

210TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday 29 July 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.38 pm on Wednesday, 29 July 1998.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Deftereos, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 24 June 1998, be taken as read and confirmed.

Carried.

Leave of Absence - Councillor Fowler

Councillor Fowler was granted leave of absence from all meetings of Council, including Council and Committee Meetings, from 22 July to 12 August 1998, at the Council Meeting of 24 June 1998.

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

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.

MINUTE BY THE MAYOR

29 July 1998

**PLANNING - DEVELOPMENT ASSESSMENT LAND AND ENVIRONMENT
COURT APPEAL PROCESS (L53-00120)**

At the ordinary meeting of Council on the 8 April, Council resolved that I write to the Local Government Association requesting that the Association make representations to the Attorney General, the Minister for Local Government and the Minister for Planning to conduct a wide ranging review of the appeal procedures associated with development assessment. I also wrote to the Minister for Urban Affairs and Planning on this issue on the 23 April.

The action was taken following consideration of a minute from myself that detailed increasing feedback I had received from many members of the community who perceive there to be a bias in the deliberations of the Court in favour of applicant.

I have received a reply from the Ministers Chief of Staff, (copy attached). I am pleased that the Minister has seen fit to ask his Department, the Attorney Generals Department and the Association to review aspects of the appeal process.

Submitted for the information of my fellow Councillors.

GENERAL MANAGER

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay :-

That the minute by the Mayor, be received and noted.

Carried.

MINUTE BY THE GENERAL MANAGER

29 July 1998

PLANNING - SAFE INJECTION ROOMS - LEGAL ADVICE(2018557)

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

I attach a minute from the Director of Planning and Building and the Director of Health and Community Services, regarding legal advise received from Council's Solicitors on the above issue. I recommend that the matter be dealt with.

RECOMMENDATION

That the recommendation in the joint report by the Director of Planning and Building and the Director of Health and Community Services dated 29 July 1998, be adopted namely:-

- (1) Affirm a commitment to a broad based trial of safe injecting rooms under the auspices of the NSW Department of Health;
- (2) Write to the NSW Department of Health calling on them to trial safe injecting rooms as an extension to the needle exchange programme in consultation with other state organisations, local government and the community;
- (3) Request the President of the Local Government and Shires Association, to support this proposal by having this matter placed on the agenda for the next annual conference as a matter of urgency;
- (4) Write to the Southern Sydney Regional Organisation of Councils, seeking their support for a trial of safe injecting rooms and subject to their support, request that they write to fellow Regional Organisation of Councils;

GENERAL MANAGER

- (5) Make representations to other local Councils where there is a known intravenous drug problem. Seeking their support for a trial (eg Fairfield, Manly, Lismore and Marrickville).

J. W. Bourke (SGD)
GENERAL MANAGER

Moved by the Mayor, seconded by Councillor Harcourt -

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

Carried.

MINUTE BY THE GENERAL MANAGER

24 July 1998

PUBLIC RELATIONS -IMM/ SYDNEY MORNING HERALD LOCAL GOVERNMENT EXCELLENCE AWARDS - SOUTH SYDNEY COUNCIL (2018721)

Council in June 1998 submitted an application to the Institute of Municipal Management for consideration in the IMM / Sydney Morning Herald Local Government Management Excellence Awards under Category 2 - Progress in Staff Development.

The submission was based on the work carried out by Council on the integration of competencies in the workplace and salary system for Wages Division employees.

We have recently been informed that the submission has been successful and an award will be presented at the I.M.M. Conference Dinner on 27 July 1998.

The award recognises the special achievements made by Council's staff in this energetic and innovative project.

Since it's introduction the award has acknowledged and rewarded achievement and excellence by Council's.

It is seen as the showcase for best practice by Council's in NSW and the recognition attached to such a prestigious award is a major compliment to the work of Council's staff.

Submitted for information.

J. W. Bourke (SGD)
GENERAL MANAGER

GENERAL MANAGER

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

The Mayor on behalf of the Councillors congratulated the Council Staff on receiving this award.

Carried.

PETITIONS

1.

The Mayor tabled a petition received at the Planning and Development Committee on 22 July 1998, with approximately 227 signatures appended and four letters from residents of Alexandria requesting Council to reconsider the Master Plan submitted by Dalley and Radley Investments Pty Ltd for the site bounded by McEvoy, Loveridge and Brennan Streets and Power Avenue, Alexandria.

Received

2.

The Mayor tabled a petition received by the General Manager with approximately 149 signatures appended from residents objecting to the proposed removal of trees in Forbes Street, Woolloomooloo.

Received

3.

Councillor Deftereos tabled a petition received by the General Manager with approximately 18 signatures appended from residents objecting to the any extension of building hours proposed at No.96 Bayswater Road, Rushcutters Bay.

Received

QUESTIONS WITHOUT NOTICE

1.

SPORTS FACILITIES - SYDNEY PARK - FEASIBILITY OF INSTALLING A SKATEBOARD RAMP - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S54-00028)**Question:**

Would Council Officers report on the feasibility of installing a Skate Board Park in Sydney Park. There is a big demand for such a facility in the inner suburb. I understand Lismore Council has opened a state-of-the-art Skateboard park and it might be appropriate to contact Lismore Council for details of their project.

Answer by the Mayor:

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

2.

TRAFFIC - MACLEAY AND WILDE STREETS, POTTS POINT - ADDITIONAL MARKINGS AND LIGHTING FOR PEDESTRIAN CROSSINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2004809)**Question:**

Older residents and members of King Cross 2000 have requested me to enquire about additional markings and lighting for pedestrian crossings on Macleay Street and Wylde Street, Potts Point.

The Macleay Street and Challis Avenue crossing has pedestrian lights but is still difficult for motorists to see.

All three areas may be better observed if pelican crossing signs were marked on the roadway.

Could the relevant officers report and request the Traffic Committee to consider options?

Answer by the Mayor:

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

3.

FINES - ALCOHOL FREE ZONES - SUPPORT BY COUNCIL RE COUNCIL AMENDMENT TO LOCAL GOVERNMENT ACT 1993 - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (f52-00012)

Question:

I table a letter from the Woolloomooloo Chamber of Commerce requesting Council's support by way of a letter to the Minister for Local Government, seeking amendments to the Local Government Act to allow the new infringement tickets for licensed premises being also issued in Alcohol Free Zones.

Answer by the Mayor:

There is a report being prepared.

4.

CONFERENCES - PACIFIC RIM CONFERENCE ON DISABILITIES ATTENDANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON(2018731)

Question:

I table notice of a Pacific Rim Conference on Disabilities which will be held on 1 and 2 February 1999. Could the Director of Health and Community Services prepare a report considering the attendance of relevant staff and interested Councillors?

Answer by the Mayor:

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

5.

PLANNING - SECTION 94 CONTRIBUTIONS - DETAIL LIST OF ALL PAYMENTS MADE SINCE 1989 - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2012313)

Question:

I have been asked by some Community Action Groups to request that Council provide, for public scrutiny, a detailed account of all Section 94 Contributions paid to Council since 1989 and where the contributions have been allocated?

Have any of these funds been returned to developers and if so can Council provide these details?

Within that report can Council list all works that has been done in lieu of Section 94 payment, and all moneys presently held by Council for work to be completed?

Answer by the Mayor:

The 2001 Committee can certainly provide you with that information. as it is on public record, but I will ask the Director of Planning and Building to provide you with that information as requested

6.

DEVELOPMENT APPLICATIONS - CLARIFICATION OF COUNCIL CONSENT UNDER A MASTERPLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (U97-00252 U96-01086)

Question:

Council has stated in regard to the Newton Street Development and the Lawrence and Maddox Street development that any Development Application lodged prior to the current controls must be assessed under the old system. They indicated that the Land and Environment Court would not support objections from the residents using the then un-gazetted L.E.P. 98 as a relevant document.

Does a recommendation made by Council in regard to a Master Plan concept that relates to un-gazetted planning documents legally bind Council to approve or disapprove a Development Application within a 40 day limit?

Answer by the Mayor:

I will ask Mr. Harrison to respond, but firstly, now that you have raised the issue, there is an article in the South Sydney Bulletin written by the Conveyor of the Alexandria Residents Action Group accusing Council of fast tracking this Master Plan. The plan was lodged in April, it is not a Development Application and a Master Plan for an ambit claim for the site and all we have done is tell the developer what he should comply with in terms of lodging a Development Application.

There is nothing unusual or sinister about that and certainly Council is not giving any credence or support or favoritism to this particular development.

Answer by Mr. Harrison:

There was a savings provision inserted in Local Environment Plan 1998 contrary to this Council's intention that the clause was inserted by the State Government and it is a fairly common practice which basically said that

applications there were already with Council had to be determined as though the plan had not been consented. That relegated that plan and list to being a circumstance of the case in any deliberation's that Council made on applications. But the plans that come before Council are documents that try to indicate how sites may be developed

Council is considering those Master Plans as advice and are not binding on the Council. The approval is the development consent, but quite clearly if the Council is on public record as having giving advice in respect of a Master Plan, that too would be a circumstance of the case when coming to consider a subsequent Development Application.

7.

PROPERTIES - COUNCILS NEW ADMINISTRATION BUILDING - DELAY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013555)

Question:

Council to date has spent in excess of 1 million on planning for and the implementation of a new administration building.

Can a detailed report come to Council with justification of why the development of a much needed facility is being delayed until the 1999 Council elections have been held?

Answer by the Mayor:

It is not being delayed because of the 1999 Council elections, it was delayed on the advice of the Council Officers. I am quite happy to make that advice available to you at any time.

8.

PERSONNEL - SENIOR STAFF - ESTABLISHMENT OF EXPENSE ACCOUNTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005999)

Question:

Can the General Manager review both the amount and procedures relating to senior staff and whether expense accounts should be established?

Answer by the Mayor:

I will ask the General Manager to prepare a report for Committee

9.

PUBLIC RELATIONS - SYDNEY OLYMPIC GAMES 2000 - PAYMENT OF COSTS FOR ATTENDANCE AT RELATED FUNCTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2006760)

Question:

With the approach of the Olympic games, there will be many invitations forwarded to Senior Council staff and Councillors which should be represented by South Sydney Council.

Can the General Manager prepare a report to identify how Council can be most appropriately represented and that the cost of attending such functions be met by Council?

Answer by the Mayor:

I will ask the General Manager to prepare a report for Council's Committee.

REPORT OF THE FINANCE COMMITTEE

22 July 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton and Greg Waters

At the commencement of business at 6.40 p.m. those present were:-

Councillors Deftereos, Fenton, and Macken.

