all relevant documents by Council's Attorney;
- (d) subject to Parts (a) and (b) above, that no further action be taken regarding the unauthorised building work.

Carried.

19.

**WALTER STREET, NO. 44, PADDINGTON - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - DEVELOPMENT APPLICATION (U96-00393)**

- (A) That the Council as the responsible authority, refuses to grant its consent to the application submitted by Panagopoulos Family Trust with the authority of Mrs. M. Carney C/- The Public Trustee for permission to carry out alterations and additions to the dwelling for the following reasons, namely:-
  - (1) That the proposal constitutes an overdevelopment of the site;
  - (2) That the proposal is inconsistent with Development Control Plan 1997, having regard to floor space ratio, building form and setback provisions;
  - (3) That the proposal will adversely impact on the amenity of adjoining properties by virtue of its excessive bulk and scale;
  - (4) That the proposal will detract from the quality of the Heritage Conservation Area;
  - (5) That the proposal would set an undesirable precedent within the area;
  - (6) That given the circumstances of the case, the proposal is not considered to be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

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20.

**STREET FURNITURE WITHIN SOUTH SYDNEY -- DEVELOPMENT APPLICATION (U98-00295)**

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

- (A) That the Council as the responsible authority resolve that as the proposed activity is unlikely to significantly affect the environment, the preparation of an environmental impact statement, pursuant to section 112(1)(a) of the Environmental Planning and Assessment Act, 1979 is not required.
- (B) That the Council as the responsible authority grants its consent to the application submitted by South Sydney City Council for permission to install various items of street furniture throughout the City of South Sydney, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the unnumbered and undated plans titled "Street Furniture Collection - Master Plan" and "General Location Maps - Master Plan" and the Statement of Environmental Effects prepared by the applicant and submitted with the development application;
  - (2) That the applicant shall submit documentary evidence that the State Transit Authority and Telstra have agreed, respectively, to the proposed bus shelter and pay phone locations;
  - (2A) That the relocation of pay phones shall be submitted to the Director of Planning and Building for approval;
  - (3) That prior to installation of the furniture items the following shall be submitted to and approved by the Director of Planning and Building :
    - (a) accurate master plan(s) of all furniture items accompanied by an inventory of all items;
    - (b) the plan(s) shall include all amendments necessary to comply with conditions of this consent and shall be drawn to a satisfactory scale enabling clear identification (by item type and inventory number) of each furniture item and its location;
    - (c) designs of proposed bus shelters, litter bins, recycling bins and cycle racks;
    - (d) illustrations of furniture items where sizes have been modified to comply with conditions of this consent;
    - (e) a schedule of finishes and colours of external materials,

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and their reflectivity values;

- (4) That minor modification of the locations and design of furniture items shall be submitted to and approved by the Director of Planning and Building prior to their assembly and installation;
- (5) That the final locations of all automatic public toilets, accompanied by large scale plans showing their relationship to adjoining uses, shall be submitted to the Director of Planning and Building for approval prior to their installation;

Note : The applicant is strongly advised to consult with the Director of Planning and Building on modified or alternative locations for the automatic public toilets prior to making the submission.

- (6) That the materials and finishes of the furniture items shall be chosen to take into account their potential reflectivity impacts on motorists.
- (7) That subject to compliance with conditions of this consent a bus shelter shall be provided on the eastern side of King Street at the existing bus stop located almost opposite Lord Street, Marrickville;
- (8) That the proposed fruit kiosks shall comply with the Food Act, 1989, Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Premises;
- (9) That approved facilities shall be provided for all on-site storage of garbage and recyclable material in accordance with the requirements of Council's Waste Management Policy.

Note : the applicant's attention is drawn to Council's "Waste Management and Minimisation Fact Sheets");

- (10) That furniture items, except seats, bins and cycle racks, shall be in locations satisfactory to the Traffic and Design Branch Manager and shall:
  - (a) not create unsafe traffic conditions by obstructing traffic signs, traffic signals, footpath crossings and the like from the view of motorists and pedestrians travelling along roads where the items are located or along adjacent side streets;
  - (b) not obstruct street signs;
  - (c) maintain clear visibility along the footway around the furniture items;

- (d) maintain a clear unobstructed width of no less than 1.5 metres along footpaths;
- (10A) That in relation to condition (10)(d) above the installation of furniture items that would result in footpath widths less than 1.5metres shall be approved by Council's Director of Public Works and Services prior to their installation;
- (10B) That furniture items shall not be placed in locations where the growth and spread of trees will be affected;
- (11) That unless otherwise approved by the Director of Public Works and Services the front edge of roofs to furniture items shall be no closer than 600mm to the vertical line of the kerb;
- (12) That the heights of the Stand Alone Pay Phones and the Electronic Information Kiosks, including their rear panels, shall be no greater than 2740mm;
- (13) That satisfactory arrangements with servicing bodies for the installation of utility services shall be made, and evidence of such arrangements shall be submitted prior to the installation of the relevant furniture items;
- (14) That a Road Opening Permit shall be obtained from the Director of Public Works and Services for the works prior to their commencement;
- (15) That the footway pavements shall be restored by the installers of the furniture items on completion of the work and at no cost to Council;
- (16) That at all times reasonable access to adjacent properties shall be maintained throughout the duration of the works;
- (17) That throughout the duration of the works the obstruction of the public way shall be kept to a minimum in accordance with the requirements of the Director of Public Works and Services;
- (18) That the furniture items shall be so designed and installed as to give full compliance with all relevant aspects of Australian Standard AS 1428-1977 "Design Rules for Access by the Disabled"s and the relevant aspects of other Australian Standards dealing with disabled persons' accessibility;
- (19) That the ventilation of furniture items shall comply with any relevant requirements of the BCA and Council's Code;
- (20) That noise and vibration from the use of any plant equipment and/ or services associated with the furniture items shall not give rise

to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;