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

That the Report of the Finance Committee of its meeting of 22 July 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, 5 to 11, inclusive, 14 to 17, inclusive, and 19, be adopted. The recommendations for Items 4,12,13 and 18 being shown as immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

**DONATIONS - TOM BASS SCULPTURE SCHOOL - SUBSIDISED
ACCOMMODATION - 1A CLARA STREET, ERSKINEVILLE (2015125)**

- (1) That arising from consideration of a report by the Director of Corporate Services dated 7 July 1998, it be resolved that Tom Bass Sculpture School, be given a 3 year Lease of Council premises at No. 1A Clara Street, Erskineville, (Cnr Ada Street), at a rental of \$24,960 per annum for the 1st year and that the unused subsidy of \$14,720 is to apply, resulting in the actual 1st year rent being \$10,240 per annum and the rent for the 2nd and 3rd year is to be at Market rent.
- (2) That the offer be open for 10 weeks to occupy No. 1A Clara Street, Erskineville and that the Ultimo premises be vacated by 1 October 1998.
- (3) That the relevant Council Officers inspect the Ultimo premises to check on its condition.

Carried.

2.

**PLANT AND ASSETS - SUPPLY AND DELIVERY OF THREE - 3 TONNE
NETT CAPACITY END TIPPING LORRIES - PRICE INCREASE FOR TWO
UNITS (2015533)**

That further to resolution of Council of 10 December 1997, and arising from consideration of a report by the Director of Public Works and Services dated 22 May 1998, approval be given to the acceptance of the application submitted by Suttons Motors Arncliffe Pty Ltd for an increase in the price of two ISUZU NPR300 Cab/Chassis in the sum of \$216 per unit, in the total sum of \$432.

Carried.

3.

**PLANT AND ASSETS - SUPPLY AND DELIVERY OF EIGHT - 2 TONNE
NETT CAPACITY END TIPPING LORRIES - PRICE INCREASE FOR ONE
UNIT (2015533)**

That further to resolution of Council of 10 December 1997, and arising from consideration of a report by the Director of Public Works and Services dated 15 May 1998, approval be given to the application submitted by Suttons Motors Arncliffe Pty Ltd for an increase in the price of one ISUZU NPR200S cab/chassis in the sum of \$131.

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Carried.

4.

PROPERTIES - PADDINGTON TOWN HALL - REQUEST FOR FREE USE - BY ESORA (EASTERN SUBURBS ORGANISATION FOR RECONCILING AUSTRALIA) (P56-00416)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay :-

That the application by ESORA (Eastern Suburbs Organisation for Reconciling Australia) for the free use of Paddington Town Hall on 5 August 1998, to hold a Public Meeting, be supported and any costs associated with such use be charged against account ENG123.

Carried.

5.

LEASING - DOMAIN CAR PARK - VESTIBULE AREA - ACCEPTANCE OF TENDER FOR LEASE (L02-00082)

That arising from consideration of a report by the Director of Corporate Services dated 24 June 1998, it be resolved to accept the tender by Ben Salmon to provide a Kiosk Service within the Domain Car Park for 12 months (with a 12 month option) at an annual rental of \$13,500 and approves the execution of all relevant documents under Power of Attorney.

Carried.

6.

DOMAIN CAR PARK - MAINTENANCE - CONCRETE SPALLING - ADDITIONAL FUNDS 1998/1999 BUDGET (C51-00066)

That for the reasons set out in the report by the Director of Corporate Services dated 22 June 1998, approval be given to the allocation of \$50,000 to the 1998/1999 Works Programme (A/c AW99006.66DO) from the Parking Station Reserve for repair of concrete spalling at the Domain Car Park.

Carried.

7.

PARKS - WILSON BROTHERS SITE BOUNDED BY - HUGO STREET, LOUIS STREET AND CAROLINE STREET, REDFERN - PLAN OF MANAGEMENT - APPROVAL TO CALL QUOTATIONS (2017337)

That arising from consideration of a report by the Director of Public Works and Services dated 8 July 1998, approval be given to the calling of quotations for the preparation of a Plan of Management and Master Plan for the Wilson Brothers site bounded by Hugo Street, Louis Street and Caroline Street, Redfern, at a total estimate of \$70,000, for which funds are to be added to the 1998/99 budget.

Carried.

8.

BOUNDARIES - SOUTH SYDNEY COUNCIL - SUBURB BOUNDARIES OF RUSHCUTTERS BAY AND DARLINGHURST - AMENDMENT (B52-00003)

That, further to the resolution of Council dated 13 May 1998 and following submissions received by Council in relation to the suburb of Rushcutters Bay and its boundaries, approval be given to:-

- (a) the suburb boundary for Rushcutters Bay/Darlinghurst be amended in Bayswater Road to the rear of the 10 affected properties i.e. Nos.123-127, Nos.129-131, Nos.133-135, Nos.137-141, Nos. 153-167 and Nos. 159A Bayswater Road, No. 28 Barcom Avenue and No. 1A McLachlan Avenue, to follow the railway viaduct, as indicated on Plan No. S5-105/142;
- (b) the Geographical Names Board being notified of the decision;
- (c) the residents of the affected properties be informed of Council's decision.

Carried.

9.

PROPERTIES - BROADWAY, NOS. 169-179, ULTIMO, THE PHOENICIAN CLUB OF AUSTRALIA - REQUEST FOR FREE USE FOR FILMING BY THE AUSTRALIAN FILM TELEVISION AND RADIO SCHOOL (2017982)

That arising from consideration of a report by the Director of Corporate Services dated 13 July 1998, confirmatory approval be given to the Australian Film Television and Radio School being granted occupancy of Council's premises (the Phoenician Club of Australia), Nos. 169-179 Broadway, Ultimo, from 30 July to 6 August 1998, for the purpose of filming a short film and that the fees normally charged be waived by way of donation as filming is for educational purposes by a non-profit organisation, and that the occupation will

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be subject to Council's standard conditions for filming in Council's buildings, including Public Liability Insurance indemnifying Council against any claim whatsoever arising out of their occupation of the premises.

Carried.

10.

ADMINISTRATION - DELEGATIONS - GENERAL MANAGER - REFUNDS - INCREASE IN AMOUNT TO APPROVE (2002668)

That arising from consideration of a report by the General Manager dated 14 July 1998, it be resolved that the Council increase from \$2,000 to \$100,000 its delegated authority to the General Manager to approve of any refund where satisfied that the applications for such refunds are justly and regularly entitled to the same and that the matters to which the same refer are in order.

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

“and that the General Manager submit a report to Committee on the checks and balances in place to ensure that refunds sought are not being over costed by applicants, particularly landscape works associated with Development Applications.”

Motion, as amended by consent, carried.

11.

PROPERTIES - BROWN STREET HALL, NEWTOWN - REQUEST FOR FREE USE BY THE WOMEN'S LIBRARY INC. (P56-00437)

That arising from consideration of a report by the Director of Corporate Services dated 16 July 1998, it be resolved that Council support the Women's Library Inc by forgoing \$1,560 in income, and meet the expenses of \$850 (from account ENG 123) and allow The Women's Library Inc free use of Brown Street Hall, Newtown, on Saturday 8 August 1998, for their Fundraising Event.

Carried.

12.

CONFERENCES - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (1998) ATTENDANCE OF COUNCIL'S REPRESENTATIVES - SUBMISSION OF MOTIONS (5203027)

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 Civic Affairs Manager/Public Officer dated 17 July 1998, it be resolved that:-

- (a) the Mayor or his nominee be the Council's representative at the Assembly;
- (b) the Mayor, interested Councillors and the General Manager be nominated as Council's representatives to attend the 1998 National General Assembly of Local Government to be held in Canberra from 8 to 11 November 1998 and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 1998/99 Revenue Estimates (EBE77LO and 77MO).

Carried.

13.

CONFERENCES - ANNUAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION OF NSW TO BE HELD IN COFFS HARBOUR, NSW FROM 18 TO 21 OCTOBER 1998 - QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2013318)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay :-

- (a) The Mayor and Councillors Harcourt, Lay and Macken be nominated as Council's delegates at the Conference;
- (b) The Mayor, interested Councillors and the General Manager be nominated as Council's representatives to attend the 1998 Annual Conference of Local Government Association of NSW to be held in Coffs Harbour, NSW from 18 to 21 October 1998, and that any registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council for which funds are available in the 1998/99, Revenue Estimates (EBE77LO and 77MO).

Carried.

14.

STREETS - 1997/98 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME - RE-VOTING OF FUNDS TO 1998/99 PROGRAMME (2015562)

That approval be given to the revoting of funds from the 1997/98 Engineering Works Programme to the 1998/99 Programme as summarised below and detailed in the report of Director Public Works and Services dated 17 July, 1998.

Mill and Resheet Works (CWC 8100)	\$332,000
Reconstruction Works (CWE 8250)	\$125,000
Local Road Programme (CWF 8310)	\$180,000
Environmental Streetscape (CWH 8500)	\$390,000

Carried.

15.

STREETS - 1998/99 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME - ROAD WORKS PROJECTS (2015562)

That approval be given to carry out the proposed works as detailed in each of the following programmes:

(A) Mill and Resurfacing Works	\$1,167,000 (CWC9100)
(B) Regional Roads Block Grants	\$122,000 (CWF9300)
(C) Regional Roads REPAIR Programme	\$350,000 (CWF9320)
(D) Reconstruction Work	\$234,000 (CWE9250)
(E) Miscellaneous Traffic Measures	\$ 90,000 (CWJ 9650)
(F) Works to be Specified - Drainage	\$325,000 (CWM9800)

-with funds being available from the relevant sections of the 1998/99 Engineering Works Programme and further, that Budget item CWJ 9650 Miscellaneous Traffic Measures be increased to \$90,000 and budget item CWJ 9600 be reduced by \$40,000 (to \$764,000) by the reduction of project item Victoria Street, Potts Point (completion of angle parking) from \$60,000 to \$20,000.

(DPWS Report 17.7.98)

Carried.

16.

PROPERTIES - COUNCIL'S AIR CONDITIONING PLANTS - PREVENTATIVE AND BREAKDOWN MAINTENANCE - ACCEPTANCE OF TENDER (P56-00128)

That arising from consideration of a report by the Director of Corporate Services dated 17 July 1998, approval be given to:-

- (1) engage CADY Pty. Ltd. for the sum of \$9,800 for a period of one year, with a second-year option, based on satisfactory performance of the

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maintenance of Council's air conditioning units.

(2) allow a contingency of \$70,000 for call-outs during the 12 month period;

-for which funds are available in the 1997/98 Revenue Estimates and have been provided for in the Draft 1998/99 Estimates (Account Code BAA refers).

Carried.

17.

PERSONNEL - HIGHER GRADE PAY- RATE APPLICABLE FOR ACTING DIRECTORS/GENERAL MANAGER (\$51-00053)

That the recommendations as contained in the report by the Director of Organisational Development dated 16 July 1998, regarding the abovementioned matter be approved and adopted.

Carried.

18.

PROPERTIES - PADDINGTON TOWN HALL - OUTSTANDING HIRING FEE - HARRY M. MILLER & CO. MANAGEMENT PTY LTD (2017372)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt :-

That consideration of this matter be deferred to allow Council's Solicitors, Pike, Pike and Fenwick to examine the submission received from the Solicitors acting on behalf of Harry M. Miller & Co. Management Pty Ltd in respect of the outstanding hiring fee for the use of Paddington Town Hall.

Carried.

19.

SPORTS - VICTORIA PARK SWIMMING POOL - ACCEPTANCE OF QUOTATION AS TENDER FOR REPAIR WORK (2018336)

That for the reasons set out in the report by the Director of Public Works and Services dated 21 July 1998, approval be given to:-

(1) not call tenders for the Victoria Park Swimming Pool joint repairs and water supply line in accordance with the Local Government Act 1993, Part 3, Division 1, Section 55 (3) for the following reasons, namely:-

(a) The urgent nature of the work in view of the environmental and

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structural threat to the pool is considered an emergency.

- (b) The work is of a specialist nature and all firms known to specialise in the work were invited to quote.
 - (c) To call Tenders will prolong the commencement date by five weeks and the completion of the work until mid November. This will cause a substantial loss in income and availability of the pool to the community during the warmer weather.
 - (d) The amount of water loss is substantial and will continue during any delay.
 - (e) It is unlikely any saving in cost would arise from the recalling of tenders.
- (2) the acceptance of the quotation submitted by Trisley Hydraulic Services of \$168,689 for the repair of pool construction joints and water supply lines for which funds are available in the 1998/99 Works Programme (\$95,000, FWP 8051) and from future savings in the 1998/99 Works Programme;
 - (3) the provision of a contingency sum of 10% in the amount of \$16,900;
 - (4) the additional amount of \$90,600 required to fund the work be provided from future savings in the 1998/99 Works Programme.

Carried.

The Finance Committee Meeting terminated at 7.08 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 22 JULY 1998 AT 7.09 PM

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

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

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Items 3,4,9 - Property Matters

Items 1,2,7,8 - Leasing Matters

Items 5,6 - Personnel Matters

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 22 July 1998, be received and the recommendations set out below for Items 1 to 4, inclusive, and 6 to 9, inclusive, be adopted. The recommendation for Item 5 being shown as immediately following such Item.

The Committee **recommended** the following:-

1.

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

That the report by the Director of Corporate Services dated 7 July 1998, submitting the April, May and June, Quarterly Report on all Council's vacant commercial properties that are available, be received and noted.

Carried.

2.

LEASING - PALMER STREET, GROUND FLOOR, NOS. 137-155, EAST SYDNEY - LEASE TO BEEHIVE INDUSTRIES CO-OPERATIVE LTD - RENT ABATEMENT (L52-00183)

That the recommendation as contained in the report by the Director of Corporate Services dated 7 July 1998, with regard to rent abatement at the above property, be approved and adopted.

Carried.

3.

PROPERTIES - ERSKINEVILLE ROAD, NOS. 54-56, ERSKINEVILLE - PROPOSED SALE OF VACANT LAND (P56-00419)

That the recommendation as contained in the report by the Director of Corporate Services dated 9 July 1998, with regard to the proposed sale of the above property, be approved and adopted.

Carried.

4.

**PROPERTIES - MYRTLE STREET, NOS. 69-73, CHIPPENDALE -
PROPOSED JOINT VENTURE WITH METRO HOUSING LTD FOR
AFFORDABLE HOUSING (P56-00423)**

That the report by the Director of Corporate Services dated 23 June 1998, in respect of the development for affordable housing of the above properties, be received and noted.

Carried.

5.

**PERSONNEL - 1998 SALARIED AND WAGES AWARDS - APPLICATION -
ADOPTION OF POLICY MATTER (2018358)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt :-

That the recommendation as contained in the joint report by the Director of Organisational Development and the Acting Director of Finance dated 15 July 1998, in respect of the new Salaried and Wages Awards, be approved and adopted.

Carried.

6.

**PERSONNEL - PAYMENT OF ACCUMULATED SICK LEAVE
ENTITLEMENTS - ADOPTION OF POLICY (5101631)**

That the recommendation as contained in the report by the Director of Organisational Development dated 15 July 1998 regarding the above matter be approved and adopted.

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

“and that the General Manager prepare a report for the Councillors Information Service on Council’s financial liability on adopting such a policy.

Motion, as amended by consent, carried.

7.

LEASING - OXFORD STREET, NO.68, DARLINGHURST - RENEWAL OF LEASE TO MASTERPIECE PICTURES PTY. LTD. (L52-00045)

That the recommendation as contained in the report by the Director of Corporate Services dated 13 July 1998, regarding the above premises be approved and adopted.

Carried.

8.

LEASING - OXFORD STREET, NO.94, ROOM NO.1, DARLINGHURST - APPLICATION FOR SUBSIDISED ACCOMMODATION FROM OUT FM SYDNEY PTY LTD. (2017148)

That the recommendation as contained in the report by the Director of Corporate Services dated 13 July 1998, regarding the above application be approved and adopted, and that should a Community Broadcasting Licence be obtained by Out FM Sydney Pty Ltd within 12 months, the lease of the premises revert to market rent.

Carried.

9.

PROPERTIES - PITT STREET, NOS. 30A AND 30B REDFERN - SALE (P06-00335)

That the recommendation as contained in the report by the Director of Corporate Services dated 16 July 1998, be approved and adopted.

Carried.

The Confidential Finance Committee Meeting terminated at 7.32 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

22 July 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors - Margaret Deftereos, Sean Macken, Greg Waters.

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At the commencement of business at 7.33 p.m. those present were:-

Councillors: Deftereos, Fenton, Macken and Waters.

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

That the Report of the Community Services Committee of its meeting of 22 July 1998, be received and the recommendations set out below for Items 1 to 4, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

PARKS - FITZROY GARDENS - REQUEST FOR ENLARGEMENT OF PLAYGROUND AREA AND MORE EQUIPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2012727)

That arising from consideration of a report by the Director of Public Works and Services dated 29 June 1998, approval be given to extend the scope of the Stage Two Fitzroy Gardens improvement works to include extension of the playground area at an estimated cost of \$30,000, for which funds are available in the 1998/99 Works Programme – Unsupervised Playgrounds.

Carried.

2.

COMMITTEE - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 9 JUNE 1998 (2017377)

That the report by the Director of Health and Community Services dated 19 June 1998, and the accompanying minutes of the Access Committee for People with Disabilities held on 9 June 1998, be received and that the undermentioned recommendation of the Committee be adopted, namely:-

That Council grant its approval of the concept of International Day for People with Disabilities, by staging Art Exhibitions in our Libraries and other public places, in conjunction with SSROC, and that an allocation of \$1,500 be made available in KEW-77FO for which funds are not available in the 1998/1999 Budget.

Carried.

3.

PARKS - PARK ON CORNER OF BALFOUR STREET AND BARTLEY STREET, CHIPPENDALE - PROPOSED NAMING DEDICATION - STRICKLAND PARK - UPGRADING WORK - RESULTS OF COMMUNITY CONSULTATION PROCESS (2018169)

That arising from consideration of a report by the Director of Public Works and Services dated 8 July 1998, approval be given to:-

- (1) the dedication of the park at the corner of Balfour Street and Bartley Streets, Chippendale to be known as "Strickland Park";
- (2) proceed with the documentation and construction of the improvement works as per the letterbox drop, landscape concept and responses to the issues raised for an estimated cost of \$25,000 for which funds are available in the Parks Works Programme (Works to be specified FWP 9141);
- (3) an opening of the refurbished park and naming dedication ceremony to be held on a date to be set by the General Manager.

Carried.

4.

CONFERENCES - THE AUSTRALIAN PEOPLE'S FORUM ON YOUTH SUICIDE - CANBERRA 10 TO 11 AUGUST, 1998 - ATTENDANCE BY COUNCIL'S YOUTH PROGRAM CO-ORDINATOR (D51-00136)

That arising from consideration of a report by the Director of Health and Community Services dated 17 July 1998, approval be given to the Youth Program Co-ordinator attending the Australian People's Forum on Youth Suicide on 10 - 11 August 1998, at Canberra and that any registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by Council, for which funds are available in the 1998/99 Revenue Estimates (KAA 77RO).

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

"and that any interested Councillors wishing to attend the above Forum contact the relevant Council Officer."

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 7.35 p.m.

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REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

22 July 1998

PRESENT**The Mayor, Councillor Vic Smith (Chairperson)****Councillors - John Bush, John Christine Harcourt.**

At the commencement of business at 6.43 pm, those present were -

The Mayor and Councillors - Bush and Harcourt.

Apologies:

An apology for non-attendance was received from Councillors Fowler and Lay.

That the Report of the Planning and Development Committee of its meeting of 22 July 1998, be received and the recommendations set out below for Items 1,3 to 6 inclusive, 9 to 10 inclusive, 14 to 19 inclusive, 21, 23 and 26 to 28, inclusive, be adopted. The recommendations for Items 2,7,8, 11 to 13 inclusive, 20, 22,24 and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

TRAFFIC - YOUNG STREET, REDFERN - REQUEST FOR CHANGES TO TRAFFIC CONDITIONS (T52-00245)

That arising from consideration of a report of 7 July 1998 by the Director of Public Works and Services, it be resolved that Council take no further action to remove the mid-block speed hump, raised threshold and introduce a one-way northerly traffic flow in Young Street, Redfern, between Cooper Street and Cleveland Street.

Carried.

2.

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

This matter was submitted to Council without recommendation.

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Moved by Councillor Harcourt, seconded by Councillor Lay:-

That determination of the application be deferred, no action be taken in respect of the current operation, and that a report be submitted to the next Planning and Development Committee outlining options for amendments to Clause 37 of LEP 1998, that would facilitate a more liberal approach to permitting commercial uses in existing buildings used for residential purposes in the Mixed Use Zone.

Carried.

3.