- (20A) That replacement of existing bus shelters at the following locations and other existing bus shelters which are built into and integrated into adjacent buildings and boundary walling/fencing shall require the approval of the Director of Planning and Building;
- (i) weatherboard shelter on Mitchell Road, opposite Harley Street;
  - (ii) metal framed shelter on Pymont Bridge Road, opposite Barr Street, Camperdown;
  - (iii) brick shelter on Pymont Bridge Road adjacent to the main driveway entrance to the Children's Hospital;
  - (iv) masonry shelter adjacent to the City Road entrance/exit of Sydney University.

and the following adopted standard conditions :

- (21) LDA167 - No garbage on public way;
- (22) (condition deleted);
- (23) LDA376 - Hours of building work;
- (24) LDA377 - Construction Noise regulation.

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

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

- (C) That prior to the Director of Planning and Building's approval, referred to in condition (5), Council readvertise and re-exhibit revised locations of the automatic public toilets.

Carried.

## 21.

### **GRIFFIN STREET, NO.22, SURRY HILLS - RENOVATION OF EXISTING BUILDING - SECTION 102, APPLICATION TO ADD FRONT DECK AT SECOND LEVEL (U97-00936)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council resolves to amend pursuant to Section 102 of the Environmental Planning and Assessment Act 1979 the consent granted by Council on 23 February 1998 for ground, first and second floor additions to No.22 Griffin Street, only insofar as it will provide for the following:-

-deletion of condition (1) of Council's consent on 23 February 1998, and replacement with the following modified condition (1), namely:

- (1) That the development shall be generally in accordance with plans 26/7 dated 10 October 1997 as amended by plan labeled A-D and further amended by modified plans BA2/02398, sheets 7 and 2;

-the insertion of an additional conditions (12) and (13) namely:-

- (12) That proposed second floor front deck shall include a square planter box of minimum dimensions 600mm, to be placed in the front north-west corner of the deck adjacent to the boundary with 20 Griffin Street.
- (13) That details of the front fence shall be submitted to Council and approved prior to the fence being installed. In this regard, a security gate/fence of minimum height of 1.8m and maximum height of 2m shall be erected along the front boundary of No. 22 between the buildings at No.20 and No.22 and for the remainder of the frontage shall not exceed 900mm.

- (B) That all affected persons be notified of Council's decision.

Carried.

## 22.

### **REGENT STREET, NOS. 119-121, CHIPPENDALE - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U97-01215)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the application submitted by Universal Trading, with the authority of G Thomas and R Bergagnin, for permission to use the premises as a brothel be deferred for further discussions with the applicant regarding the incorporation on the ground floor of a commercial/retail tenancy.

Carried.

23.

**SHEPHERD STREET, NOS. 52-64, CHIPPENDALE - ERECT 4  
RESIDENTIAL UNITS ON EXISTING BUILDING - DEVELOPMENT  
APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00096)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council resolves that it is satisfied that the State Environmental Planning Policy No.1 objection against the development standards in LEP No.66 relating to maximum floor space ratio, height and the requirement for one car space per unit are well founded and that compliance is unnecessary for the following reason:-
- (1) That the proposed floor space is equal to that originally approved by Council, the scale and design of the additions will not have an unreasonable impact on the streetscape or adjacent properties and the requirement for one car space per unit would result in additional traffic, a lack of human activity at ground level and adverse impact on the streetscape.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Wolfe Architecture Pty Ltd, with the authority of Divome Properties Pty Ltd, for permission to erect 4 additional units on the existing building, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the sketches numbered SK22 and SK 23A dated May 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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$5,864	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,760	2E97002.BGYO
Accessibility And Transport	\$ 24	2E97006.BGYO
Management	\$ 88	2E97007.BGYO
<b>Total</b>	<b>\$7,736</b>	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the

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

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

where:

**C** is the original contribution amount as shown above;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** 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,

- (3) That 1 secure bicycle parking space for residents shall be provided in the existing car park and 1 bicycle space for visitors located and prepared to the satisfaction of the Director of Planning and Building;
- (4) That plans and specifications showing details of:-
  - (a) all proposed mechanical ventilation systems;
  - (b) car park ventilation systems;
  - (c) the garbage room or garbage receptacle storage area;

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

and the following adopted standard conditions:-

- (6) LDA101 - Provide landscaping plan;
- (7) LDA21 - No resident parking for residential flat developments;
- (8) LDA376 - Hours of building work;



- (9) LDA377 - Construction noise regulation;
- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA391 - Builder's Hoarding Permits;
- (12) LDA392 - No obstruction to public way;
- (13) hsc500 - Premises to be ventilated;
- (14) hsc700 - Compliance with code for Garbage Handling System;
- (15) hsc706 - Storage of recyclables;
- (16) hsc800 - Use of appliances emitting intrusive noise;
- (17) LDA351 - Building Application required;

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

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

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

Carried.

**24.**

**TURNER STREET, NOS. 52-54, REDFERN - DEMOLISH EXISTING BUILDING AND ERECT 21 RESIDENTIAL UNITS - DEVELOPMENT APPLICATION (U98-00228)**

That the application submitted by Kimi Associates Architects, with the authority of Modern Pleaters Pty Ltd, for permission to demolish the existing building and erect a new building containing 21 residential units and parking for 11 cars, be deferred for further discussions with the applicant, neighbours and Council Officers.

Carried.

25.