KING STREET, NOS. 90-122, NEWTOWN - USE TWO ROOFTOP AREAS AS TERRACES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00202)

(A) That the Council as the responsible authority grants its consent to the application submitted by Longworth Constructions, with the authority of Hatziplis Holdings Pty Ltd, for permission to use two rooftop areas as terraces at the subject premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with submitted plans WD01.D;
- (2) That continuous planter boxes, at least 1000mm in width, with minimum soil depth of 500mm, shall be provided along the southern and western sides of the roof deck adjacent to Unit No. 316 to the satisfaction of the Director of Planning and Building - details shall be provided in a building application, including details of proposed drainage;
- (3) That a Building Application shall be submitted within 30 days of the date of this consent and all work shall be completed within 3 months of the date of building approval;
- (4) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$790	2E97001.BGYO

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Open Space/Townscape/ Public Domain	\$241	2E97002.BGYO
Accessibility And Transport Management	\$ 2	2E97006.BGYO
	\$ 12	2E97007.BGYO

Total **\$1045**

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

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

where:

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

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

Payment shall be made before the premises are occupied.

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

(B) Works in Kind

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

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

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

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

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

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

- (5) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (6) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (7) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (8) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;

- (9) That landscaping plans together with a detailed watering scheme be submitted with the Building Application and 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, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

- (B) That Council issue an order pursuant to the Local Government Act to the owner requiring that structural certification of the unauthorised structure shall be submitted from a practicing Structural Engineer.
- (C) That subject to compliance with Part A and Part B, Council take no further action in respect of the work subject of this application.
- (D) That the person who made representation regarding this proposal be notified of Councils final determination.

Carried.

4.

ANZAC PARADE, MOORE PARK - SYDNEY GIRLS HIGH SCHOOL - CONSTRUCTION OF TWO TENNIS AND NETBALL COURTS - DEVELOPMENT APPLICATION (U98-00287)

That the application be deferred as requested by the applicant in the fax dated 22 July 1998.

Carried.

5.

ROSE STREET, NO.41, CHIPPENDALE - DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW DWELLING - DEVELOPMENT APPLICATION (U98-00204)

- (A) That the Council is satisfied that the objection subjected pursuant to State Environmental Planning Policy No. 1 to the building height control of 6m in Clause 14 of Local Environmental Plan No. 66 is well founded for the following reasons, namely:-

That the extra height will not be visible above the height of the existing front parapet, will not impact on the residential amenity of

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surrounding properties and complies with the adopted height control guidelines in Councils Development Control Plan No. 1997.

- (B) That the Council as the responsible authority grants its consent to the development application submitted by Mrs T Bryant, for permission to erect a first floor extension over the existing ground floor and a small second storey "attic" room, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans 98-810DA/1 to 3;
 - (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: -
 - (i) external finishes to walls;
 - (ii) roofing finishes;
 - (iii) size and proportion of windows and doors;
 - (3) That the roof of the rear first floor addition shall be amended to a skillion roof form pitching to the south, to the satisfaction of the Director of Planning and Building and that details to be submitted with the Building Application;
 - (4) That all new external windows and doors shall be constructed in timber joinery;

and the following adopted standard conditions:

- (5) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (6) LDA163 - New brickwork to match existing;
- (7) LDA351 - Building Application required;
- (8) LDA367 - Timing device on alarms;
- (9) LDA377 - Construction noise regulation;
- (10) LDA389 - Stormwater disposal requirements;
- (11) LDA392 - No obstruction to public way;
- (12) LDA393 - Delivery of refuse skips;
- (13) HSC500 - Premises to be ventilated;

(14) 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, 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.
- (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.

6.

BROADWAY, NOS. 166-170, CHIPPENDALE - USE FIRST AND SECOND FLOORS OF PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U98-00379)

- (A) That the Council as the responsible authority refuses to grants its consent to the application submitted by TCP Marketing, with the authority of Alvap Pty Ltd, for permission to establish a brothel at the abovementioned premises for the following reasons, namely:-
 - (1) That the proposed use is in a highly visible location and is within close proximity of a number of facilities frequented by children;
 - (2) That the proposed use and hours of operation will result in an increased demand for parking in Shepherd Street and the surrounding streets where there is already a significant parking problem and that the use of a shuttle bus and the Council car park in Mountain Street does not adequately address this issue given the scale of the proposal and the location of the car park on the other side of Broadway;
 - (3) That the proposed use would adversely impact on the existing and future amenity of the area;
 - (4) That given the circumstances of the case the proposal is not considered to be in the public interest.

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

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

Carried.

7.

OXFORD STREET, NO. 56, DARLINGHURST - USE OF COUNCIL OWNED PREMISES AS A RESTAURANT - DEVELOPMENT APPLICATION (U97-01135)

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 Evan Lee Pty Ltd Architects, for the use of the basement section (fronting Burton Street) of premises No.56-60 Oxford Street, Darlinghurst as a restaurant with outdoor eating facilities in Oxford Square generally in accordance with the submitted plans being Project No. 971110, Drawing No. 003a, sheets 1 and 2, prepared by Evans Lee Pty Ltd subject to the following conditions, namely:-

- (1) That trading hours for the restaurant shall be restricted to the following:-

Indoor area - 12 midday until 3.00 a.m. seven days a week

Outdoor area - 12 midday until 10.00 p.m. seven days a week;

-the hours of operation beyond 12 midnight shall cease after a 12 months trial period from the date of this consent.

(The applicant is advised that a further application can be made to Council at the end of the 12 month trial period for continuation of the hours of operation beyond midnight).

- (2) That all entry and exit to and from the restaurant after 10.45p.m. on all nights of the week shall be restricted to the stairway from Oxford Street with no entry or access permitted to the restaurant from the rear streets including Burton Street, Foley Street or Oxford Square after that time;
- (3) That the indoor restaurant area shall contain a maximum of 41 table settings with 116 chairs;

- (4) That use of the Oxford Square footpath area for external seating in conjunction with the restaurant shall contain a maximum of 11 tables and 44 chairs;
- (5) That a waste area shall be provided within the indoor area of the restaurant;
- (6) That removal of all rubbish from the premises shall be restricted to between the hours of 7.00a.m. until 8.00p.m. on any day of the week;
- (7) That all sorting of bottles or cans occur within the indoor area of the restaurant and only between the hours of 7.00a.m. and 8.00p.m. on any day of the week;
- (8) That signs shall be displayed in prominent locations within the restaurant requesting patrons leave the premises quickly and quietly when departing the premises;
- (9) That a separate Development Application shall be submitted to Council for any signs proposed to be erected on the premises;
- (10) That the premises is to be used only for the purpose of a restaurant as defined in South Sydney Local Government Plan 1998 and a separate Development Application shall be submitted to Council for any change of use;
- (11) That a footpath license shall be granted by Council prior to the use of Oxford Square for outdoor seating. The application for the footpath license shall show the location of the tables and chairs within Oxford Square;
- (12) That the external tables and chairs and the proposed planter boxes in Oxford Square shall be set back at least three metres from the metal fence adjacent to the constructed carriageways of both Burton and Foley Streets to facilitate unrestricted pedestrian movement;
- (13) That all tables and chairs are to be removed from Oxford Square after authorised trading hours. To enable patrons to finish their meal or drinks prior to removal of tables and chairs, all service to the outdoor seating area in Oxford Square shall cease 15 minutes before the end of authorised trading hours and all tables and chairs shall be removed from Oxford Square not later than 15 minutes after trading hours;
- (14) That construction of the premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;

- (15) That details of the proposed new multi-fold window openings shall be submitted with the Building Application;
- (16) 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;
- (17) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (18) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (19) 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;
- (20) That full compliance shall be given to any requirement of the Director of Health and Community Services;
- (21) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (22) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (23) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (24) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";

- (25) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (26) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (27) That plans and specifications showing details of:-
 - (a) the garbage room, coolrooms;
 - (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;
 - (c) shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (28) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975.

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

That the granting of unrestricted consent would be likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise and further, would not be in the public interest.

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

Carried.

8.

KING STREET, NO.221, NEWTOWN - TO USE THE FIRST FLOOR OF THE COOPERS ARMS HOTEL AS BACKPACKERS ACCOMMODATION - DEVELOPMENT APPLICATION (U98-00399)

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 Colston Budd Wardrop & Hunt, for permission to make alterations to the first floor of the abovementioned premises and to use the first floor as a backpackers hostel, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans submitted on 6 May 1998;
- (2) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (3) That the accommodation shall be for a maximum of 24 persons, provided that the number of persons residing on site, (excluding an on site manager) shall not exceed 18 until such time as the building alterations approved by this consent have been completed to Council's satisfaction;
- (4) That the use shall cease after a period of 12 months for 24 persons from the date of this consent after which the maximum number of people accommodated shall revert to 18 persons;

(The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use).

- (5) That 3 bicycle racks shall be provided;
- (6) That the unauthorised vertical projecting wall sign on the first floor to King Street shall be removed with one month of the date of this consent;
- (7) That a separate application shall be submitted at the appropriate time for any proposed signs;

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- (8) That a on-site manager be employed for supervision of the backpackers hostel after hours;
- (9) That the courtyard on the ground floor of the hotel not to be used by patrons or guests after 12 midnight;
- (10) That the deck on the first floor not to be used after 10.00 p.m.;
- (11) That the doors onto Hordern Street, that provide access to the ground floor bar areas shall be kept closed from 9.30 p.m. until closing time every night except in emergencies;
- (12) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

and the following adopted standard conditions:-

- (13) hsc004 - Boarding house requirements;
 - (14) hsc500 - Premises to be ventilated;
 - (15) hsc018 - Sanitary facilities;
 - (16) hsc711 - Commercial contract (trade waste);
 - (17) hsc801 - Noise from premises.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

BOURKE STREET, NOS. 701-703, SURRY HILLS - TO OCCUPY EXISTING PREMISES FOR THE PURPOSE OF A HIV/AIDS SUPPORT CENTRE - DEVELOPMENT APPLICATION (U98-00345)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Sydney PWA Living Centre, with the authority of Health Administration Corporation, for permission to occupy existing premises for the purpose of a HIV/AIDS Support Centre, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plan dated 22 April 1998;

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- (2) That the hours of operation of premises shall be restricted to between 9.00 a.m. to 9.00 p.m. daily;
- (3) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (4) That adequate provision should be made for the installation of mechanical ventilation systems for the food handling areas of the premises where cooking, heating or similar food preparation is to be carried out as well as other enclosures and processes required to be ventilated mechanically by an exhaust system;
- (5) That the construction of the food handling areas of the premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (6) That the floor of the kitchen shall be paved with an approved impervious material, graded and drained to an approved floor waste and covered to an approved radius at the intersection with the walls;
- (7) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets",
- (8) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the location of exhaust/and intake vents;
 - (c) the recycling storage area;
 - (d) the garbage room or garbage receptacle storage area;
 - (e) 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:-

- (9) hsc500 - Premises to be ventilated;
- (10) hsc513 - Ventilation dangerous gases;

- (11) hsc003 - Basin medical practice;
- (12) hsc018 - Sanitary facilities;
- (13) hsc111 - Liquid wastes to sewer;
- (14) hsc301 - Cooking of food only if air handling system is provided;
- (15) hsc333 - Filtered exhaust ventilation;
- (16) hsc706 - Storage of recyclables;
- (17) hsc709 - Garbage room;
- (18) hsc707 - Statement for disposal of contaminated/hazardous waste;
- (19) hsc711 - Commercial contract (trade waste);
- (20) hsc715 - Trade waste;
- (21) 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 and would not be in the public interest.

NOTE 1:

The applicant should be advised of Council's Food Seminar Lectures that are given to promote best practices within the food handling industry and minimise the occurrence of food poisoning. Arrangements to attend a lecture can be made by contacting Council's Health Promotion Officer by telephone on 9300 4504, by facsimile transmission on 9300 4525.

NOTE 2:

The applicant should be advised that any requirement of the Sydney Water Corporation Ltd for grease arrestors are to be complied with fully to that corporation's satisfaction. The Wastewater Source Control Branch may be contacted on Level 2, 552 Princess Highway, Rockdale 2216, by telephone on 9551 4620 or by facsimile transmission on 9551 4388.

NOTE 3:

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, and Environmental Offences and Penalties Act, 1989, if the applicant's employees, agents or sub-contractors cause, permit or allow sediment, including soil, excavated materials, building materials, wastes or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that applicant's employees, agents and sub-contractors adequately provide and satisfactorily maintain approved sediment control measures.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Director of Health and Community Services investigate whether Bourke Street Public School or any schools in the South Sydney Council area have been provided with information regarding HIV/AIDS education.

Carried.

10.**GREENKNOWE AVENUE, NOS. 15-17, ELIZABETH BAY - ERECT 7 X 4 STOREY RESIDENTIAL TOWNHOUSES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00363)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Bruce Swalwell, with the authority of The Aquatic Club Ltd, for permission to erect a four level residential flat building containing seven units and strata subdivision, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with submitted plans 9806 DA01 to 9806 DA10 dated May 1998;
 - (2) That the building and balconies shall be redesigned so that they do not encroach over the public way;
 - (3) That a maximum of 8 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;
 - (4) That no more than one parking space shall be allocated to each unit;

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- (5) That an energy efficient hot water system shall be established on the site by installing either a heat pump system or a solar hot water system. That the solar hot water system shall have a 2 panel system with a minimum tank capacity of 300 litres for each dwelling. Details of the system shall be submitted with the Building Application;
- (6) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$18, 953	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 5,556	2E97002.BGYO
Accessibility And Transport	\$ 64	2E97006.BGYO
Management	\$ 236	2E97007.BGYO
Total	\$24, 809	

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.

Contributions at Time of

$$\text{Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

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

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;

- (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;
- (8) 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;
- (9) That a landscape plan for the site prepared by a qualified landscape architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and soft works including decorative paving types, garden bed edging, existing and proposed critical levels, planting types and species, locations, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (10) That construction details for all components of the landscape proposal accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab or rooftop planter boxes. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (11) That the developer shall provide street trees (new and infill) along the property frontage in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre-container size, 2.5 metres high, 75mm caliper and planted at 10 metre centres:

Street	Tree Species	Common Name
Greenknowe Avenue	Fraxinus Pennsylvanica	Green Ash

- (12) That the developer is to 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;
- (13) That the basement car park shall be ventilated in accordance with the requirements of AS1668.1-1991 Section 7.6 and AS 1668.2-1991 Section 4.4;

(14) That plans and specifications showing details of:-

- (a) the garbage room;
- (b) the recycling storage area;

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

(15) 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 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, 1997;

(16) That the ramp shall have a maximum grade of 1 in 6, with suitable transitions at either end;

(17) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the BCA and Council's Ventilation Code;

(18) That the proposed roof lights shall be redesigned to comply fully with the requirements of Clause 3.6 of Specification C.1.1 of the BCA;

and the following adopted standard conditions:

- (19) LDA29 - Provide sign indicating parking;
- (20) LDA161 - Provide common television aerial;
- (21) LDA160 - Provide service ducts within building;
- (22) LDA351 - Building Application required;
- (23) LDA367 - Timing device on alarms;
- (24) LDA368 - Display of street numbers;
- (25) LDA376 - Hours of building work;
- (26) HSC103 - Environmental site assessment being carried out;

- (27) HSC500 - Premises to be ventilated;
- (28) HSC555 - Bathroom ventilation;
- (29) HSC700 - Compliance with code for Garbage Handling System;
- (30) LDA21 - No resident parking for residential flat developments;
- (31) LDA376 - Hours of building work;
- (32) LDA377 - Construction noise regulation;
- (33) LDA384 - New alignment levels;
- (34) LDA387 - Footway crossings;
- (35) LDA391 - Builder's Hoarding Permits;
- (36) LDA392 - No obstruction to public way;
- (37) LDA393 - Delivery of refuse skips;
- (38) LDA394 - Cost of alteration to signposting;

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

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

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

Carried.

11.

MISSENDEN ROAD, NOS. 155-179, NEWTOWN - USE PREMISES AS DOCTORS SURGERIES - DEVELOPMENT APPLICATION (U98-00299)

That the Council as the responsible authority refuses its consent to the application submitted by R Campicin Smith, with the authority of Whitehall Development Co No.11 Pty Ltd, for permission to fitout and occupy tenancies 6 and 7 on the ground floor of the mixed development as specialist medical surgeries, for the following reasons, namely:-

- (1) That the proposed use is inconsistent with the planning for the area in that it represents an erosion of the residential village character of the

area by replacing approved retail shop space with medical facilities focused primarily on proximity to the hospital development on the adjoining zone;

- (2) That the proposed use would not provide the level of pedestrian activity or shopfront activity sufficient to provide the desirable focus to the building at street level in the visually prominent location and to enhance the public domain;
- (3) That insufficient car parking facilities are available within the parking allocation for the non-residential uses in U94-01029;

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

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

That the application be deferred as requested by the application in fax dated 24 July 1998.

Motion, as amended by consent, carried.

12.

MISSENDEN ROAD, NO. 10, CAMPERDOWN - ROYAL PRINCE ALFRED HOSPITAL PRECINCT STAGED HOSPITAL MASTERPLAN - DEVELOPMENT APPLICATION (U98-00071)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by the Central Sydney Area Health Service, with the authority of the New South Wales Health Administration Corporation, for permission to construct Stage 1 of a development concept/ masterplan, pursuant to Section 91AB(c) of the Environmental Planning and Assessment Act, 1979 (aka S.80(4) of the EPA (Amendment) Act 1997) with development approval for associated demolition and initial siteworks for the Royal Prince Alfred Hospital precinct (excluding areas nominated for "future development"), subject to the following conditions, namely:

General

- (1) That the development shall be generally in accordance with plans numbered DA-01-21 dated January, 1998;
- (2) That this consent does not apply to the four sites identified as “future development site” (DA13) and the “potential development zone”, which, if developed, shall be subject to separate development application(s). If such sites are developed for hospital related uses, no additional parking shall be provided unless as otherwise approved by the Council. Council will have regard to the total parking availability on the site when such sites are developed;
- (3) That subsequent detailed development application(s) shall be lodged for new building works;

Design

- (4) That the height of the proposed extensions to “E Block” shall not be higher than the existing building;
- (5) That the design of the new car park shall include architectural measures to reduce its apparent bulk and scale, detailed in the subsequent relevant development application, and consideration shall be given to providing active uses at ground level to improve pedestrian amenity and the integration of the large building into its surrounds;

Heritage

- (6) That details of proposed works to buildings identified as Items of the Environmental Heritage shall be lodged with any subsequent development application, including details of additions and repairs;
- (7) That within the main hospital on the eastern campus and in an area highly visible to the public, on-site interpretative material detailing the extent of the in-situ footings, walls, structures and other additions which are to be demolished shall be carried out in accordance with the *Royal Prince Alfred Hospital Conservation Management Plan, 1997*. This could be in the form of a computerised display with interactive information for visitors, displays of existing materials and photographic records of heritage items proposed for demolition together with photos taken during the demolition of the heritage buildings which took place in the 1980's;
- (8) That an archaeological assessment by a suitably qualified and practising person shall be carried out prior to any construction

work and a copy of the assessment and any recommendations shall be provided to the Council and the Secretary of the N.S.W. Heritage Office;

Parking

- (9) That the new car park shall only operate to accommodate 800 spaces at the first stage and if the remaining maximum of 200 spaces are also built, those spaces shall not be accessible until the “loss” of parking outlined in various sites (Dunblane Street, St John’s land, miscellaneous parking) has already occurred;
- (10) That the parking areas shall be designed in accordance with relevant Australian standards;
- (11) That bicycle parking and parking for disabled drivers shall be provided in accordance with relevant Australian Standards and with consideration to Council’s Development Control Plan 11 (or equivalent in force at the time) and the relevant Australian Standards;
- (12) That concurrence from the Roads and Traffic Authority shall be obtained prior to operation of the car parking station (to the extent the Crown is bound by Clause 127 of the LGA Regulations 1993);

Traffic

- (13) That prior to, or with, any subsequent development application, a detailed traffic report shall be submitted by a suitably qualified and practising person (prepared in consultation with Council Officers and the Roads and Traffic Authority) and shall address, as a minimum, the following matters:
 - (i) details of the width of carriageways and footpaths;
 - (ii) details of any proposed roundabouts, including measures to ensure pedestrian safety and safe circulation of traffic;
 - (iii) details of the proposed internal road system;
 - (iv) details of proposed traffic management measures to “calm” traffic on Missenden Road in the vicinity of the main hospital area;
 - (v) analysis of the effect of proposed traffic management measures on bypass traffic and its effect on local roads;
 - (vi) effect of traffic management on the provision of public transport services, including buses (consultation with Sydney Buses is required);
 - (vii) provision for loading and emergency vehicle facilities;
 - (viii) pedestrian safety and circulation; and
 - (ix) a traffic management plan during construction (can be separate);