**O'CONNELL STREET, NO. 24 NEWTOWN - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING INCLUDING RELOCATION OF STAIRWAY - BUILDING APPLICATION (Q98-00201)**

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

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Ms L M Bridger, for permission to carry out alterations and additions including the relocation of the bathroom/toilet and stairway, extension of the kitchen/dinning-room and the erection of a pergola at the rear of the ground floor at the abovementioned premises, all in accordance with the submitted unnumbered plan received on 9 March, 1998, subject to the following conditions, namely:-
- (1) That adequate flashings shall be provided to ensure that existing water tightness between the proposed alterations and the adjoining dwellings shall be maintained after the construction of the roof to the satisfaction of the Director of Planning and Building;
  - (2) That the first floor shall be supported by suitable brick piers to the Engineer's approval and not off the existing party walls;
  - (3) That Council shall be informed of the date when building work is due to commence;
  - (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
  - (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
  - (6) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
  - (7) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
  - (8) 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

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resistant taps, single lever mixing taps, and automatic flow reduction devices;

- (9) That in accordance with the requirements of Clause 34 of the Local Government (Approvals) Regulation, 1993, a person excavating below the level of the base of the footings of a building on an adjoining allotment of land (includes a public road and any other public place) must comply with the following:-
- (a) preserve and protect the building from damage; and
  - (b) if necessary, underpin and support the building in an approved manner; and
  - (c) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work;
- (10) That prior to any excavation it shall be necessary to submit a letter from each affected neighbour granting permission to any proposed underpinning;
- (11) That clothes washing facilities shall be provided comprising at least one washtub and space for a washing machine in accordance with Part 3.8.3 of the BCA;
- (12) That approval shall be obtained from Sydney Water before any work over the sewer to be carried out;
- (13) That drainage details shall be submitted for consideration and approval prior to commencement of any building work. All drainage plans must be accompanied by a certificate from a licensed builder or architect. Details of the procedure of drainage certification are herewith attached;
- (14) 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 plans;
- (15) That dilapidation report shall be submitted to Council prior to commencement of building work;

**NOTE:** The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to

flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

and the following adopted standard conditions:

- (16) BC2 - Compliance with Local Government Act 1993;
- (17) BC3 - Compliance with conditions on plan;
- (18) BC8 - Details of contractor;
- (19) BC11 - Inform Council for inspections;
- (20) BC15 - Approval relates to coloured work;
- (21) BC20 - Premises to remain as single dwelling;
- (22) BC62 - Survey Certificate for setup of building;
- (23) BC63 - Survey Certificate for finished building;
- (24) BC111 - Hours of work;
- (25) BC113 - Work to comply with noise standards;
- (26) BC114 - Existing building to be kept in stable condition;
- (27) BC116 - New work not to encroach boundaries;
- (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) BC186 - No structural work until approval granted;
- (33) BC189 - Termite protection;
- (34) BC337 - Construction of boundary walls;
- (35) BC340 - Non-flammable sarking materials;
- (36) BC352 - Glazing materials;
- (37) BC421 - Private stairs construction;

- (38) BC529 - Smoke alarm systems;
  - (39) BC601 - Water closets and shower compartments;
  - (40) BC603 - Damp and weatherproofing;
  - (41) BC608 - Ceiling heights;
  - (42) BC609 - Natural light and ventilation;
  - (43) BC618 - Flashing to be provided;
  - (44) hsc800 - Use of appliances emitting intrusive noise.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**26.**

**QUEEN STREET, NOS. 231-235 AND BEACONSFIELD STREET, NOS. 25-29, BEACONSFIELD - CONSTRUCTION OF THREE TWO BEDROOM UNITS - DEVELOPMENT APPLICATION (U98-00283)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by KDI Project Management with the authority of Samot Pty Ltd, and Wyntons Pty Ltd., for permission to erect 3 x 2 units at the rear of the abovementioned premises on the following reasons, namely:-
- (1) That the proposal does not comply with DCP 1997 Part G Residential Development on rear lanes;
  - (2) That the scale, siting and form of the dwellings are such that it permits an unreasonable level of amenity for the adjoining properties;
  - (3) That the proposal creates excessive bulk along Victoria Lane;
  - (4) That the proposal is not in keeping with the existing and future character of the area;
  - (5) That the proposal will adversely affect the future amenity of the area.

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

Carried.

27.

**WILSON STREET, NOS. 466-470, DARLINGTON - THE ADDITION OF A UNIT AND BALCONIES - SECTION 102, MODIFICATION APPLICATION - DEVELOPMENT APPLICATION (U97-00161)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Travis McEwen Group Pty Ltd with the authority of Lawniron Pty Ltd for permission to rebuild the existing building into 13 residential units and 16 car parking spaces and to further subdivide, pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979, only in so far as will provide the following:
- (a) deletion of the abovementioned description and the insertion in lieu thereof of the following new description:
- to rebuild the existing building into 14 residential units and 16 car parking spaces and to further strata subdivide;
- (b) deletion of condition (1) and the insertion in lieu thereof of the following new condition:
- (1) That the development shall be generally in accordance with drawings numbered BA002C - BA006C and BA008B date stamped 23 April 1998

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.

28.

**BOURKE STREET, NO.748, REDFERN - USE AS A COFFEE SHOP -  
DEVELOPMENT APPLICATION (U98-00364)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Rawdon Max Yuille for permission to use the front ground floor of existing premises as a coffee shop with outdoor courtyard area, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 9730A/DA1-B and held on Council file U98-00364;
  - (2) That the hours of operation shall be restricted to between 7:30 a.m. and 8:00 p.m. seven days per week;
  - (3) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2 – 1WC/1 urinal and 1 wash hand basin to the male toilet and 1 WC and 1 wash hand basin to the female toilet;
  - (4) 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;

shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
  - (5) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- Note:**
- (6) That the applicant be advised that any requirements of Sydney Water for grease arrestors are to be complied with.