- (x) investigation of the necessity of the separately proposed link road between Grose Street and Lucas Street (a condition of the Court on the adjoining private hospital development;
- (14) That parking for construction workers and any displaced staff parking during construction shall be provided on site, unless other suitable parking arrangements have been made (such as the nearby provision of parking on another site with a shuttle bus service), until such parking becomes available back on the site;
- (15) That approval from the Roads and Traffic Authority shall be obtained prior to the removal or erection of any traffic lights;
- (16) That any entry boom gates shall be located appropriately within the site;
- (17) That vehicular access for demolition is to be off Carillon Avenue and/or Missenden Road;

Contamination

- (18) That the recommendations within the report *Contamination Assessment, Royal Prince Alfred Hospital, Jan 1998* (prepared by Sinclair Knight Merz) shall be followed;
- (19) That the consultant shall validate excavations and prepare a further report for comment by the Environmental Protection Authority (EPA) and any subsequent recommendations by the EPA shall be followed;
- (20) That prior to the disposal of any contaminated material from the site, advice shall be sought from the EPA's Hazmat Advice Unit in order to determine if any approvals for disposal are required;

Health/Amenity/other

- (21) That effective measures shall be taken to control excessive noise and to prevent the discharge of polluted water and the emission or escape of dust and waste materials;
- (22) That the construction of retail food premises shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (23) That the developer shall provide a system of on-site stormwater detention, with detailed drainage plans to be submitted for concurrence by the Director of Public Works and Services prior to the commencement of work;

- (24) That details of alignment levels shall be lodged for concurrence by the Director of Public Works and Services;
- (25) That the developer shall reinstate any damaged kerb and gutters in materials similar to those existing and shall construct or re-construct any damaged roads and drainage to the satisfaction of the Director of Public Works and Services (with specification provided by Council's Manager of Traffic and Design);
- (26) That the developer shall be responsible for, and meet the cost, of any alteration or adjustment to public utility services affected by the development (to the extent that the applicant is obligated);
- (27) That all proposed mechanical ventilation systems; the garbage room or garbage receptacle storage area and the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises shall be installed in accordance with the relevant Australian Standards;
- (28) That a concept landscaping plan of the site, including open space areas, pedestrian circulation, planting themes, trees to be removed and replaced, proposed hard works and the like shall be lodged with the subsequent Development Application(s);
- (29) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped (excluding those trees required to be removed for the new building works);
- (30) That the developer shall be responsible for the cost of removing, relocating, or replacing in the footway any tree whose removal has been the consequential result of the construction of the vehicle driveways, in accordance with the requirements of the Director of Public Works and Services;
- (31) That any discharge to the atmosphere from the development shall comply with the requirements of the Clean Air Act and Regulations made thereunder;
- (32) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile

crane. Essential service shutdown work only (eg power, water, gas) which must be undertaken out of hours for hospital operational or patient safety needs is excluded from this condition;

- (33) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (34) That the developer shall meet the cost of any necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (consultation with Council's Public Works and Services Department is required in this regard);
- (35) That prior to the commencement of any demolition/building work, an application for a Builder's Hoarding Permit shall be made to the Director of Public Works and Services and a hoarding shall be erected to the satisfaction of the Director of Public Works and Services;
- (36) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (37) 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;
- (38) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;
- (39) That all proposed work shall be wholly within the boundaries of the subject site;
- (40) That the applicant shall accept responsibility for the cost of alterations or adjustment to existing public services affected by the proposed work, to the extent that the applicant is obliged;
- (41) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and with consideration to Council's Ventilation Code;
- (42) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia;
- (43) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or

dangerous or prejudicial to health (except as permitted by any licence or legislation);

- (44) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (45) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;

The reason for Council favouring 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, design and streetscape issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

13.

ELIZABETH STREET, NOS. 502-514, SURRY HILLS - USE PREMISES AS A RESTAURANT/NIGHT CLUB - DEVELOPMENT APPLICATION (U98-00215)

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 La Vina Pty Ltd, with the authority of A and N Saad and others, for permission to provide entertainment in the abovementioned existing restaurant, subject to the following conditions, namely:-
 - (1) That the hours of operation shall not extend beyond 7.00 a.m. to 3.00 a.m. Mondays to Saturdays and 7.00 a.m. to 10.00 p.m. on Sundays for a period of twelve months from the date of this consent, after which the hours shall revert to a closing time of midnight on Mondays to Saturdays unless a further development application is lodged and consent granted. The applicant will need to provide proof that a genuine trial has occurred;

- (2) That a report from a qualified acoustic consultant shall be prepared and submitted to Council detailing any works required to comply with condition (4) and the works shall be carried out subject to any necessary approvals under the Local Government Act before any entertainment occurs;
 - (3) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
 - (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 number of person permitted on the premises shall be restricted to a maximum of 250 persons including staff and entertainers;
 - (6) That a sign shall be prominently displayed within the building near the exit requesting that departing patrons leave quietly so as not to disturb local residents;
 - (7) That no entertainment shall occur until Council has granted a Entertainment License under the Local Government Act, 1993;
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (2) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (3) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;

- (4) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
 - (5) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
 - (6) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (7) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
 - (8) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

LITTLE RILEY STREET, NOS. 27 & 27A ,SURRY HILLS - DEMOLITION OF EXISTING DWELLING

That Council proceed with the lodgement of a Development Application for the demolition of No. 27 and No. 27A Little Riley Street, Surry Hills.

Carried.

15.

SYDNEY PARK, PRINCES HIGHWAY, NO.2, ST PETERS - MASCON FESTIVAL - DEVELOPMENT APPLICATION (U98-00535)

- (A) That the Council as the determining authority resolves 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 determining authority approves the activity proposed by South Sydney City Council, involving the staging of the Mascon Festival one day each year in Sydney Park, subject to the following conditions, namely:-

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- (1) That the activity shall be generally in accordance with the Statement of Environmental Effects and accompanying festival site, location and layout plans, all unnumbered and undated, and the timetable submitted with the development application, dated 15 June 1998;
- (2) That the approval shall be limited to use of the site on one Saturday each year exclusive of time required for preparations, setting up, dismantling of equipment, stalls, tents and the like and cleaning up of the park;
- (3) That within two months of each use of the site the applicant shall arrange for a report to be prepared and submitted to the Director of Health and Community Services, Director of Planning and Building and the Director of Public Works and Services on the following:
 - (a) the approximate number of persons attending the festival;
 - (b) the nature of the performances and events;
 - (c) the numbers and types of complaints received by Council, including complaints about excessive noise, traffic and parking, damage, vandalism at the park or private property on and off-site;
 - (d) damage to the heritage item and proposed rectification measures;
 - (e) the adequacy of arrangements made for noise, traffic and parking control and management; and
 - (f) recommended measures, of any, required for future festival events to ameliorate impacts of the types referred to in (c) and (d) above;
- (4) That the rectification measures referred to in Condition 3(iv) above shall be approved by the Director of Planning prior to their commencement;
- (5) That all food stalls shall be constructed and operated in accordance with the requirements of Council's one day Temporary Food Stalls Code;
- (6) That all food stalls where food is prepared shall be enclosed to full height with canvas, sheet plastic or vinyl;
- (7) That adequate separate toilet facilities shall be provided for male and female patrons;
- (8) That adequate facilities shall be provided for the storage of waste and recyclable materials;
- (9) That the activity shall not give rise to:

- (a) noise emissions which when assessed at any residential boundary with all plant, equipment and/or building services operating shall not exceed 40dB(A) night time and 50dB(A) daytime;
 - (b) an offensive noise as defined in the Noise Control Act, 1975;
- (10) That prior to each festival event, the applicant shall consult with Council's Traffic Committee in respect of proposed arrangements for parking, loading/unloading and traffic management;
 - (11) That the applicant shall ensure that no alcohol is sold on the site;
 - (12) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building 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;
 - (13) That temporary structures shall comply with the requirements of Part H102 of the 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.

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the appropriate Council Officers ensure that the departure points for buses at Sydney Park be easily located by the public and that this information be placed in any publicity for the event.

Carried.

16.

FLINDERS STREET, NOS. 63-65, SURRY HILLS - ALTERATIONS TO EXISTING HOTEL - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00101)

- (A) That the Council having considered an objection under SEPP1 against the need to comply with the 3:1 floor space ratio standard and the 12m height standard in LEP 107, agrees that compliance is unnecessary to

the extent that an additional floor may be inserted in the existing building but does not agree to any further increase involving additional roof top units.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Glenn Pearson and Associates, with the authority of Canyork Pty Ltd, to make alterations and extensions to an existing hotel involving an additional floor, subject to the following conditions, namely:-
- (1) That development shall be generally in accordance with plans DAFLN-01 to 06, as varied by the following undermentioned conditions;
 - (2) That the two rooftop units shall be deleted;
 - (3) That the fenestration shall be generally in accordance with the plans attached to a letter from Anthony Rowan Pty Ltd dated 15 April 1998;
 - (4) That the façade brick and wood finish shall be preserved in accordance with the information in the letters dated 4 June 1998 from Glean Pearson and Associates, to the satisfaction of the Director of Planning and Building;
 - (5) That the existing painted sign on the corner at ground floor level shall be retained;
 - (6) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$3,384	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$1,017	2E97002.BGYO
Accessibility And Transport	\$ 12	2E97006.BGYO
Management	\$ 51	2E97007.BGYO
Total	\$4,464	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The

contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

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

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

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

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.

- (7) That no construction work access shall be carried out from Flinders Street during peak traffic times;
- (8) That all loading and unloading operations shall be carried out via the rear entrance in Clare Street , at all times;
- (9) That any alterations to the hotel area shall comply with the requirements of National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997;
- (10) That the garbage room shall be redesigned so as not to impede the use of the loading area. This may involve a change in the location of the lift;
- (11) That the floor of the garbage room shall be graded and drained to the sewer in accordance with the requirements of Sydney Water;
- (12) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (13) That the garbage room shall be constructed in accordance with the requirements of Waste Management/Minimisation Fact Sheets;
- (14) That all trade waste shall be stored or contained within the premises in such a manner to cause no nuisance;
- (15) That plans and specifications showing details of:-

- (a) all proposed and altered mechanical ventilation systems
- (b) the location of exhaust/and intake vents;
- (c) the garbage room;
- (d) the recycling storage area;
- (e) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;

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

and the following adopted standard conditions:-

- (16) LDA46 - Loading and access to be kept clear;
- (17) LDA161 - Provide common television aerial;
- (18) LDA160 - Provide service ducts within building;
- (19) LDA201 - Make separate application for sign;
- (20) LDA367 - Timing device on alarms;
- (21) LDA376 - Hours of building work;
- (22) LDA377 - Construction noise regulation;
- (23) LDA381 - Not to be used as restricted premises;
- (24) LDA391 - Builder's Hoarding Permits;
- (25) LDA392 - No obstruction to public way;
- (26) LDA393 - Delivery of refuse skips;
- (27) hsc500 - Premises to be ventilated;
- (28) hsc555 - Bathroom ventilation;
- (29) hsc301 - Cooking of food only if air handling system is provided;
- (30) hsc518 - Exhaust vent;
- (31) hsc018 - Sanitary facilities;
- (32) hsc100 - Removal of spoil from site;
- (33) hsc111 - Liquid wastes to sewer;

- (34) hsc706 - Storage of recyclables;
 - (35) hsc711 - Commercial contract (trade waste);
 - (36) hsc801 - Noise from premises.
- (C) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That the stairway shall be fire isolated and redesigned to discharge to the road or open space and comply fully with the requirements of Clause D.1.7 of the BCA;
 - (2) That vertical separation shall comply fully with the requirements of Clause C.2.6 of the BCA;
 - (3) That floor throughout the building shall have a minimum fire resistance level of 90/90/90;
 - (4) That smoke hazard management shall comply fully with requirements of Clause E2.2 of the BCA;
 - (5) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- and the following adopted standard conditions:-
- (6) BC318 - Fire entrance doors to units;
 - (7) BC426 - Exit doors, shutters and grilles;
 - (8) BC501 - Fire extinguisher;
 - (9) BC507 - Hose reels;
 - (10) BC508 - Hydrants;
 - (11) BC524 - Emergency lighting;
 - (12) BC525 - Exit signs;
 - (13) BC609 - Natural light and ventilation;
 - (14) BC611 - Ventilation of bathrooms/laundries;
 - (15) BC612 - Wall sound transmissions;
 - (16) BC614 - Floor sound transmissions;

- (17) BC26 - Comply with BCA;
- (18) LDA351 - Building Application required.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

SHEPHERD STREET, NOS. 21-21A, CHIPPENDALE - EXTENSION OF TRADING HOURS OF RESTAURANT - SECTION 96 AMENDMENT (U89-00059)

- (A) That the Council as the responsible authority grants its consent to the application submitted by W Grainger, with the authority of B Godwin, for permission to amend, pursuant to Section 96 of the Environmental Planning and Assessment Act, the consent granted on 20 July 1989, subject inter alia to the following condition, namely:-

- (5) That the hours of operation of the non-residential uses shall be restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays, inclusive, and 8.00 a.m. and 12 noon on Saturdays;

in the following manner, by the deletion of the abovementioned condition (5) and the insertion in lieu thereof of the following new condition (5), namely:-

- (5) That the hours of operation of the restaurant shall be restricted to between 7.30 a.m. and 10.00 p.m. Mondays to Saturdays inclusive and 7.30 a.m. and 6.00 p.m. Sundays;

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

Carried.

18.

HENDERSON ROAD, NO.20, ALEXANDRIA - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - DEVELOPMENT APPLICATION (U98-00361)

That the application submitted by Mr Simeon Nelson, with the authority of S Nelson and D Fabyc, for permission to carry out alterations and additions to the existing building in accordance with submitted plans be deferred to the next

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meeting of the Planning and Development Committee to be held on 5 August 1998, as requested by applicant in fax dated 22 July 1998.

Carried.

19.

**KINGS CROSS ROAD, NO.46, POTTS POINT - SECTION 102
APPLICATION TO VARY CONSENT GRANTED BY COURT (U97-00262)**

That the Council oppose the granting of consent by the Land and Environment Court to a Section 102 application to vary the Court's approval of 19 August 1997, to permit an increase in height of the building and to use mechanical stackers for parking, for the reasons given in the Director's report.

(DPB Report 17.7.98)

Carried.

20.

**EVELEIGH STREET, NOS. 44-56, 64-70, 76-78 AND 90, REDFERN -
DEMOLITION OF ABORIGINAL HOUSING - DEVELOPMENT
APPLICATION (U97-00557)**

- (A) That the Council as the responsible authority refuses to grant its consent to the application for the demolition of certain terraces in Eveleigh Street, Redfern (noting that some of those properties have been subject to subsequent Council approval) contained in application U97-00557, for the following reasons, namely:-
- (1) That approval to proceed with demolition of certain properties would be the subject of separate development applications at the appropriate time, including written agreement of satisfactory relocation of tenants, thereby making the development application superfluous;
 - (2) That to date, agreement from all current tenants to be relocated to their satisfaction has not been received by the Council;
 - (3) The circumstances of the case.
- (B) That the applicant be advised that the decision above results from Council's requirement to determine the application and does not indicate its opposition to the demolition of properties. The Council again reiterates its resolution of 13 August 1997 in that no approval would be granted to the demolition of properties in Eveleigh Street until such time as all current tenants have been relocated to their satisfaction and that an agreement is signed between the Aboriginal Company and the affected tenants.

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- (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 the deletion of the whole of the resolution and insertion in lieu thereof, of the following new resolution, namely:-

- (A) That the Council note the withdrawal of the application by the Aboriginal Housing Co. Ltd., for the demolition of certain terraces in Eveleigh Street, Redfern (noting that some of those properties have been subject to subsequent Council approval) contained in application U97-00557.
- (B) That the people and organisations who made a submission be advised of the withdrawal of the application.

Motion, as amended by consent, carried

21.

HUTCHINSON STREET, NOS. 15-27, SURRY HILLS - CONVERT EXISTING WAREHOUSE INTO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION CONTRIBUTION INCLUDED IN CONSENT (U97-01073)

- (A) That the Council as the responsible authority grants its consent to the application submitted by De La Vega Architects, with the authority of Rusdig Exploration Pty Ltd, for permission to make alterations and additions and convert the existing warehouse building into a residential flat building comprising 33 units, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans Nos. 1151/DA03/001 and 2, 3B, 4B and 5B (dated 7 May 1998) and 6 to 9;
 - (2) That the northern windows of units 12, 13, 25, 26 and 33 shall be fitted with privacy screens to the satisfaction of the Director of Planning and Building;
 - (3) That the mezzanine floors in units 7, 8, 18 and 19 shall be deleted. This may involve amalgamation of units;
 - (4) That all privacy screens shall be maintained until the surrounding landscaping reaches a mature state to the satisfaction of the Director of Planning and Building;
 - (5) That spaces 22, 23, 24 and 25 be re oriented so that vehicles face toward the building to the satisfaction of the Director of Planning and Building. This may involve the loss of one space;

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- (6) That car space No. 16 shall be deleted and replaced with additional bicycle storage between the column and the stairwell;
- (7) That a minimum 1.5m wide clear passageway shall be maintained along the western side of the proposed car space No. 16 to the satisfaction of the Director of Planning and Building;
- (8) That all bicycle storage rails shall comply with AS 2890.3;
- (9) That car space no. 15 shall be designed as a small car space and marked accordingly to the satisfaction of the Director of Planning and Building;
- (10) That the driveway shall have a minimum width of 6.0m;
- (11) That a minimum of 10 secure bicycle parking spaces, including two for visitors, shall be provided on side to the satisfaction of the Director of Planning and Building;
- (12) (A) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$47,728	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$14,152	2E97002.BGYO
Accessibility And Transport	\$ 171	2E97006.BGYO
Management	\$ 647	2E97007.BGYO
Total	\$62,698	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{CP_{1_2}}{CP_{1_1}}$$

where:

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

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

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

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

(B) Works in Kind

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

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

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

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

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

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

Note (A) 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.

Note (B) Any change in the number of units will vary this calculation.

(13) That a minimum of 24 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;

(14) That plans and specifications showing details of:

- (a) all proposed mechanical ventilation systems;
- (b) the car park ventilation systems;
- (c) the location of exhaust/and intake vents;
- (d) the garbage room

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

(15) That the developer shall advise any purchasers of units within the development that it is Council policy not to issue resident parking permits for residents of new residential flat developments within Residents Parking Scheme Areas.

and the following adopted standard conditions:

- (16) LDA29 - Provide sign indicating parking;
- (17) LDA101 - Provide landscaping plan;
- (18) LDA152 - Schedule of finishes;
- (19) LDA161 - Provide common television aerial;
- (20) LDA351 - Building Application required;
- (21) LDA367 - Timing device on alarms;

- (22) LDA368 - Display of street numbers;
 - (23) LDA376 - Hours of building work;
 - (24) LDA377 - Construction noise regulation;
 - (25) LDA389 - Stormwater disposal requirements;
 - (26) LDA391 - Builder's Hoarding Permits;
 - (27) LDA392 - No obstruction to public way;
 - (28) LDA393 - Delivery of refuse skips;
 - (29) LDA394 - Cost of alteration to signposting;
 - (30) LDA396 - Works within boundaries;
 - (31) HSC500 - Premises to be ventilated;
 - (32) HSC111 - Liquid wastes to sewer;
 - (33) HSC103 - Environmental site assessment being carried out;
 - (34) HSC555 - Bathroom ventilation;
 - (35) HSC705 - Construction of garbage room;
 - (36) HSC706 - Storage of recyclables;
 - (37) HSC800 - Use of appliances emitting intrusive noise.
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That entrance doorways to all sole occupancy units at each floor level shall be protected by self closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
 - (2) That the proposed work shall be constructed in Type A construction in accordance with the requirements of Specification C1.1-3 of the BCA;
 - (3) That all doors serving as required exits or forming part of a required exit shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;

- (4) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (5) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS 1221/As2441;
 - (6) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS 24191.1;
 - (7) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS 2293.1;
 - (8) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS 2293-1;
 - (9) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
 - (10) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
 - (11) That the void areas and lightwell shall be sealed in at least one level so that they only connect two storeys;
 - (12) That an unobstructed width of 1 metre shall be provided to all exits which shall comply fully with Part D of the BCA;
 - (13) That vertical separation shall comply fully with the requirements of Part C2.6 of the BCA;
 - (14) That smoke hazard management shall comply fully with the requirements of Part E2 of the BCA;
 - (15) That approval shall be obtained from Council pursuant to Chapter 7 of the Local Government Act, 1993 for the change of classification.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

MISSENDEN ROAD, NOS. 155-179, NEWTOWN - USE PREMISES AS A DOCTOR'S SURGERY - DEVELOPMENT APPLICATION (U98-00250)

That the Council as the responsible authority refuses its consent to the application submitted by Hassell Pty Ltd, with the authority of Whitehall Development Co Pty Ltd, for permission to fitout and occupy tenancy 3 on the ground floor of the mixed development as medical surgeries for the following reasons, namely:-

- (1) That the proposed use is inconsistent with LEP 66 and LEP 1998 in that it represents an erosion of the residential village character of the area by replacing approved retail shop space with non-local medical facilities related to the hospital development in the adjoining zone;
- (2) That the proposed use would not provide the level of pedestrian activity or shopfront activity at street level in the visually prominent location to enhance the public domain;
- (3) That insufficient car parking is available within the parking allocation for non-residential uses in U94-01029 to meet the requirements of DCP 11;
- (4) That the granting of consent would not be in the public interest.