-and the following adopted standard conditions:

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- (7) LDA36 - Loading only within confines of the site;
  - (8) LDA201 - Make separate application for sign;
  - (9) LDA203 - No lights or sound equipment on public way;
  - (10) LDA351 - Building Application required;
  - (11) LDA368 - Display of street numbers;
  - (12) LDA376 - Hours of building work;
  - (13) LDA377 - Construction noise regulation;
  - (14) LDA392 - No obstruction to public way;
  - (15) LDA393 - Delivery of refuse skips;
  - (16) LDA396 - Works within boundaries;
  - (17) hsc500 - Premises to be ventilated;
  - (18) hsc200 - Compliance with Food Premises Code;
  - (19) hsc201 - Plans and specifications for food premises;
  - (20) hsc300 - Air handling systems for future food premises;
  - (21) hsc301 - Cooking of food only if air handling system is provided;
  - (22) hsc700 - Compliance with code for Garbage Handling System;
  - (23) hsc704 - Garbage storage area;
  - (24) hsc706 - Storage of recyclables;
  - (25) hsc711 - Commercial contract (trade waste);
  - (26) hsc111 - Liquid wastes to sewer;
  - (27) hsc801 - Noise from premises.
- (B) That the person who made representations in respect of the proposal be advised of Council's decision;

Carried.



29.

**ASHMORE STREET, NO.52, ERSKINEVILLE - GROUND FLOOR - ALTERATIONS TO EXISTING DWELLING AND ADDITION OF FIRST FLOOR LEVEL INCLUDING AN ATTIC AND DECK - DEVELOPMENT APPLICATION (U98-00385)**

(A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr Patrick Houston for permission to carry out alterations to the ground floor of the existing dwelling and the addition of a first floor level at the abovementioned premises all in accordance with the submitted plans, namely:-

- (1) That the development shall be generally in accordance with plan A01 dated February 1998;
- (2) That the floor space at ground floor level shall be reduced to comply with the site coverage controls on pages F4 and F5 of South Sydney Development Control Plan;
- (3) That the proposed upper level deck shall be reduced to a 3 sqm Juliet balcony or deleted and replaced with centrally located windows;
- (4) That privacy screens shall be erected to a height of 1.8m along the eastern and western edges of the Juliet balcony;

and the following adopted standard conditions:-

- (5) LDA351 - Building Application required;
- (6) BC26 - Comply with BCA;
- (7) BC604 - Extra toilet on ground level;
- (8) hsc800 - Use of appliances emitting intrusive noise;
- (9) LDA376 - Hours of building work;
- (10) LDA377 - Construction noise regulation;
- (11) LDA389 - Stormwater disposal requirements;
- (12) LDA392 - No obstruction to public way;
- (13) LDA393 - Delivery of refuse skips;

**NOTE:** The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow

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sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

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

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

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

Carried.

**30.**

**FITZROY PLACE, NO.5, DARLINGHURST - CONVERT ELECTRICITY SUB-STATION INTO 2 RESIDENTIAL UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00236)**

- (A) That the Council resolves to support the State Environmental Planning Policy No. 1 objection against the development standard relating to the maximum height specified in Local Environmental Plan No. 107, accepting that compliance with the development standard would be unreasonable and unnecessary for the following reasons, namely:-
- (1) That the degree of non compliance is minor; and
  - (2) That the overall bulk and scale of the proposal is acceptable and does not adversely impact upon the amenity of the surrounding area or its qualities;
- (B) That the Council as the responsible authority grants its consent to the development application submitted by P B Vermeesch, for permission to convert the disused substation into two residential units, subject to the following conditions:-
- (1) That the development shall be generally in accordance with plans 180398/1 - 180398/4 dated March 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

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$4,512	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,355	2E97002.BGYO
Accessibility And Transport	\$ 16	2E97006.BGYO
Management	\$ 68	2E97007.BGYO
<b>Total</b>	<b>\$5,951</b>	

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

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

where:

- C** is the original contribution amount as shown above;
- CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI<sub>1</sub>** 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 the proposed two en-suite windows and the window at the top of the stairs of each unit, located on the third floor and identified as the attic floor, shall be comprised of obscure glass or the like, to the satisfaction of the Director of Planning and Building;
- (4) That all drainage fittings from the open air swimming pool, including overflow, shall be effectively connected to the sewerage services of the premises in accordance with the requirements of Sydney Corporation Ltd;
- (5) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services.

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Attention is drawn to Council's 'Waste Management/Minimisation Fact Sheets';

- (6) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
  - (b) the location of exhaust/and intake vents;
  - (c) the recycling storage area;
  - (d) the facilities for the retention and storage of excess packaging material;

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

and the following adopted standard conditions:

- (7) LDA21 - No resident parking for residential flat developments;
- (8) LDA12 - Applicant to liaise with Sydney Water;
- (9) LDA351 - Building Application required;
- (10) LDA376 - Hours of building work;
- (11) LDA377 - Construction noise regulation;
- (12) LDA384 - New alignment levels;
- (13) LDA387 - Footway crossings;
- (14) LDA389 - Stormwater disposal requirements;
- (15) LDA394 - Cost of alteration to signposting;
- (16) LDA396 - Works within boundaries;
- (17) LDA399 - Cost of consequential roadworks;
- (18) HSC103 - Environmental site assessment being carried out;
- (19) HSC100 - Removal of spoil from site;
- (20) HSC500 - Premises to be ventilated;
- (21) HSC555 - Bathroom ventilation;
- (22) HSC518 - Exhaust vent;

- (23) HSC018 - Sanitary facilities;
- (24) HSC101 - Not give rise to emissions into the environment;
- (25) HSC111 - Liquid wastes to sewer;
- (26) HSC709 - Garbage room;
- (27) HSC706 - Storage of recyclables;
- (28) HSC800 - Use of appliances emitting intrusive noise;

### NOTES

- (1) That the owners attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.
- (2) 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<sup>0</sup>C and/or install safety devices such as child resistant taps, single lever mixing taps and automatic flow reduction devices.
- (3) 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.
- (4) That details relating to the residential refuse and recyclable materials facilities should be referred to Council's Waste Services Branch, Public Works and Services Department, for approval of the location of the facilities and the type of storage containers prior to the granting of development consent.

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.

31.

**FOOTWAYS - 1998/99 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME (2010337)**

That Council adopts the Footway Reconstruction Works as listed in the report by the Director of Public Works and Services dated 12 June 1998 with funds available from the Footway Reconstruction Program of the 1998/99 Engineering Works Programme.

Carried.

32.

**TRAFFIC - ROBERTSON ROAD, CENTENNIAL PARK - CLOSURE AND TRAFFIC MEASURES (2004806)**

That Council approve the following measures:

- (1) The southern closure of Robertson Road between Martin Road and the bus roadway and that the works occur with temporary materials if necessary, as indicated in the report, before Centennial Park complete its works which would permit vehicles to exit from the Robertson Road gates with the concurrence of the RTA
- (2) The northern closure of Robertson Road between Grand Drive and Lang Road;
- (3) Opening of Grand Drive with a connection to the intersections of Lang Road at Drivers Avenue (to be signalised) and also at Robertson Road (with two small roundabouts along the drive).

(DPWS Report 5.6.98)

Carried.

33.

**MEAGHER STREET, NO.11, CHIPPENDALE - TO USE PREMISES AS A COMMERCIAL OFFICE FOR A RUBBISH REMOVALIST - DEVELOPMENT APPLICATION (U98-00194)**

- (A) That the Council as the responsible authority, grants its consent to the application submitted by All Types of Rubbish with the authority of the owner Kelejon Mushrooms Pty Limited for permission to use the subject

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premises as a commercial office for rubbish removalists subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans held on File U98-00194;
- (2) That no skip bins shall be stored on the premises at all times;
- (3) That the hours of operation shall be restricted to between 8.00 a.m. to 5.00 p.m. Monday to Friday, 8.00 a.m. to 3.00p.m. Saturday;
- (4) 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;
- (5) That a maximum of three off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:-

- (6) LDA358 - Use confined to ground floor;
  - (7) LDA167 - No garbage on public way;
  - (8) LDA34 - Maintain existing loading dock;
  - (9) LDA47 - Loading, parking and access to be kept clear;
  - (10) LDA208 - Restrictions to sign details;
  - (11) LDA351 - Building Application required;
  - (12) HSC018 - Sanitary facilities;
  - (13) HSC500 - Premises to be ventilated.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried



34.

**MARIAN STREET, UNIT 311, NOS. 1-9, REDFERN - TO USE AS A COMMERCIAL OFFICE - DEVELOPMENT APPLICATION (U98-00443)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That application submitted by LEAP Australia Pty Ltd of The Water Tower Building for permission to use the abovementioned premises as a commercial office be deferred to the Planning and Building Committee to be held on 22 July 1998.

Carried.

35.

**YOUNG STREET, NO. 117, AND MARRIOTT STREET, NOS. 62 AND 62a, REDFERN - ST. SAVIOURS CHURCH - ALTERATIONS AND ADDITIONS TO CHURCH HALL - DEVELOPMENT APPLICATION (U98-00267)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Paul Davies, with the authority of Anglican Church Property Trust Diocese, for permission to alter and extend the existing church hall, involving erection of a 2 storey wing and installation of a mezzanine level, for uses including a workshop and offices associated with community care organisations and for normal church activities, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans reference 01 and 02 dated February 1998;
  - (2) That the hours of operation of the proposed workshop shall be restricted to between 12.00 midday and 4.00 p.m. Mondays to Fridays inclusive;
  - (3) That the hours of operation of the premises shall be restricted to between 8.30 a.m. and 5.30 p.m. Mondays to Fridays;
  - (4) That no cooking of food for distribution or consumption by the general public shall be carried out on the premises;
  - (5) That the refrigeration unit of the service vehicle associated with the proposed food distribution use shall at no time be left on whilst the vehicle is garaged on the premises if it is audible at any residential boundary;
  - (6) That an acoustic assessment report shall be submitted with the building application, prepared by a suitably qualified person, to show compliance with the required noise and vibration

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controls in relation to the building, the proposed uses and any dust extraction and ventilation systems employed;

- (7) That no equipment associated with the proposed workshop use shall be stored external to the building;
- (8) That a maximum of 2 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (9) That secure bicycle storage facilities shall be provided for staff to the satisfaction of the Director of Planning and Building, details to be submitted in the building application;
- (10) That the proposed windows in the south elevation shall be translucent glass and made either non-openable or hopper-type;
- (11) That the new windows shall be constructed in timber joinery or wide framed powder coated aluminium;
- (12) That plans and specifications showing details of:-
  - (a) the garbage room;
  - (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:

- (13) LDA36 - Loading only within confines of the site;
- (14) LDA44 - Driving in forward direction only;
- (15) LDA48 - Safe walking surface on crossing;
- (16) LDA62 - Sealed car park surface;
- (17) LDA101 - Provide landscaping plan;
- (18) LDA102 - Maintain existing landscaped area;
- (19) LDA107 - Make application to remove trees;
- (20) LDA152 - Schedule of finishes;

- (21) LDA153 - Reflectivity of external glazing;
- (22) LDA160 - Provide service ducts within building;
- (23) LDA163 - New brickwork to match existing;
- (24) LDA167 - No garbage on public way;
- (25) LDA251 - Only clean water to discharge;
- (26) LDA253 - Dust collection for woodworking machines;
- (27) LDA254 - No burning of sawdust or off-cuts;
- (28) LDA258 - Regulation of emissions;
- (29) LDA261 - Washing down of trucks;
- (30) LDA351 - Building Application required;
- (31) LDA366 - Liaise with Natural Gas Company;
- (32) LDA367 - Timing device on alarms;
- (33) LDA376 - Hours of building work;
- (34) LDA377 - Construction noise regulation;
- (35) LDA387 - Footway crossings;
- (36) LDA388 - Stormwater disposal details;
- (37) LDA389 - Stormwater disposal requirements;
- (38) LDA392 - No obstruction to public way;
- (39) LDA393 - Delivery of refuse skips;
- (40) LDA394 - Cost of alteration to signposting;
- (41) HSC018 - Sanitary facilities;
- (42) HSC200 - Compliance with Food Premises Code;
- (43) HSC500 - Premises to be ventilated;
- (44) HSC700 - Compliance with code for Garbage Handling System;
- (45) HSC704 - Garbage storage area;

- (46) HSC706 - Storage of recycables;
- (47) HSC711 - Commercial contract (trade waste);
- (48) HSC801 - Noise from premises.

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

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

- (B) That the developer should note that he 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.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

- (a) the deletion of condition (5) in the recommendation and the insertion in lieu thereof of a new condition (5), namely:-
  - (5) That the workshop doors shall be kept closed whilst power tools or other machinery is in operation;
- (b) the addition of the words "or materials" after the word "equipment" where appearing in the first line of condition (7) of the recommendation;
- (c) the addition of the following new conditions, namely:-
  - (49) That the windows to the workshop shall be double glazed and shall be kept closed whilst power tools or other machinery is in operation;
  - (50) That any ducting, or machinery associated with air conditioning, dust collection or other plant shall be located within the building;

- (51) That no trucks or refrigerated vans shall be parked on the site overnight;
- (52) That the pathway on the southern side set back shall not be used for vehicle turning or parking;
- (53) That no food shall be picked up from the site by clients or the general public.

Motion, as amended by consent, carried.

36.

**STREETS - 1998-99 ENGINEERING WORKS PROGRAMME - PROPOSED TRAFFIC WORKS (2010337)**

That Council adopts the Traffic Works and funding allocations as listed in the report from the Director of Public Works and Services dated 12 June 1998, Engineering Works Programme.

(DPWS Report 12.6.98).

At the request of Councillor Macken, and by consent, the motion was amended by the addition of the following words to the recommendation:-

and subject to the deletion of Verona Street, Paddington (Footway widening) and the amount of \$9,000 where appearing under the heading "Works to be carried over from the 1997/98 Engineering Works Program" where appearing on page 1 of the abovementioned report bringing the total to \$233,000 to be re-voted for 1998/99.

Motion, as amended by consent, carried.

37.

**REDEVELOPMENT OF THE FORMER SARGENT'S PIE SITE AND OTHER TERRACES AND COMMERCIAL BUILDING BOUNDED BY PALMER STREET, LIVERPOOL STREET, BOURKE STREET AND KINGS LANE, DARLINGHURST - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01114)**

(A) It is advised that Council is satisfied that the State Environmental Planning Policy No. 1 objection against the development standards relating to the maximum floor space ratio and height contained in Local Environmental Plan No. 101 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-

- (a) That a significant portion of the scale, bulk and massing of the development has been located within the central portion of the

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main site thereby minimising the impact on adjoining and surrounding properties and surrounding streetscapes as a whole;

- (b) that the exceedences in height are consistent with the design guidelines provided in DCP 1997 as they relate to the treatment of roof forms and corner buildings;
  - (c) That the additional floor space provided on the smaller site is largely provided at the rear of the existing terraces, facing onto Kings Lane and the northern part of the main site and therefore not adversely impacting on adjoining properties or the streetscape;
  - (d) That the additional floor space on the main site is consistent with the bonus floor space allowable in DCP 1997.
- (B) That the Council as the responsible authority grants its consent to the application submitted by Jackson Poole Rabinowitz, Architects, with the authority of Industrial Estates Management, for permission to construct a new mixed use residential, retail and commercial development on the land bounded by Kings Lane, Burton, Bourke and Palmer Streets and carry out alterations and additions to the existing terraces and the commercial buildings (with the exception of those which do not form part of the subject site) bounded by Kings Lane, Palmer, Liverpool and Bourke Streets, to provide a mixed use retail, residential and commercial development, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Project 97068 Drawings DA 100 Revision D, DA 200 Revision D to DA 210 Revision D inclusive, DA 220 Revision D to DA 223 Revision D inclusive, DA 300 Revision D to DA 308 Revision D inclusive, all dated 19 November 1997;
  - (2) Section 94 Contributions
    - (A) 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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$236,331	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 71,662	2E97002.BGYO
Accessibility And Transport	\$ 921	2E97006.BGYO
Management	\$ 3,826	2E97007.BGYO

**Total** **\$312,740**

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

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

where:

**C** is the original contribution amount as shown above;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** 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.

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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 the floor space ratio of development on the larger site shall not exceed 2.75:1 and development on the smaller shall not exceed a combined FSR greater than 1.75:1 and that detailed plans and calculations shall be provided with the Building Application, certified by a registered surveyor, showing floor space calculations prepared according to the definition of gross floor space contained within DCP 1997;
- (4) That a separate Development Application shall be submitted at the appropriate time for the specific use of the non-residential tenancies;
- (5) That the development shall wherever practicable, include solar water heating or heat pump throughout in accordance with the Solar Water Heating Policy contained Development Control Plan 1997 - Urban Design. In this respect, an investigation shall be undertaken and full details of proposed energy conservation measures shall be included with the Building Application;
- (6) That the swimming pool shall only be used between the hours of 6.00 a.m. and 10.00 p.m. daily;



- (7) That prior to any works being commenced on the small site (identified as proposed Items of Environmental Heritage in Draft LEP 1996 (Heritage Conservation Area), a full Heritage Report, including photographs, detailing the historical and architectural significance of the buildings shall be prepared by a suitably qualified heritage architects, to the satisfaction of the Director of Planning and Building and two copies submitted to Council prior to the commencement of any works. An archaeological assessment shall also be carried out for the large site and shall be submitted with the Building Application;
- (8) 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;
- (9) That all building encroachments (other than the existing first floor balconies on the terraces in Palmer Street) and including those shown over Kings Lane, shall be deleted and the buildings shall be sited entirely within the subject site;
- (10) That a 3m x 3m splay shall be provided at the corner of Palmer and Burton Streets;
- (11) That the rounded widening at the intersection of Burton and Bourke Streets shall be dedicated as road;
- (12) That the applicant shall place a positive covenant on the title of the land to control the maintenance and insurance of the balconies encroaching over Palmer Street;
- (13) That the applicant shall restore the existing sandstone steps in Kings Lane. This work shall be carried out at the applicant's expense and by suitably qualified stone masons. Details of this work shall be submitted as part of the detailed landscape documentation to be submitted with the building application;
- (14) That the developer shall provide decorative footway paving around the perimeter of the site (including those properties in Liverpool Street) in accordance with the nominated paving treatments for this area. In this regard, border pavers shall be placed in front of the building line and behind the kerb line. Pavers shall be pebblecrete or equal to PPX49 300mm x 300mm x 60mm infill panels of pavers or asphalt shall correspond with shopfronts or at nominal distances of 10 metres. Infill pavers for agreed nodal areas or corner sites shall be Pebblecrete or equal PPX61 300mm x 300mm x 60mm. Infill panels shall be 45mm

asphalt comprising 15mm AC5 laid on base of 35mm AC10 Base course to be 200mm compacted road base;

- (15) That the developer shall ensure that all required paving treatments comply with the conditions and specifications outlined in SSC Engineers conditions for decorative paving. All works shall be to the satisfaction of the Director of Public Works and Services;
- (16) That the developer shall provide fully detailed plans indicating the proposed public domain improvements to Kings Lane including:
- Footway widths which should be a minimum of 1500mm to accommodate street tree planting opportunities;
  - Lighting details;
  - Restoration of Kings Lane steps as per condition 13;
- (17) That a landscape plan prepared by a qualified Landscape Architect shall be submitted for approval. The plan shall nominate hard works and soft works including decorative paving types, garden bed edging, fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation and hose cock locations. Minimum plant sizes shall be 75 litres for trees and 5 litres for shrubs. Minimum soil depths shall be 100mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch;
- (18) That the Developer shall submit a survey of the existing site which indicates all existing trees, their species, height, caliper and their status, i.e. to be retained or to be removed. (A tree is classified as any plant taller than 3.4m). This plan shall also include any street trees adjoining the site;
- (19) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1966). Trees shall be 75litre container size, 2.5 metres high, 75mm caliper and planted at 10 metre centres. Street trees shall be as follows:

<u>Street</u>	<u>Species</u>	<u>Common Name</u>
Liverpool Street	Lophostemon confertus	Brush box
Bourke Street	Lophostemon confertus & Planatus hybrida	Brush box & Plane tree
Burton Street	Pistacia chenensis	Pistacio
Palmer Street	Lophostemon confertus	Brush box

- (20) That the developer shall aerial bundle overhead wires along Bourke Street and Palmer Street in accordance with the requirements of Energy Australia;
- (21) That the proposed public art work shall be the subject of a separate development application and shall be referred to Council's Cultural and Sculpture Committee for comment and approval;
- (22) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (23) That the developer shall arrange for a final inspection of the landscape works, with the Parks Development Branch, to ensure that the works are constructed in accordance with the plans approved with the Building Application;
- (24) That the refuse storage area shall be relocated to suite the residential component of the development;
- (25) That a separate garbage/recycling area for commercial/retail waste shall be provided;
- (26) That garbage/recycling provisions shall be provided to accommodate containerisation requirements set by the Waste Services Manager;
- (27) That all garbage and recycling collections shall occur on site and access shall be provided via the Waste Services Branch GAR1 locking system;
- (28) That the proposed vehicular access to Bourke Street shall not be used to provided such access until the Eastern Distributor is completed and that the driveway to Burton shall be used as an entry and exit driveway only until the completion of the Eastern Distributor, then used as an exit only;
- (29) That a boom gate shall be provided in the basement level car park at the bottom of the entry ramp from Kings Lane to prevent vehicles exiting the site at this location;
- (30) That all loading/servicing for the site shall be carried out off-street with loading dock spaces clearly allocated and turning facilities provided for a least a 7.32m long truck;
- (31) That the entry ramp to the basement level car park shall be constructed as per Council's standard design for a footway crossing and not as an extension to Kings Lane;

- (32) That the new footways shall be provided along both sides of Kings Lane with a minimum width of 1.5m and any private land used as a public footway on both sides of Kings Lane shall be dedicated as public way;
- (33) That the proposed treatments to paving and roadworks on the streets adjacent to the site shall be reviewed in light of issues raised by the South Sydney Traffic Committee at its meeting held on 22 April 1998 and then referred back to the South Sydney Traffic Committee for further detailed approval prior to carrying out appropriate action under Section 116 of the Roads Act;
- (34) That a secure storage area for a minimum of 53 bicycles shall be provided and maintained to the satisfaction of the Director of Planning and Building;
- (35) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to the Council prior to the release of the building plans.;
- (36) That a maximum of 155 car parking spaces shall be provided and of those at least 3 spaces shall be 3m x 5.5m minimum and clearly marked for disabled drivers' parking;
- (37) That of the total of off-street car parking spaces, at least 3 spaces measuring 3.5m x 5.5m minimum shall be provided as a car wash bay for vehicles associated with the development and shall be provided with a water connection, drained and discharged, located and clearly marked, all to the satisfaction of the Director of Planning and Building;
- (38) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-
- (a) external walls;
  - (b) roofing;
  - (c) balustrade treatment;
  - (d) windows and doors;
- (39) That all the proposed front dormers shall be designed in accordance with Council's roof attic policy contained in DCP 1997;
- (40) That a 1600mm high privacy screen shall be erected along the northern perimeter of the balconies to Units E203, E303 & E402;

- (41) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code.
- (42) That the basement car park shall be ventilated in accordance with the requirements of AS 1668.2 1991 Section 4;
- (43) That a management plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted to the Director of Planning and Building and approval obtained prior to commencement of any work on site;
- (44) That the construction of the food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises.
- (45) That plans and specifications showing details of:-
  - (a) all required 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;

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

and the following adopted standard conditions:

- (46) LDA21 - No resident parking for residential flat developments;
- (47) LDA28 - Off-street parking not to be public;
- (48) LDA29 - Provide sign indicating parking;
- (49) LDA34 - Maintain existing loading dock;
- (50) LDA44 - Driving in forward direction only;
- (51) LDA46 - Loading and access to be kept clear;
- (52) LDA49 - Signage for vehicular egress;
- (53) LDA158 - Treatment of exposed walls;
- (54) LDA162 - Provide common aerial for each building;
- (55) LDA167 - No garbage on public way;

- (56) LDA260 - On-site stormwater detention;
- (57) LDA351 - Building Application required;
- (58) LDA366 - Liaise with Natural Gas Company;
- (59) LDA367 - Timing device on alarms;
- (60) LDA369 - Allocation of street numbers;
- (61) LDA373 - Disabled access provision;
- (62) LDA376 - Hours of building work;
- (63) LDA377 - Construction noise regulation;
- (64) LDA384 - New alignment levels;
- (65) LDA387 - Footway crossings;
- (66) LDA391 - Builder's Hoarding Permits;
- (67) LDA392 - No obstruction to public way;
- (68) LDA393 - Delivery of refuse skips;
- (69) LDA394 - Cost of alteration to signposting;
- (70) LDA261 - Washing down of trucks;
- (71) LDA397 - Energy Australia dedication;
- (72) LDA414 - Costs for alterations to public services;
- (73) LDA63 - Surface marking for traffic circulation;
- (74) LDA350 - BA approval before commencement;
- (75) hsc001 - Compliance to Director of Health and Community Services;
- (76) hsc100 - Removal of spoil from site;
- (77) hsc101 - Not give rise to emissions into the environment;
- (78) hsc111 - Liquid wastes to sewer;
- (79) hsc300 - Air handling systems for future food premises;

- (80) hsc700 - Compliance with code for Garbage Handling System;
  - (81) hsc705 - Construction of garbage room;
  - (82) hsc706 - Storage of recyclables;
  - (83) hsc711 - Commercial contract (trade waste);
  - (84) hsc800 - Use of appliances emitting intrusive noise;
  - (85) That subject to the approval of the Traffic Committee a sign shall be erected at the entrance of the Kings Lane, advising of a shared pedestrian/traffic zone and in this regard the applicant shall make such a request at the time of lodgement of the Building Application to the Traffic Committee.
- (C) 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.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision;

Carried.

**38.**

**STREETS - CRANE MOVEMENT ON PUBLIC ROADS UNDER SOUTH SYDNEY CITY AND LEICHHARDT COUNCILS (2000640)**

That approval be given for a letter, under the Mayor's signature, being sent to the Minister for Transport – Minister for Roads, Mr John Scully MP, to reconsider this matter so that Council's permit for cranes is not taken as a "miscellaneous requirement" and that Council's staff be again empowered to enforce compliance on our local road system.

(DPWS Report 10/6/98)

Carried.

39.

**BARCOM AVENUE, NO.80, DARLINGHURST - REFUND OF PORTION OF THE CONTRIBUTION MADE UNDER SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AS AMENDED - DEVELOPMENT APPLICATION (U94-00851)**

That approval be given to the refund of the amount of \$13,993 to Tazurn Pty Ltd being the difference between the contribution payable under Section 94 of the Environmental Planning and Assessment Act, 1979, as amended, towards the Civic Improvement, Open Space and Recreation Programme - Playgrounds and the cost of upgrading McLachlan Way from a plain asphalt to the agreed scheme involving brickpaving and planting all in accordance with the conditions of the development consent granted on 7 December 1994 to erect a residential building at No.80 Barcom Avenue, Darlinghurst.

(DPB Report 2.6.98)

Carried.

The Planning and Development Committee Meeting terminated at 9.45 p.m.

The Council Meeting terminated at 7.20.p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....1998

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**