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

That the application be deferred as requested by the applicant in fax dated 24 July 1998.

Motion, as amended by consent, carried.

23.

ELIZABETH BAY ROAD, UNIT 13, NO.39, ELIZABETH BAY - VARY HOURS OF CAFE IN BASEMENT - DEVELOPMENT APPLICATION (U98-00453)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Tisete Pty Ltd for permission to allow the existing Refreshment Room to operate on Sundays, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with statement and details received on 20 May 1998;
 - (2) That the hours of operation on Sundays shall be restricted to between 10.00 a.m. - 12.00 midnight;

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- (3) That the outdoor terrace area shall not be used after 6.00 p.m. on Sundays;
- (4) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (5) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (6) That no dancing shall be conducted on the premises;
- (7) That no entertainment shall be provided on the premises;
- (8) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy;
 - (b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1984;
 - (d) an "offensive noise" as defined in the Noise Control Act, 1975;

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

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.

24.

MCEVOY STREET, NOS. 111-117, ALEXANDRIA - PART RE-USE A NEW BUILDINGS CONTAINING RESIDENTIAL UNITS, OFFICE AND RETAIL SPACE PLUS PARKING - MASTERPLAN (2012491)

- (A) That the Council advise the applicant that whilst the general principles and concept of the development are supported, Council does not support the scale of the larger buildings and the total floorspace proposed due to their inconsistency with Development Control Plan 1997 and the Draft Green Square Masterplan and that development complying with the 1:1 maximum floor space ratio, with a 0.5:1 bonus if and only if appropriate public realm improvements are proposed above and beyond Section 94 Contributions that would be applicable, would be more appropriate, and further that any building facing Alexandria Park comply with a 12 metre height limit;
- (B) That the persons who made representations in respect of the Masterplan be advised of Council's decision.
- (C) That any Development Application lodged for the site be the subject of a Public Meeting held by Council.

(DPB Report 20.8.98)

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos of the addition of a Clause (D) to the recommendation, namely:-

- (D) That the site mentioned in the application uses the current amendments to the Development Control Plan and Local Environmental Plan until the Green Square Master Plan is gazetted.

Amendment negatived.

Motion carried.

25.

DOWLING STREET, NO.171, WOOLLOOMOOLOO - USE PREMISES AS BROTHEL - DEVELOPMENT APPLICATION (U98-00294)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Jeffery Bickerstaff with the authority of Mr. L Langford to conduct a brothel for the following reasons, namely:-

- (1) That the proposal does not comply with Council's Brothel Policy with regard to the provision of sanitary facilities;
 - (2) That the proposal is of a scale and likely intensity that would lead to a loss of amenity to properties in the vicinity of the premises as a result of the proposed 24 hours, seven day a week operation, that there are a minimum of 4 client service rooms and substantial staff waiting areas which is inconsistent with the Applicant's submission that there would be only a Manager and two Casual employees;
 - (3) That given the circumstances of the case of the proposal is not considered to be in the public interest.
- (B) That the matter of the unauthorised use be referred to Council's Solicitors for appropriate legal action.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

26.

DARLINGHURST ROAD, NOS.191-199, DARLINGHURST - USE PREMISES AS A MASSAGE CENTRE - DEVELOPMENT APPLICATION (U98-00360)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Laprock Pty Ltd, with the authority of the Registered Proprietors Strata Plan 53559, for permission to use the premises (Units 4 & 5) as a massage centre, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated 27 April 1998;
 - (2) That the use shall cease after a period of 18 months from the date of this consent.

(The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use).
 - (3) That the windows on the western elevation of Units 4 and 5 shall be of a non-opening fixed type and shall have translucent glass;
 - (4) That all access to and from Units 4 and 5 shall be provided from Darlinghurst Road only;

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- (5) That the hours of operation shall be restricted to between 10.00 a.m. and 2.00 a.m., Mondays to Wednesdays; 10.00 a.m. and 5.00 a.m. Thursdays to Saturdays; and 10.00 a.m. and 12.00 midnight Sundays ;
- (6) That the projecting wall sign at the front of the premises shall be removed;
- (7) That no spruiking shall occur in association with the premises;
- (8) 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;
- (9) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (10) That the use not commence until such time as a Building Application has been lodged and approved by Council and works executed to Council satisfaction;
- (11) LDA201 - Make separate application for sign;
- (12) LDA257 - Regulation of noise transmissions;
- (13) LDA351 - Building Application required;
- (14) BC319 - Solid core entrance doors to units;
- (15) BC524 - Emergency lighting;
- (16) BC525 - Exit signs;
- (17) hsc011 - Plan skin penetration;
- (18) hsc500 - Premises to be ventilated;
- (19) hsc401 - Cleanliness of premises
- (20) hsc402 - Clean linen
- (21) hsc403 - Linen receptacles
- (22) hsc405 - Laundering

- (23) hsc415 - Lighting
- (24) hsc700 - Compliance with code for Garbage Handling System;
- (25) hsc709 - Garbage room;
- (26) 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 and would not be in the public interest.

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

Carried.

27.

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

- (A) That the Council as the responsible authority grants its consent to the application submitted by Meriton Apartments, for permission to demolish the Powerhouse building, the Rostrum Camera and buildings D and E including the Grissell building at the abovementioned premises, all in accordance with the reports of Godden Mackay Heritage Consultants dated March and May 1998 and the two unnumbered plans received on 21 and 28 May 1998, subject to the following conditions, namely:-

Powerhouse Building

- (1) That the chimney shall be retained;
- (2) That archival recording by a recognised Heritage/Conservation Consultant shall be undertaken prior to and during dismantling of the building and machinery, in accordance with recommendation 14 of Godden Mackay report of March 1998 and a copy of the record submitted to Council upon completion of the work;
- (3) That the applicant shall, prior to dismantling or removal of machines M5, M6, M8, M9 and M10, identified in the Godden Mackay report of March 1998, obtain the written agreement of Council to a temporary storage location on-site. The machines

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are to be incorporated into a permanent display on-site, accessible to the public, the location of which shall be identified and agreed to by Council within 12 months of the date of this consent;

- (4) That the applicant shall, prior to dismantling or removal of machines M1, M2, M3, M7, M11 and M12, provide written evidence of the museums that have agreed to accept these machines and arrangements made to satisfy recommendation 10 of Godden Mackay report of March 1998;
- (5) That the dismantling and re-assembly shall be undertaken under the supervision of an industrial archaeologist and/or a materials conservator and structural engineer at all times and the method shall be approved by Godden Mackay and be in accordance with the Conservation Plan. The names of the Industrial Archaeologist and/or Materials Conservator and Structural Engineer shall be advised to Council in writing before any work takes place;

Grissell Building

- (6) That archival recording, by a recognised Heritage/Conservation Consultant, shall be undertaken prior to and during dismantling and re-assembly of the building in accordance with the recommendation on page 55 of Godden Mackay report of May 1998 and a copy of the report submitted to Council upon completion of the work.
- (7) That the applicant shall, prior to dismantling or removal of the Grissell Building, obtain the written agreement of Council to the temporary storage location on-site. The structure is to be re-erected on site in a publicly accessible display, the location of which shall be identified and agreed to by Council within 12 months of the date of this consent;
- (8) That the dismantling and re-assembly shall be undertaken under the supervision of an industrial archaeologist and/or a Materials Conservator and Structural Engineer at all times and the method shall be approved by Godden Mackay and be in accordance with the Conservation Plan. The names of the Industrial Archaeologist and/or Materials Conservator and Structural Engineer shall be advised to Council in writing before any work takes place;

Rostrum Camera

- (9) That archival recording, by a recognised Heritage/Conservation Consultant, shall be undertaken prior to and during dismantling and re-assembly of the Camera in accordance with

recommendation 14 of Godden Mackay report of March 1998 and a copy of the record submitted to Council upon the completion of the work;

- (10) That the applicant shall, prior to dismantling or removal of the Rostrum Camera, obtain the written agreement of Council to the temporary storage location on-site. The camera is to be reassembled on site in a publicly accessible display, the location of which shall be identified and agreed to by Council within 12 months of the date of this consent;
- (11) That the dismantling and re-assembly shall be undertaken under the supervision of an Industrial Archaeologist and/or a Materials Conservator and Structural Engineer at all times and the method shall be approved by Godden Mackay and be in accordance with the Conservation Plan. The names of the Industrial Archaeologist and/or Materials Conservator and Structural Engineer shall be advised to Council in writing before any work takes place;

and the following adopted standard conditions:-

- (12) BC2 - Compliance with Local Government Act 1993;
 - (13) BC15 - Approval relates to coloured work;
 - (14) BC17 - Approval for amendment, original conditions remain;
 - (15) BC29 - Comply with Work Cover requirements;
 - (16) BC112- - Hours of work except for site cranes;
 - (17) BC113 - Work to comply with noise standards.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

28.

RILEY STREET, NO.359, SURRY HILLS - CHANGE OF USE TO BROTHEL - DEVELOPMENT APPLICATION (U98-0347)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr. Sunny S.K. Liu, with the authority of The Boys Pty Ltd, for permission to use the premises for the purpose of a brothel for the following reasons, namely:-

GENERAL MANAGER

- (1) That the proposed development contravenes Clause 37 of South Sydney Local Environmental Plan 1998;
 - (2) That the proposed development would result in cumulative impacts when taking into consideration other existing brothels in the vicinity in that it would have an adverse impact on the character and identity of the neighbouring area through reinforcing a perceived red light district;
 - (3) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale and hours of operation;
 - (4) That granting of consent in this instance 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.
- (C) That the matter of the unauthorised brothel operating at No.135 Foveaux Street, Surry Hills, be referred to the relevant Council officer for appropriate action.

Carried.

The Planning and Development Committee Meeting terminated at 9.30 p.m.

The Council Meeting terminated at 7.20.p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER