

217TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 11 November 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.51 p.m on Wednesday, 11 November 1998.

PRESENT

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

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

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	1315
Apology	1315
Minutes by the Mayor	1315
Minutes by the General Manager	1318
Petition	1319
Questions Without Notice	1319
Report of Management Review Committee	1327
Report of Finance Committee	1327
Report of Finance Committee (Confidential Matters)	1336
Report of Community Services Committee	1338
Report of Planning and Development Committee	1341
Notice of Motion	1419

GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 14 October 1998, be taken as read and confirmed.

Carried.

At the request of Councillor Fowler, and by consent, the minutes of 14 October 1998, were amended on Page 1273 by the deletion of the word "objection" where appearing in clause (1)(a) in the amendment by Councillor Fowler to the recommendation and the insertion in lieu thereof of the word "objective".

Minutes, as amended by consent, were then confirmed.

Apology

An apology for non-attendance at the meeting was received from Councillor Macken:-

Moved by Councillor Lay, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

4 November 1998

CELEBRATIONS - INTERNATIONAL DAY OF PEOPLE WITH DISABILITIES - OPENING OF ART EXHIBITION AT NEWTOWN LIBRARY (2016901)

On 29 July 1998, Council resolved to participate in the SSROC Art project for International Day of People with Disabilities.

The SSROC project has proceeded and South Sydney Council has formed a partnership with Marrickville Council to run workshops to produce the works for an exhibition at Newtown Library. It is envisaged that approximately 50-80 works will be produced by residents with a disability.

The works will be displayed in Newtown Library during the week starting 30th November 1998.

GENERAL MANAGER

It is proposed a cocktail party for up to 60 people be held to celebrate International Day of People with Disabilities and the official opening of the exhibition on Thursday, 3 December 1998 from 6.00pm.

Recommendation:

That Council agree to hold a cocktail party on Thursday, 3 December 1998, from 6.00pm to celebrate International Day of People with Disabilities and the official opening of the Art Exhibition at the Newtown Library, and for which funds of \$5,000 will be need to be voted to the 1998/99 Budget Estimates (KEW.77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

At the request of Councillor Fenton, the Mayor asked that the General Manager and the Director of Health and Community Services congratulate Council's Aged and Disabled Services Manager and his staff on their efforts regarding the above project.

MINUTE BY THE MAYOR

11 November 1998

**PARKS - RUSHCUTTERS BAY PARK DRAFT PLAN OF MANAGEMENT -
PROPOSED AMENDMENTS REGARDING
RUSHCUTTERS BAY KINDERGARTEN (2008533)**

On October 5 1998, the draft Plan of Management for Rushcutters Bay Park was placed on exhibition for community comment.

With regard to the Rushcutters Bay Kindergarten which is located within the Park, the following strategies were proposed.

- investigate possible relocation for kindergarten in the local area through Section 94 Contributions for any future nearby development. (page 37)
- Consider long term removal of the kindergarten to increase open space/ recreational amenity of the Park. (page 59)
- Consider long term removal of the kindergarten (Master Plan drawing)

GENERAL MANAGER

Although the draft Plan places a low priority on the possible implementation of these strategies , the proposal to consider the relocation of the Kindergarten has caused undue anxiety and uncertainty amongst the Kindergarten's management and parents that use the facility. This anxiety is mainly due to misinformation regarding Council's intentions for the site namely that closure of the kindergarten was imminent and that the site would be redeveloped for a hotel.

To express Council's commitment to the Rushcutters Bay Kindergarten I propose the following actions.

- Delete all references to the relocation of the Kindergarten that are presently contained in the draft Plan of Management and Master Plan drawing.
- Write to the Minister for Land and Water Conservation supporting KU Children's Services and local resident's endeavour to seek a security of tenure for the facility after the present lease expires in December 2000. The lease for the adjoining tennis courts expires on 30.4.2004 with an option for renewal for a further five years. It is intended to seek from the Minister the same leasing arrangement for the Kindergarten site.
- The proposed amendments to the draft Plan of Management to be readvertised and re exhibited for public comment as per the requirements of the Local Government Act (1993). The endorsement of the Minister for Land and Water Conservation will also have to be sought prior the draft Plan of Management being adopted by Council as a final document.

Recommendation:

That approval be given to:-

- (1) amend the Draft Rushcutters Bay Plan of Management and Master Plan to delete all references to the proposed relocation of the Rushcutters Bay Kindergarten;
- (2) seek support and endorsement from the Minister for Land and Water Conservation to extend the lease of the Kindergarten to 30.4.2004 with an option for renewal for a further five years;
- (3) readvertise and re exhibit the amended draft Plan of Management as per the requirements of the Local Government Act (1993) and seek endorsement from the Minister for Land and Water Conservation prior the draft Plan of Management being adopted by Council as a final document.

Councillor Vic Smith (SGD)

Mayor

GENERAL MANAGER

Moved by Councillor Waters, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

11 November 1998

PROPERTIES - JOYNTON AVENUE NO. 136, ZETLAND - CONDUCT OF WORKSHOP BY DEIRDRE GRUSOVIN, MP, MEMBER FOR HEFFRON (P56-00416)

A request has been received from Deirdre Grusovin, MP, Member for Heffron, to conduct a workshop on Council premises 136 Joynton Avenue, Zetland, 9am.-1pm. Saturday 5 December, 1998 to discuss initiatives undertaken by the public and private sectors concerning the communities of Redfern and Waterloo.

The discussion will focus on three key themes:

- the provision of affordable housing and the need to link broader residential strategies to improvements currently underway in the Redfern/Waterloo housing estates;
- the provision of community services which will support the housing improvement strategies;
- understanding the potential impact of transport and commercial activities on community services.

Invitations to attend the workshop have been extended to Vic Smith, Mayor of South Sydney, the Chairman and members of South Sydney Development Corporation and a small group of representatives from Government agencies, community organisations and residents. Council presently has no approved fee or charge for the use of No. 136 Joynton Avenue, Zetland.

It is noted that Council's policy of 26 November, 1997 stipulates "no further free use of Council's premises is to be given to any political groups or politicians, unless Council decides that the application be of wide public interest".

In this regard the workshop discussions have significant public interest in regard to improving the quality of life for existing and future residents and free use would be appropriate.

GENERAL MANAGER

Recommendation:

Council approves the use of premises 136 Joynton Avenue, Zetland by Deirdre Grusovin, MP, Member for Heffron, on Saturday 5 December, 1998, to conduct a workshop concerning an integrated approach in planning the redevelopment of South Sydney within the communities of Redfern and Waterloo.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

PETITION

1.

The Mayor tabled a petition received by the General Manager from a resident of Lawson Street, Redfern, requesting that one of the façade lights on Redfern Railway Station be redirected to the Eveleigh Street and Lawson Street intersection to prevent anti-social activities, and also requesting that the street light in Caroline Lane at the rear of No. 130 Lawson Street, Redfern, be removed to discourage anti-social activities.

Received.

QUESTIONS WITHOUT NOTICE

1.

HEALTH - COMPLAINTS - SYDNEY FOOTBALL STADIUM - NOISE FROM CLEANING MACHINES - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (H51-00362)

Question:

I have received complaints from residents in Moore Park Road, Paddington regarding noise from the Sydney Football Stadium.

The noise generated is from cleansing services ie machines to clean the Stadium and vacuum cleaners, to collect leaves from pathways adjacent to Moore Park Road. The cleansing staff commence as early as 6.30 a.m. on Sundays.

GENERAL MANAGER

The pattern is a late football match on Saturdays cleaning early Sunday morning followed by a match followed by cleaning. The disruption at such an early on hours especially on Sundays is unacceptable.

Can Council write again to the manager of the Football Stadium as well as the controlling body - the Minister of Sports and Recreation, outlining the concerns raised by the residents and request that cleaning take place at a reasonable and more appropriate hour? Council does not give approvals for any such noise generating works on Sundays and construction work cannot commence before 7.30 a.m. on week days and 8.00 on Saturdays.

Answer by the Mayor:

As you know the Sydney Football Stadium is out of the control of Council. It is under control of the trust and the Minister. I will ask the General Manager to write to the General Manager of the Trust and also to the Chairman of the Trust.

2.

MOTOR VEHICLES - FEASIBILITY OF SEAT BELTS ON COUNCIL BUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2000506)

Question:

The quarterly Council Bus report outlines the various bus journeys by different Community based Groups in South Sydney. Some of the trips cover many hundreds of kilometers.

Recently there have been a number of accidents involving buses.

Can Council investigate the feasibility of fitting the bus seats with seat belts?

Answer by the Mayor:

I will ask the Director of Public Works and Services and the Director of Health and Community Services to liaise on the matter and have a report for the Councillors Information Services.

3.

SPORTS FACILITIES - CYCLING - COMPLAINT REGARDING CYCLIST RIDING ON FOOTPATHS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (S54-00147)

Question:

It has become evident that riders are using footpaths for riding their bicycles. It is an extremely dangerous for pedestrians of any age. Is there anything that

Council can do in signs, information to residents etc. to discourage this practice?

Answer by the Mayor:

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

4.

**MITCHELL ROAD, NO.177 - 219, ALEXANDRIA - SYDNEY PARK VILLAGE
- COUNCIL INVOLVEMENT - QUESTION WITHOUT NOTICE BY
COUNCILLOR LAY (U94-00200)**

Question:

Could the Mayor once and for all clarify for the local press, the President of the Alexandria Residents Action Group and the Community whether Council or the Land and Environment Court approved the Sydney Park Village Development and what was Council's involvement in the approval process?

Answer by the Mayor:

I thank for you for that question Deputy Mayor. There was an article in today's issue of the South Sydney Bulletin under the signature of the president of the Alexandria Resident Action Group indicating that the Council had approved that development. I just want to set the facts straight and the President, who is here tonight and has lived in the area for over 12 months. When the development came to Council, I sought deferment of the application because of the risk of soil contamination within that site. During deferment the matter went to the Land and Environment Court and was dealt with by the Court. It was granted approval and following on from that the Council Officers have been involved in the future processing of the Building Applications for that site.

I would ask the President of the Alexandria Action Group to get the facts right rather than mislead the community with misinformation and it would suit everybody and I am sure it would please the residents and it would please the Council. In terms of informing the people of what the facts are. Being factual has allowed me and the Labor Party to be elected to this Council for 10 years. So I ask the President to take that on board.

5.

CELEBRATIONS - CHILDREN DAY - CONGRATULATIONS TO STAFF INVOLVED - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (C52-00089)

Question:

I would like to congratulate Council staff involved in the Children's Day events at Redfern Park, I would also like to advise Council that I attended the NSW Children's Week Awards and had pleasure in accepting on Council's behalf an award in the Local Government Section, for our Redfern Park events

Answer by the Mayor:

I will have those congratulations conveyed to the staff by the General Manager and relevant Directors.

6.

PARKS - FITZROY GARDENS COMMITTEE - COUNCILLOR DEFTEREOS TO REPLACE COUNCILLOR BUSH - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012727)

Question:

Following the Mayor's advice I have had discussions with Councillor Deftereos with regard to my standing down from the Fitzroy Gardens Committee and having her replace me in that role.

Can the appropriate steps be taken to include Councillor Deftereos as a North Ward representative on this Committee?

As the South Ward Councillor, I would ask to move to the Wilson Bros Site Committee?

Answer by the Mayor:

I think that the Council would agree to accept your recommendation for Councillor Deftereos, in respect of yourself, I will give it more consideration.

7.

SPORTS FACILITIES - SYDNEY PARK - INSTALLATION OF LIGHTS FOR NIGHT TIME PATRONAGE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018595)

Question:

Can the Director of Public Works and Services please convey my personal congratulations to the team of staff and others whom have been involved creation and construction of the absolutely superb pitch and picket fence at Sydney Park.

To guarantee the success of this new sporting venue and to maximise the Oval's potential can the Director investigate the installation of lights to enable night time patronage and this provide increased usage and revenue?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that and I think it is a worthwhile initiative.

8.

WELFARE - SALE OF SOUTH SYDNEY HOSPITAL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (W51-00088)

Question:

Can the Mayor write to the Minister of health to confirm or deny rumors regarding the sale of South Sydney Hospital?

Answer by the Mayor:

I will write to the Minister.

9.

ANN STREET, NO.50-54, SURRY HILLS - STREET KERB/CAR PARK PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U97-00982)

Question:

I would like to table a street kerb/car park plan for a development at No.50-54 Ann Street, Surry Hills, because of the lack of a proper pavement the current approval does not meet the BSC because of the need to provide 1 metre legal egress. Can a report be prepared for the possible use of Section 94 funds to redesign the car parking in Little Riley Street so that access be the new development meet BCA and on-street parking spaces are maximised?

Answer by the Mayor:

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

10.

WELFARE - ENVIRONMENTAL HEALTH CONFERENCE - MENS HEALTH PROGRAM - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (W51-00065)

Question:

At the recent Environmental Health Conference, papers were presented by the Melville Council, Western Australia on Mens Health and a program sponsored jointly by that Council and the local area health has been very successful . Given the National statistics and the numbers of aged men living in poor circumstances in our area, I request that the Director of Health and Community Services to investigate if such a program should be investigated in South Sydney?

Answer by the Mayor:

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

11.

HEALTH - FEASIBILITY OF HAVING A "SUN SAFE" PROGRAM FOR COUNCIL STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2019581)

Question:

Another paper called "SUNSAFE" was presented by Tasmania's Development Council on a complete program for such protection - for Council Staff and for everyone living in or visiting their Council area. Everything from clothing to shade cloth and encouraging the playing off sport under lights at nighttime.

I should be grateful if the Director of Public Works and Services and the Director of Health and Community Services and the Director of Organisational Development would prepare a joint report on our Council having a sun safe program?

Answer by the Mayor:

I will ask the Director's to prepare a report for Committee.

12.

STREETS - DARLINGHURST ROAD, KINGS CROSS - INSTALLATION OF TWO NEW FRUIT BARROWS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (S56-02195)

Question:

I noticed yesterday that the Contractors for the Council of the City of Sydney have started to install their new bus shelters. Would it be possible to install two new fruit barrows on Darlinghurst Road to tidy up the area before Christmas?

Answer by the Mayor:

I have already been asked that question and I will have a response for you by Friday.

13.

STREETS - LOCAL GOVERNMENT SWARD FOR STREET FURNITURE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2014501)

Question:

The City Council won a Local Government Award for their street furniture contract. Should we bask in reflected glory?

Answer by the Mayor:

We will wait until we see it installed.

14.

CELEBRATIONS - 10TH ANNIVERSARY OF THE FORMATION OF SOUTH SYDNEY COUNCIL (2019702)

With the 10th Anniversary of the formation of South Sydney Council, it may be appropriate to hold a special celebration for 10 year old children, children who were born in 1989. Could our Special Events Officer prepare a report?

Answer by the Mayor:

The answer is Yes.

15.

TRAFFIC - MITCHELL ROAD, ALEXANDRIA - ARTICLE IN SOUTH SYDNEY BULLETIN - QUESTION WITHOUT NOTICE BY THE MAYOR (T52-00103)

Question:

I have a question for the Deputy Mayor. In recent days you chaired a meeting at the Alexandria Activity Club in relation to the traffic on Mitchell Road and the traffic in around Sydney Park village. I want to know, again reading reports in the South Sydney Bulletin, whether Council is undertaking a mini Royal Commission into traffic in the area of Sydney Park Village.

Answer by Councillor Lay:

I don't think Council is in a position to undertake any sort of Royal Commission, however we are undertaking a very extensive and integrated Traffic Management Plan into the area which extends from Sydney Park Road right the way through Henderson Road to Botany Road. I am actually in the process of responding to a letter in the same publication which dealt with a number of inaccuracies and problems, however, I have been in a situation where I have been away, so hopefully that letter will be published.

But to set the records straight in the context here, all ward Councillors were invited to that meeting and the reason for that process is that Council's previous attempts to undertake traffic calming in the Mitchell Road area in working with residents were not acceptable to the technologies available. Speed humps and other such mechanism were not acceptable to the residents there.

We then moved for a partial closure for a trial period of six months and the RTA, in their wisdom have determined that any action which alters in any way the traffic flow in any area can only take place after an extensive traffic management plan has been developed and that plan has been forwarded to the RTA for their concurrence, rather than wait and do it in stages. You do have issues of an ambulance centre and an RTA facility happening at the Technology Park end of Henderson Road. There are also issues regarding rat running and other things along Mitchell Road, we determine to prioritise this work.

The other thing I want to draw your attention to is that Council is seeking the downgrading of Erskineville Road to a local road. At this stage it is controlled by the RTA, and it has made it difficult for Council to address pedestrian issues in this area. I also attended a meeting recently with the State Transit Authority regarding buses and they are willing to sit down and look at some serious strategic planning.

GENERAL MANAGER

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

5 November, 1998

PRESENT

Business commenced at 5.45 pm. Those in attendance were:

The Mayor, Vic Smith and Councillors Bush and Harcourt.

Apologies were received from Councillors Deftereos, Fenton, Fowler, Lay, Macken and Waters,

There being no quorum, those present **recommended** the following:-

ADMINISTRATION – MANAGEMENT PLAN 1998/2001 – REPORT FOR 3 MONTHS ENDED 30 SEPTEMBER 1998 (2013185)

Council receives and notes the report on the Management Plan 1998/2001 for the 3 months ended September, 1998.

(GM Minute 29.10.98)

Moved by the Mayor, seconded by Councillor Harcourt:-

That the minute by the General Manager dated 29 October 1998, be received and noted,

Carried.

REPORT OF THE FINANCE COMMITTEE

4 November 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos and Sonia Fenton

At the commencement of business at 6.37 pm those present were:-

Councillors - Deftereos, Fenton and Macken

Leave of Absence - Councillor Waters

GENERAL MANAGER

Councillor Waters was granted Leave of Absence from all meetings of Council including the Committee Meeting of 4 November and Council Meeting of 11 November 1998, at the Council Meeting of 14 October 1998.

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

That the Report of the Finance Committee of its meeting of 4 November 1998, be received and the recommendations set out below for Items 1, 3 to 6, inclusive, 8 to 21, inclusive, be adopted. The recommendations set out below for Items 2 and 7 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**COMMUNITY FACILITIES - ALEXANDRIA CHILD CARE CENTRE -
ADOPTION OF LATE COLLECTION FEES - POLICY (2013319)**

That arising from consideration of a report by the Director of Health and Community Services dated 16 October 1998, it be resolved that the Late Collection Fees Policy for Alexandria Child Care Centre, as outlined in the beforementioned report, be approved and adopted.

Carried.

2.

**PUBLIC RELATIONS - SOUTH SYDNEY COUNCIL'S 10TH ANNIVERSARY -
RECOGNITION (2019307)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That arising from consideration of a report by the General Manager dated 15 October 1998, it be resolved that Council celebrate the 10th Anniversary of South Sydney Council under the banner of "A Decade of Diversity" by hosting two events:

- a concert for residents of South Sydney on Sunday, 31 January 1999, coinciding with the closing of Council's Summer Floral Display in Victoria Park, for which funds of \$50,000 are available in the 1998/99 Budget Estimates (EBC 77FO);
- a reception on Friday, 29 January 1999 from 4.00 pm to 7.00 pm for present and retired staff and past and present Councillors to acknowledge

GENERAL MANAGER

their contribution and for which funds, for catering at twenty dollars a head up to a maximum of 700 attendees, are available in the 1998/99 Budget Estimates (EBC 77FO).

- that invitations be sent to the Member for Bligh, Ms Clover Moore and Mr. D Sutherland, to attend the 10th Anniversary Celebrations.

Carried.

3.

MOTOR VEHICLES - COMMUNITY BUS SCHEME - QUARTERLY REPORT (M56-00008)

That arising from consideration of a report by the Director Health and Community Services dated 9 October 1998, confirmatory approval be given to the motor vehicles' use costs, as listed in the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act (1993).

Carried.

4.

DONATIONS - PLANT AND LANDSCAPE MATERIALS - HALF YEARLY REPORT - JANUARY TO JUNE 1998 (2003030)

That approval be given under the provisions of Section 356 of the Local Government Act, 1993, to donations in the form of plants and landscape materials to the value of \$1,526 to the various local bodies as detailed in the report for the six month period ending 30th June 1998, and that the expenditure involved as charged to Account Code LFN.

(DPWS Report 9.10.98)

Carried.

5.

LICENSING - FOOTWAY RESTAURANT LICENCES - REVIEW OF POLICY (L56-00352)

That for the reasons as outlined in the report by the Acting Director of Public Works and Services dated 2 October 1998, approval be given to the amendment of the Footway Restaurant Licence Policy adopted by Council on 11 December 1996 and as amended by Council on 10 September 1997 by:-

- (1) reducing the advertising period from one month to 14 days;

- (2) levying an additional bond of \$100 per application to cover administrative costs incurred if change of ownership is not notified within one week of that change;
- (3) amending the footway licence certificate to include a digitally enhanced photograph as shown in Appendix "A";
- (4) Council maintaining its own public risk insurance to cover all approved footway licences within its boundaries;
- (5) the allocation of an amount of \$4,500 for the public risk insurance premium in (4) above. The amount to be adjusted annually to meet the premiums;
- (6) the adoption of the procedure contained in the report for the follow up of insurance renewals for footway restaurant public risk insurances;
- (7) the amended footway licence conditions being adopted as the standard Footway Licensee Conditions shown as Appendix "D";
- (8) the Legal Officer being requested to make amendments to the Footway Licence Memorandum held at the Land Titles Office to be in accordance with the current Footway Licence Policy;
- (9) the identification of the potential for footway licence restaurants within precinct of neighbourhood concept plans developed by Council in consultation with the community;
- (10) the adoption of Differential Zones for rating of footway licence restaurants as shown in Appendix "E". The rate for each zone to be incorporated in Councils annual review of fees and charges for 1999/2000 period and then reviewed annually.

Carried.

6.

PARKS - VICTORIA PARK - STAGE 5 UPGRADING WORKS - APPROVAL TO PLACE PROPOSAL ON PUBLIC EXHIBITION (2009749)

That approval be given to display the proposed Victoria Park Landscape Masterplan extension (Bowling Green replacement) at Councils offices, No. 140 Joynton Ave, Zetland, Victoria Park and Victoria Park Swimming Pool, for public comment, for a period of three weeks, and advise local residents by letter box drop and by advertisement in the local newspapers.

(DPWS Report 20/10/98)

Carried.

7.

PERSONNEL - DEPARTMENT OF EMPLOYMENT, EDUCATION, TRAINING AND YOUTH AFFAIRS - "WORK FOR THE DOLE" (2014923)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Organisational Development dated 13 October 1998, it be resolved that Council agree to take part in the project and each Department Director be invited to submit potential projects for submission to the Department of Employment, Education, Training and Youth Affairs and that the potential project to be submitted to the Department be circulated to Councillors for their information and comment. Such comment to be returned within three working days.

Carried.

8.

FINANCE - BUDGETS - FUTURE DIRECTIONS - STRATEGIES TO OFFSET FUTURE DEFICITS (2019373)

That arising from consideration of a joint report by the General Manager, the Director of Finance and the Director of Corporate Services dated 27 October 1998, it be resolved that:-

- (1) a Budget Strategy Committee be formed comprising the Mayor, the Deputy Mayor, Councillor Sonia Fenton, the General Manager and the Director of Finance to consider options to improve Council's financial position;
- (2) "Strategies to offset future deficits" as listed in the beforementioned report be placed on the agenda for discussion and consideration at the Management Plan Conference in February 1999;
- (3) a report be prepared for Council on additional revenue options associated with the extension of the use of Parking Meters in the South Sydney area;
- (4) a report be prepared for Council on Council's non-performing properties in addition to an investigation and report on the opportunities that exist to successfully extend Council's property investments portfolio.

Carried.

9.

SPORTS - VICTORIA PARK POOL - STAFF CUSTOMER SERVICE OFFICER AND COOK POSITIONS (2009715)

That approval be given to:-

- (1) the establishment of the positions of permanent Customer Service Officer and permanent Cook at the Victoria Park Pool;
- (2) the transfer of the cost of salaries (\$61,182) from the casual labour budget to the permanent labour budget for Victoria Park Pool (1998/99 Budget).

(DPWS Report 27.10.98)

Carried.

10.

FINANCE - OUTSTANDING DEBTS - RENTS AND SUNDRIES AT 30 SEPTEMBER 1998 (2005599)

That the report by the Director of Finance dated 26 October 1998, detailing outstanding sundry and rent debts at 30 September 1998, be received and noted.

Carried.

11.

PERSONNEL - EMPLOYER OF THE YEAR AWARD - 1998 AUSTRALIAN TRAINING AWARDS - ATTENDANCE BY COUNCIL REPRESENTATIVE (2019530)

That Council's representative at the award ceremony to be held in Perth, Western Australia on 12 November 1998, be Mr. D. Mould, Training Manager, Organisational Development Department.

Carried.

12.

PERSONNEL - NINE DAY FORTNIGHT (\$51-00016)

That arising from consideration of a report by the Director of Organisational Development dated 29 October 1998, approval be given to:-

- (1) the continuation of the rotational rostered recreation day for all Salaried staff;

- (2) allowance for the wages staff who are presently on the nine day fortnight to take their rotational RRD (where due) on a team based rotational system as agreed with their manager;
- (3) the guidelines accompanying the beforementioned report being adopted and implement by all staff in conjunction with their managers approval.

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 matter be deferred and be referred to the Joint Consultative Committee (JCC).

Motion, as amended by consent, carried.

13.

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

That the report by the Director of Corporate Services dated 28 October, 1998, submitting the Quarterly Report of all outstanding rents and lease payments for the three month period ending 30 September 1998, be received and noted.

Carried.

14.

FINANCE - 1997/98 FINANCIAL REPORTS (2000631)

That arising from consideration of a report by the Director of Finance dated 30 October 1998, Council adopt the Audited 1997/98 Financial Reports and give the required seven days notice of its intention to hold a public meeting on 25 November 1998, to present the reports to the public.

Carried.

15.

FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 25 SEPTEMBER 1998 (A52-00240)

That the report by the Director of Finance dated 28 October 1998, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

16.

PROPERTIES - BROWN STREET HALL, NEWTOWN - REQUEST FOR FREE USE - THE WOMEN'S LIBRARY INC - VARIOUS DATES IN NOVEMBER AND DECEMBER 1998 (P56-00437)

That arising from consideration of a report by the Director of Corporate Services dated 30 October 1998, it be resolved that Council support The Women's Library Inc. by forgoing \$2,195 in income, meet the expenses of \$500 (from account ENG.123) and allow The Women's Library Inc. free use of Brown Street Hall Newtown on Saturday 14th November 1998 and confirmatory approval be given to the use on Sunday 8 November 1998 only, then Sunday 15th November, Sunday 6th and Tuesday 8th December and Friday 11th December 1998, for their Management Meeting, AGM, Working Bee and Christmas Party.

Carried.

17.

STREETS - 1998/99 R.T.A. PROGRAMME FUNDING - ACCEPTANCE OF GRANTS (2006668)

That Council acknowledge and where appropriate accept the 1998/99 R.T.A. Programme Funds Grants of:

Local Network Services	\$179,000
Regional Roads	\$287,000
Road & Safety & Traffic Management	\$452,000
Road Safety Services	\$ 32,000
State Road Maintenance	\$180,000

- and further, that Council vote the additional funds of \$57,500 to match the grants for Local Network Services and Regional Roads.

(DPWS Report 29.10.98)

Carried.

18.

CELEBRATIONS - MASCON FESTIVAL FINAL REPORT 1998 - PROPOSED 1999 AND THE YEAR 2000 FESTIVALS (2016910)

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

- (a) the conduct of the 1999 South Sydney Festival, Mascon 4, on Saturday, 31 July 1999, at Sydney Park, St Peters;

GENERAL MANAGER

- (b) the approval of a budget of \$80,000 to cover the cost of the 1999 Festival, from the following sources;
- \$30,000 unspent funds from the 1998 Festival budget (ENK rollover)
 - \$30,000 funds available in the 1998/99 Festival budget (ENK)
 - \$20,000 to be included in the 1999/2000 Festival Budget estimates
- (c) the allocation of a contingency budget of a further \$11,200 to cover costs associated with the use of Council's property at 136 Joynton Ave for festival workshops, or alternative space, if required;
- (d) the continuation of the Festival Steering Committee under the chair of a Councillor from the Cultural Committee;
- (e) the conduct of the Year 2000 South Sydney Festival, Mascon 5, on a date yet to be determined, to allow Festival organisers to promote this event at the 1999 Festival as part of more extensive public relations strategy for the event.

Carried.

19.

PLANNING - UNIVERSITY OF SYDNEY ENVIRONMENTAL SCIENCE STUDENTS - REQUEST FOR FUNDING - ALEXANDRA CANAL STUDY - ALLOCATION OF FUNDS TO COMPLETE (2010556)

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

That arising from consideration of a report by the Director of Health and Community Services dated 30 October 1998, approval be granted to:-

- (1) the allocation of \$10,000 to provide for the completion of the environmental studies on the Alexandra Canal by students of the University of Sydney and that said expenditure be added to the 1998/99 revenue estimates;
- (2) a report being submitted to Council after completion of the studies on the Alexandra Canal on the findings of the same;
- (3) Council writing to Sydney Water on behalf of the University of Sydney requesting a contribution from the same for the completion of the studies.

Carried.

20.

**PUBLIC RELATIONS - PADDINGTON TOWN HALL - BRIDAL EXPO,
MARCH 1999 (2014323)**

That arising from consideration of a report by the Director of Corporate Services dated 20 October 1998, it be resolved that:-

- (1) Council approves the "Wedding Bells" Bridal Expo promotion;
- (2) Council agrees to forgo \$8,500 in possible revenue for the use of Paddington Town Hall on March 12th, 13th and 14th, 1999.

Carried.

21.

**PLANNING - GREEN SQUARE - REQUEST FOR FINANCIAL
CONTRIBUTION TO PREPARE A MASTERPLAN (2019509)**

(Also listed as Item No. 23, Planning and Development Committee.)

That an amount of \$50,000 be added to the Strategic Planning Budget 1998/1999 estimates and that this money be provided to the South Sydney Development Corporation towards the preparation of the Masterplan for the Green Square Town Centre.

(DPB Report 30.10.98)

Carried.

The Finance Committee Meeting terminated at 6.55 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 4 NOVEMBER 1998 AT 6.56 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.

GENERAL MANAGER

Leave of Absence - Councillor Waters

Councillor Waters was granted Leave of Absence from all meetings of Council including the Committee Meeting of 4 November and Council Meeting of 11 November 1998, at the Council Meeting of 14 October 1998.

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

Item 1 - Leasing Matter

Item 2 - Personnel Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 4 November 1998, be received and the recommendations set out below for Items 1 and 2, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

LEASING - DOMAIN CAR PARK - RENTAL NEGOTIATIONS (L02-00069)

That the recommendation as contained in the report by the Director of Corporate Services dated 7 October 1998, in respect of the rental negotiations at the Domain Car Park, be approved and adopted.

Carried.

2.

ADMINISTRATION - HEALTH AND COMMUNITY SERVICES DEPARTMENT - LEISURE SERVICES UNIT (RESTRUCTURE) REVIEW (2014945)

That the recommendation as contained in the joint report by the Director of Health and Community Services and the Acting Director of Organisational Development dated 23 October 1998, in respect of the restructure of the Leisure Services Unit, Health and Community Services Department, be approved and adopted.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 6.57 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

4 November 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken

At the commencement of business at 6.58 pm those present were -

Councillors:- Deftereos, Fenton and Macken

Leave of Absence - Councillor Waters

Councillor Waters was granted Leave of Absence from all meetings of Council including the Committee Meeting of 4 November and Council Meeting of 11 November 1998, at the Council Meeting of 14 October 1998.

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

That the Report of the Community Services Committee of its meeting of 4 November 1998, be received and the recommendations set out below for Items 1 to 5, be adopted. The recommendations set out below for Item 6 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CELEBRATIONS - WORLD A.I.D.S. DAY 1998 (2006370)

That the report by the Director of Health and Community Services dated 22 October 1998, in respect of World A.I.D.S. Day 1998, be received and noted.

Carried.

GENERAL MANAGER

2.

COMMITTEES - CULTURAL COMMITTEE MEETING, 12 OCTOBER 1998 - REPORT (C57-00028)

That the report by the Director of Health & Community Services dated 29 October 1998, regarding the minutes of Council's Cultural Committee meeting held on 12 October 1998 accompanying the Director's report, be received and noted.

Carried.

3.

COMMUNITY FACILITIES - SOUTH SYDNEY CREATIVE ARTS CENTRE - CHANGE OF OPENING HOURS (2012777)

That arising from consideration of a report by the Director of Health and Community Services dated 30 October 1998, approval be given to:-

- (1) the hours of opening of the South Sydney Creative Arts Centre being changed as outlined in the beforementioned report;
- (2) a further report being prepared for Council after a review of the situation in six months.

Carried.

4.

HEALTH - WASTE TO FEAST FOOD RECOVERY PROGRAM - SEEDING FUNDING TO FOODBANK NSW LTD - DEFERMENT OF COUNCIL'S PARTICIPATION (2016319)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 30 October 1998, it be resolved that:-

- (1) the recommencement and continuation of a Council operated "Waste to Feast" program be deferred until a further report is presented to Council;
- (2) \$50,000 from monies allocated in KPA0030 in the 1998/99 adopted budget be provided as seeding funding to Foodbank NSW Limited for a regional "Waste to Feast" program;
- (3) a report be prepared for Council in July 1999 on the progress of the regional "Waste to Feast" project.

Carried.

5.

**COMMITTEES - ANTHONY DOHERTY HALL, SURRY HILLS -
APPOINTMENT OF NEW SECTION 377 COMMITTEE OF MANAGEMENT
(C57-00017)**

That arising from consideration of a report by the Director of Health and Community Services dated 28 October 1998, approval be given under the provisions of Section 377 of the Local Government Act, 1993, to the appointment of the following persons:-

Bryan Dickeson	22 Kendall Street, Surry Hills 2010
Janie Kelly	16 Moore Park Road, Redfern 2016
Robyn Greaves	P O Box 345, Potts Point 2011
Minu Nessa	P O Box 230, Strawberry Hills 2012
Joy Ross	A 2.7 Belvoir Street, Surry Hills 2012
Karen Nancarrow	25 Little Riley Street, Surry Hills 2010
Sandra Napoli	5/121 Cavendish Street, Stanmore 2048
Nieves Rivera	13/153 Devonshire Street, Surry Hills 2010
Bob Starckenburg	75 Fitzroy Street, Surry Hills 2010
MD Zahir Uddin	2/297 Crown Street, Surry Hills 2010
Jurgen Wille	13/37 Byron Street, Coogee 2034

-to a local citizen's committee and delegate to such committee the care, control and management of the Anthony Doherty Hall, Surry Hills, on the understanding that Council will be responsible for the outgoings, including electricity, rates, refuse collection, maintenance and repairs to the hall, but excluding telephone, subject to the Committee being required to clean the premises and keep proper records and books of account, which must be made available for inspection by Council's Officers when required.

Carried.

6.

**COMMUNITY FACILITIES - SURRY HILLS CHILDREN'S PROGRAM AND
THE JOSEPH SARGENT CENTRE'S CHILDREN AND YOUTH PROGRAMS
- CLOSURE OVER THE 1998/99 CHRISTMAS AND NEW YEAR PERIOD
(2009968)**

That arising from consideration of a report by the Director of Health and Community Services dated 28 October 1998, approval be given for the closure of the Surry Hills Children's Program, and both the Joseph Sargent Centre Children's and Youth Programs for the period 25.12.98 to 1.1.99 inclusive.

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

“and that the South Sydney Creative Arts Centre, No. 64 Pine Street, Chippendale, be also included in the above closures.”

GENERAL MANAGER

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 7.32 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

4 November 1998

PRESENT

The Mayor Councillor Vic Smith (Chairperson)

Councillors - Bush, Fowler and Harcourt.

At the commencement of business at 6.30 pm, those present were:-

The Mayor and Councillors - Bush, Fowler and Harcourt.

Apology:

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

Moved by the Chairperson (the Mayor, Councillor Smith), seconded by Councillor Harcourt.

That the Report of the Planning and Development Committee of its meeting of 4 November 1998, be received and the recommendations set out below for Items 2,5,7 to 14 inclusive, 16, 18 to 20 inclusive, 22 to 25 inclusive, 27 to 30 inclusive 32, 34 to 35 inclusive, be adopted. The recommendations for Items 1,3,4,6,15,17, 21, 26, 31 and 33 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ERSKINEVILLE ROAD, NOS. 3 - 13, NEWTOWN - ERECT A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVIDE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00778)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Tonvixon Pty Ltd, with the authority of Votrait No.422 Pty Ltd, for permission to erect a residential flat building with 91

GENERAL MANAGER

units, 3 commercial/retail tenancies, 44 car parking spaces and to strata subdivide, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered DA01 - DA14 dated 6 August 1998, LA01 dated 7 July 1998, 7376 - 00 dated 11 August 1998, 45250 dated 3 June 1998 and the dated 16 October 1998;
- (2) 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	\$164,487	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$ 49,722	2E97002.BGYO
Accessibility And Transport	\$ 635	2E97006.BGYO
Management	\$ 2,490	2E97007.BGYO
Total	\$217,334	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

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 being the March Quarter 97/98 (Amend as applicable)

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit.

GENERAL MANAGER

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. 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. To support a 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. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

- (3) 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 – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$44,212	2E97008.BGY0

The above payment will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

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

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$33,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (5) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$18000, can be paid to the Council;
- (6) Please note that following the gazettal of the Home Building Act 1997, your application is subject to a privately obtained "Consumer Warranty Insurance". You must preserve your completed insurance documentation;
- (7) That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;
- (8) That deep planting shall be planted along the southern side of the site boundary between the rail verge and the southern courtyards. A landscape plan shall be submitted for approval:
 - Super advanced specimens with a minimum pot size of 150 litres at planting
 - A native species
 - Minimum height of 2 meters at planting and 5 meters at maturity
 - Planted at 5 metre intervals
 - Fully automatic irrigation system to be installed;

- (9) That the setback from Erskineville Road is to be a minimum of 6 metres.;
- (10) That the masonry northern boundary walls that is located directly behind the proposed trees are to be moved further to the south to the edge of the grassed area;
- (11) That more specific details of the public art including design, size, cost and, location are to be provided to Council;
- (12) That all of Brennan Lane is to be paved so that it integrates into the communal open space. This includes having it at grade with the footpath and treating the lane as a shared zone. In order to resolve pedestrian safety concerns, bollards are to be installed at the edge of the footpath so those pedestrians are aware that they are entering a shared zone. Details to be submitted to the Director of Public Works and Services for approval;
- (13) That a landscape plan for the site, including the additional area on the other side of Brennan Lane, 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, soft works, and all construction materials including decorative paving types, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, planting types and species, plant numbers and sizes (container and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (14) That construction details accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (15) That the applicant shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan(1996). Trees shall be 75 litre container size, 2.5 metres high, and planted in locations shown on plan no LDA 1. Street tree selection along Erskineville Road to be *Platanus x hybrida*. Where large avenue species are requested to be planted as street trees, the applicant shall aerial bundle overhead wires. This work is to be carried out in conjunction with Energy Australia;
- (16) That the applicant shall arrange with a qualified Landscape Architect or Designer for a final inspection of the landscape works and that works are constructed in accordance with the plans approved with the Construction Certificate;

- (17) That the applicant will redesign the turning area to be sufficient for a garbage truck to make a three-point turn near the western end of Brennan Lane and dedicate this area as public way in a form of a covenant on a title;
- (18) That the applicant will contribute to the cost of widening the western side of Erskineville Road along the site's frontage, and also between Brennan Lane and Wilson Street, to improve access out of Brennan Lane into Erskineville Road;
- (19) That the applicant will design to the satisfaction of the Director of Public Works and Services and meet costs of improvements in Brennan Lane including:
 - Widening of Brennan Lane from 6m to 7.5m for a length of 30m west of Erskineville Road;
 - New barrier kerbs;
 - Increased radii at Erskineville Road;
 - Signposting at the junction of Brennan Lane and Erskineville Road;
 - Widened areas of Brennan Lane and Erskineville Road are to be dedicated as public way;
- (20) That a 1.8m wide footpath shall be provided on the southern side of Brennan Lane (a roll-over kerb is not allowed);
- (21) That a service bay is to be provided within the site, and access from the service area for retail outlets is to be at grade or by ramp;
- (22) That a provision shall be made for a safe footway to be extended to the western end of the site to the satisfaction of the Director of Public Works and Services, such to provide pedestrian access to the future railway concourse;
- (23) That the applicant shall provide a system of an on-site stormwater detention and overland flow paths to the satisfaction of the Director of Public Works and Services. The applicant to submit with the application for a construction certificate, the required fees and certified drainage plans to be considered by the Director of Public Works and Services;
- (24) That the applicant shall supply in writing an approval from State Rail that the authority accepts the discharge of stormwater into its drainage system;
- (25) That the applicant shall design and replace, existing stormwater pipes crossing the site to the satisfaction of the Director of Public Works and Services;

- (26) That the applicant is to create drainage easements over the stormwater drainage pipes crossing the site to the satisfaction of the Director of Public Works and Services;
- (27) That the applicant shall lodge with Council and from a Bank approved by Council, a Guarantee for the estimated construction cost of all works, Council requires on the adjacent roads, because of this development. The applicant, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, The SRA, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must satisfy the Director of Public Works and Services;

NB: The Bank Guarantee will be for this estimated cost, calculated as a future value compounded at a rate of 7% for the period from the time of preparing the estimate to when the applicant proposes occupation.

The applicant shall be able to request a decrease in the amount of the original bank guarantee as sections of work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable;

- (28) That the applicant shall submit to Council a deposited plan detailing the splay corner to be dedicated to Council as a public road;
- (29) That the reconstruction and 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;
- (30) That the basement car park shall be ventilated in accordance with Australian Standard 1668.1-1991, Section 7 and Australian Standard 1668.2-1991, Section 4;
- (31) That the construction, fitout and finishing of any commercial food premises comply with Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (32) That appropriate arrangements shall be made for the storage, removal and disposal of rubbish and excavation and building debris to the satisfaction of Council and the Environment Protection Authority;
- (33) That methods of sediment control to prevent waste matter falling, descending, being blown or washed into Council's stormwater

drainage system being provided, installed and maintained in stormwater gullies for the duration of demolition, excavation and construction;

- (34) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is to be washed down;
- (35) That the location of the garbage/recyclable storage room shall be referred to Cleansing Services Branch for approval;
- (36) That the assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land Management Act 1997, and a site audit statement shall be submitted to Council in accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;
- (37) That sound levels and reverberation times within the building shall comply with Australian Standard 2107-1997, Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors;
- (38) That the potential noise and vibration intrusion issues that have been examined shall be dealt with as outlined in "Section 3 Conclusion Appendix 5", Acoustic Report , describing the Method of Investigation of Noise and Vibration Intrusion dated 20 October 1997;
- (39) That a certificate from an accredited acoustic consultant shall be submitted to Council certifying that conditions of development consent have been complied with prior to occupation of the building;
- (40) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) 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 and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;

- (41) That only one common television aerial (for each building where relevant) shall be provided;

(42) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:

- (a) external finishes to walls;
- (b) roofing;
- (c) balcony treatment;
- (d) proposed fences;
- (e) windows and doors;

and such materials shall respect and be consistent with the attributes and character of the surrounding area;

(43) That any external glazing shall have a reflectivity not exceeding 20%;

(44) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;

(45) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);

(46) That the applicant shall make a separate application to the Director of Public Works and Services for any paving on the public way (for approval under the Roads Act 1993). The applicant/owner shall complete the work wholly in accordance with the requirements of the Director of Public Works and Services (including responsibility for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance);

(47) That the developer shall be responsible for the cost and procedures for relocating the electric light pole in the public way adjacent to the development;

(48) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);

- (49) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (50) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (51) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (52) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (53) That the developer/registered proprietor shall advise any initial 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 new residential flat developments located in Resident Parking Scheme areas;
- (54) That the parking spaces shall be allocated on the basis of 40 for residents and 4 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (55) That of the required car spaces, at least one measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (56) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (57) That the vehicular crossing shall be treated in such a manner as to provide a safe walking surface, prior to occupation;
- (58) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;

- (59) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (60) That the developer shall supply a plan for construction traffic for access to and from the site, which shall be approved by the Director of Public Works and Services prior to the release of the Construction Certificate;
- (61) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (62) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (63) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (64) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (65) 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";
- (66) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm 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 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);
- (67) That all proposed work shall be wholly within the boundaries of the site;
- (68) 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;

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (69) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (70) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (71) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (72) That a covenant for a through site link at the rear, western end of the site shall be established. This covenant is to be for five years and is to ensure that any future development in the airspace above the Newtown railway station can have a pedestrian link through to Brennan Lane and Erskineville Road. Details to be submitted with any construction certificate to the satisfaction of the Director of Planning and Building;
- (73) That a covenant for a turn area at the rear of the site accessing the car park shall be established. Details to be submitted to the satisfaction of the Director of Planning and Building;
- (74) That 39 bicycle parking spaces shall be provided in the form of lockers for residents and inverted u-stands for visitors parking;

- (75) That the developer/registered proprietor shall advise any initial 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 new residential flat developments located in Resident Parking Scheme areas;
- (76) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (77) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);
- (78) That of the required car parking spaces, at least 2 shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;

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 1979, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

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

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

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That all relevant sections of the BCA shall be complied with;
 - (2) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be

commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council.

(C) That the applicant be advised that the Rail Estate has provided the following:-

- (1) That Council has a number of copies of State Rail's publication entitled "Rail Related Noise and Vibration: Issues to Consider in Local Environmental Planning – Development Applications and Building/Applications". The satisfactory and maximum noise levels for relevant rooms and recreation areas established by AS2107 are included on page 26 of this publication. State Rail requests that Council require that all new dwellings satisfy the requirements of AS2107.

Notwithstanding the above requirement, exceptions may be considered where it can be demonstrated that the best available techniques not entailing excessive cost (known as the BATNEEC Principle) have been used in determining the location, design, building orientation, room layout and insulation of the development.

Measures such as double glazing, solid balcony balustrades and careful construction will assist to minimise noise nuisance;

- (2) That there must be no adverse impacts from the construction of any future development of the site on the stability of any rail corridor;
- (3) The State Rail and the Rail Access Corporation advice that stormwater is not to be diverted onto the rail corridor, and there must be no adverse impacts from construction of the development on the stability of the nearby rail corridor and railway land;
- (4) That landscaping and fencing should be combined to screen and soften occupants' views of the rail tracks and to help alleviate their sense of exposure to the source of rail noise;
- (5) That State Rail supports and increase of residential population and workforce close to stations in a way which maximises population densities, encourages utilisation of public transport (eg through design which minimises walking distance to the station and limits the supply of on-site parking), and protects future residents from any adverse impacts from public transport operations.

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

Carried.

2.

MOORE PARK ROAD, NO. 308, PADDINGTON - ADDITIONAL ROOMS IN ROOF SPACE OF EXISTING HOTEL (OLYMPIC HOTEL) - DEVELOPMENT APPLICATION (U98-00234)

That the application submitted by Amberlane Holding Pty Ltd, (Owners), to carry out alterations and third floor additions to provide addition hotel accommodation in the Olympic Hotel be withdrawn as requested by the applicant in fax dated 3 November 1998.

Carried.

3.

DALMENY AVENUE, NOS. 83 - 93 AND KIMBERLEY GROVE, NO. 2, ROSEBERY - REFUND OF PORTION OF CONTRIBUTION MADE UNDER SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AS AMENDED (U95-00505)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the following monies and securities be lodged by Meriton Apartments Pty Ltd:-
- (1) A bank guarantee of \$200,000 to ensure the landscaping is completed;
 - (2) Council being indemnified against any liability relating to the site until the landscape is completed;
 - (3) Evidence of insurance of the site for public liability to the value of \$10,000,000 for each individual claim, i.e. the joint names of Council and Meriton;
 - (4) Maintaining the site in a safe, secure and tidy manner until completion;
 - (5) Payment of the amount of \$4,156 representing the valuation fee paid by Council for the valuation of the land to be transferred to Council;

GENERAL MANAGER

4.

BOURKE STREET, NOS. 701 - 703, SURRY HILLS - ALTERATIONS TO THE EXISTING BUILDING - DEVELOPMENT APPLICATION (U98-00800)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (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 carry out alterations to the existing building, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA 1A, dated 15 September, 1998;
 - (2) That the proposed front fence shall be deleted;
 - (3) That no deliveries to the rear of the premises are permitted via Alexandra Lane;
 - (4) That the works shall be carried out in accordance with the Conservation Plan prepared by Trevor Howells and dated June 1998 and shall be supervised by a qualified heritage consultant;
 - (5) That the entry ramp and landing is to be reversible and upon the use ceasing shall be removed;
 - (6) That where existing walls of the original fabric are to be demolished, a nib shall remain to illustrate the wall's removal in courtyard A, sitting room 12 and cell R16;
 - (7) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$4,800 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (8) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$640, or first installment (as applicable), can be paid to the

GENERAL MANAGER

Council;

- (9) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;
 - (c) the location of exhaust/and intake vents;
 - (d) the garbage room or garbage receptacle storage area;
- shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;

and the following adopted standard conditions:-

- (10) Comply With BCA⁹¹⁰⁴
- (11) Construction Certificate Required⁹¹⁵⁵
- (12) Garbage on Public Way⁶⁰⁰¹
- (13) Refuse Skips⁶⁰⁰²
- (14) Storage/Garbage⁶⁰⁰⁹
- (15) Garbage Room/Receptacle⁶⁰¹¹
- (16) Skin Penetration⁷⁰¹²
- (17) Ventilation⁷⁰²³
- (18) Noise and Vibration⁷⁰²⁶
- (19) Sewer Discharge⁸⁰⁰⁴
- (20) Obstruction of Public Way³⁰²⁹
- (21) Refuse Skips⁶⁰⁰²
- (22) Construction Hours⁹¹⁵¹
- (23) Compliance with Building Code of Australia⁸⁵⁰¹

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.

GENERAL MANAGER

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

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

- (C) That Council facilitate a meeting between the residents and the applicant to formulate a Management Plan for the operation of the facility.

Motion, as amended by consent, carried.

5.

**KING STREET, NOS. 220 - 222, NEWTOWN - REFRESHMENT ROOMS/
RESTAURANT - DEVELOPMENT APPLICATION (U98-00727)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Southern Pacific Foods Pty Ltd, with the authority of South Sydney City Council, for permission to use the premises at 220-222 King Street, Newtown (also known as Burland Community Hall) as a restaurant, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 101, dated 18 July, 1998, submitted on 5 August, 1998 as modified by any conditions of this consent/approval;
 - (2) That the use not shall commence until such time as the requirements of this consent have been carried out to Council's reasonable satisfaction;
 - (3) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
 - (4) That to the collection of the approved plans and specifications, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the *Building and Construction Industry Long Service Payments Act 1986*, and ensure that the plans are suitably endorsed. The levy, to the value of \$240, or first installment (as applicable), can be paid to the Council;
 - (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;

- (6) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (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/Minimisation Fact Sheets";
- (8) 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;
- (9) That plans and specifications showing details of:-
 - (a) all proposed and altered mechanical ventilation systems;
 - (b) the recycling storage area;
 - (c) the coolroom;
 - (d) 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;
- (10) That all relevant sections of the Building Code of Australia shall be complied with;
- (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (12) That the construction, fitout and finishing of the premises shall comply with the Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (13) That a letter shall be submitted from the Trade Waste Branch of the Water Board providing approval for connection to the Board's sewer prior to the lodgement of the Construction Certificate;
- (14) That the waste removal from the premises shall be restricted to between 7.00 a.m. and 9.00 pm.;
- (15) That all dining shall be restricted to within the confined of the premises with no chairs/tables being provided on the footpath;

(16) That the hours of operation shall be restricted to 6.00 a.m. to 12 midnight each day.

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

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

That the application be deferred to allow for further discussions with the applicant.

Amendment negatived.

Motion, carried.

6.

POATE ROAD, NO. 1, CENTENNIAL PARK - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00729)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

(A) That the Council as the responsible authority refuses its consent to the application submitted by Ms J Whittaker, owner, for permission to create an opening in front of building to form one car parking space, at the abovementioned premises for the following reasons, namely:-

- (1) It is not consistent with the heritage aims as outlined in Clause 22 of the Local Environmental Plan 1998;
- (2) The vehicular entrance is contradictory to the performance criteria in Part F of the Development Control Plan 1997 for garages. The vehicular entrance is not integrated with the facade of the dwelling and has a high visual impact to the streetscape;
- (3) The proposal would have an adverse impact upon the streetscape of Poate Road;
- (4) The proposal will detract from the aesthetic qualities of the building as:
 - (a) the opening within the front fence and within the building breaks up the unity of the pair of houses and;
 - (b) the proposal is not in keeping with the general Federation character of the building and fence;

- (5) The proposal will not actually result in any parking gain as the provision of one off street parking space will result in the loss of one on-street space and is therefore not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

MOORE PARK ROAD, NO. 298, PADDINGTON - ALTERATIONS AND ADDITIONS TO EXISTING TERRACE STYLE DWELLING - DEVELOPMENT APPLICATION (U98-00735)

That consideration the authority of Mr D & Mrs M Lowrey, for permission to undertake alterations and additions to the existing dwelling involving extension to rear third floor to provide en-suite bathroom, be deferred as requested by the applicant in fax dated 4 November 1998.

Carried.

8.

BURREN STREET, NO. 85, NEWTOWN - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00476)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Vincent Tong for permission to carry out alterations and additions to the existing terrace including the erection of a first floor level subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with amended drawings numbered IVT/WK 1-6 received on 15 September 1998;
 - (2) That the proposed second floor shall be deleted;
 - (3) That the proposed rear roof pitch shall be limited to not more than 5 degrees;
 - (4) 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;
 - (5) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give

GENERAL MANAGER

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

- (6) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays - where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (8) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (9) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (10) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (11) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (12) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;

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

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

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

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

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

Carried.

9.

MACLEAY STREET, NO. 16, POTTS POINT - ALTERATIONS AND ADDITIONS TO CREATE ADDITIONAL APARTMENT AT BASEMENT LEVEL - DEVELOPMENT APPLICATION(U98-00880)

That the Council as the responsible authority refuses its consent to the application submitted by Mr K Glover, with the authority of The Registered Proprietors Strata Plan 12632, for permission to undertake alterations and additions to the existing residential flat building involving creation of a new unit at basement level, for the following reasons, namely:-

- (1) That the proposal fails to comply with the maximum permissible floor space ratio requirements of the South Sydney Development Control Plan 1997 and this proposed non-compliance is not justified in the circumstances of the case;
- (2) That the wall to the proposed extension would require amendments in order to comply with the requirements of the Building Code of Australia and would, as a result of these amendments, fail to provide sufficient open space and natural ventilation to comply with the requirements of the South Sydney Development Control Plan 1997;
- (3) That the proposal would cause significant adverse solar access and bulk impacts;
- (4) That approval of the proposal would not be in the public interest.

Carried.

10.

RILEY STREET, NO. 422, SURRY HILLS - ALTERATIONS AND ADDITIONS TO REAR OF THE EXISTING DWELLING - BUILDING APPLICATION (Q98-00427)

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr R K Butler, for permission to carry out ground floor extensions including erection of living room, bathroom/ laundry and pergola at the rear of the abovementioned premises, all in accordance with the submitted unnumbered plans and specifications received on 30 July 1998, subject to the following conditions, namely:-

- (1) That the maximum height of the northern boundary wall shall be 2.4 metres above natural ground level;
- (2) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;

and the following adopted standard conditions:

- (3) BC2 - Compliance with Local Government Act 1993;
- (4) BC3 - Compliance with conditions on plan;
- (5) BC8 - Details of contractor;
- (6) BC11 - Inform Council for inspections;
- (7) BC15 - Approval relates to coloured work;
- (8) BC62 - Survey Certificate for setup of building;
- (9) BC63 - Survey Certificate for finished building;
- (10) BC111 - Hours of work;
- (11) BC113 - Work to comply with noise standards;
- (12) BC114 - Existing building to be kept in stable condition;
- (13) BC116 - New work not to encroach boundaries;
- (14) BC119 - Requirements when excavating below footings;
- (15) BC121 - Excavations and backfilling to be in accord with relevant standards;

GENERAL MANAGER

- (16) BC122 - Excavations to be guarded (safety);
- (17) BC123 - Demolition to comply with standard;
- (18) BC167 - Structural details and certification to be submitted;
- (19) BC170 - Structural certificate upon completion;
- (20) BC175 - Comply with Timber Framing Code;
- (21) BC186 - No structural work until approval granted;
- (22) BC189 - Termite protection;
- (23) BC337 - Construction of boundary walls;
- (24) BC340 - Non-flammable sarking materials;
- (25) BC529 - Smoke alarm systems;
- (26) BC601 - Water closets and shower compartments;
- (27) BC602 - Clothes washing and drying facilities;
- (28) BC603 - Damp and weatherproofing;
- (29) BC608 - Ceiling heights;
- (30) BC609 - Natural light and ventilation;
- (31) BC615 - Common walls sound transmission;
- (32) BC618 - Flashing to be provided.

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

Carried.

11.

GOWRIE STREET, NO. 111, NEWTOWN - ALTERATIONS AND ADDITIONS TO RESIDENCE - DEVELOPMENT APPLICATION (U98-00857)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Carl Webster for permission to carry out alterations and additions to the existing dwelling house at the abovementioned premises, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That the development shall be generally in accordance with plans numbered 98/14 SJ, dated 24 August 1998;
- (3) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (4) That the rear deck shall be reduced to measure 1.2 x 7.0 metres and that lattice privacy screening measuring 1.7 metres high from the floor level of the rear deck, shall be erected on both the northern and southern end of that deck;

and the following adopted standard conditions:

- (5) Compliance with Building Code of Australia⁸⁵⁰¹
- (6) Residential Building Work⁸⁵⁰³
- (7) Protection of Public Places⁸⁵⁰⁷
- (8) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (9) Comply With BCA⁹¹⁰⁴
- (10) Construction Certificate Required⁹¹⁵⁵
- (11) Clean Water Discharge⁴⁰⁰²
- (12) Storage/Garbage⁶⁰⁰⁹
- (13) Ventilation⁷⁰²³
- (14) Details of Health Aspects⁷⁰¹⁷

- (15) Noise and Vibration⁷⁰²⁶
- (16) Sewer Discharge⁸⁰⁰⁴
- (17) That all proposed work shall be wholly within the boundaries of the site;
- (18) Hours of Work and Use of Cranes⁹¹⁵³
- (19) Construction Noise⁷⁰⁰⁸
- (20) Stormwater Standard⁴⁰⁰¹
- (21) Obstruction of Public Way³⁰²⁹
- (22) Refuse Skips⁶⁰⁰²

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 person who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

BOTANY ROAD, NOS. 502 - 504, BEACONSFIELD - TOW TRUCK OPERATION WITHIN EXISTING BUSINESS - DEVELOPMENT APPLICATION (U98-00621)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Harris Motors Pty Ltd, with the authority of Mr C & Mrs H Mekler, for permission to operate a tow truck from the premises in conjunction with the existing panel beating/smash repair business, at the abovementioned premises, subject to the following conditions, namely:-
 - (1) That only one tow truck shall be operated from the premises;
 - (2) That the operation of a tow truck from the premises shall cease after a period of two years from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;

GENERAL MANAGER

- (3) That the tow truck shall only operate from these premises during the approved hours of the panel beating/smash repair business being 8.00 a.m. to 5.30 p.m. Mondays to Fridays;
- (4) That the tow truck shall not be based at these premises until such time as:
 - (a) The landscaped setback at the front of the premises has been landscaped with suitable shrubs and trees to Council's satisfaction, details of species, number and size to be submitted to Council for approval prior to planting;
 - (b) That all rubbish and stored goods are removed from the roof top car park and the lane widening area at the back of the building;
- (5) That the landscaped setback once planted shall be maintained (watered, weeded, missing or dead plants replaced) to Council's satisfaction;
- (6) That the car park and lane widening shall be kept clear of rubbish and stored goods at all times;
- (7) That the tow truck shall at no time be parked on street in the vicinity of the site whenever it is at the site it shall be parked within the workshop or the car park including when it is delivering or collecting vehicles;
- (8) That the tow truck shall enter and leave the roof top carpark in a forward direction at all times;

and the following adopted standard conditions:

- (9) Separate Application for Signs²⁰⁰¹
- (10) Loading Within Site³⁰¹⁴
- (11) Loading/Parking kept clear³⁰¹⁶
- (12) Vibration and Noise⁷⁰²⁸
- (13) Emissions⁷⁰⁰⁴

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

GENERAL MANAGER

relating to 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.

STANLEY STREET, NOS. 82 - 84, DARLINGHURST - APPLICATION TO AMEND CONSENT FOR RESIDENTIAL/COMMERCIAL BUILDING UNDER SECTION 102 (U98-00289)

That considered an application pursuant to Section 102 of the Environmental Planning and Assessment Act by Bassett and Jones Architects on behalf of Kimberley Securities for the deletion from its consent for the erection of a building containing two restaurants and three flats granted on 4 June, 1998, be deferred as requested by the applicant in fax dated 2 November 1998.

Carried.

14.

OXFORD STREET, NOS. 124 -128, DARLINGHURST - PROPOSED USE OF BASEMENT AS A NIGHT CLUB - DEVELOPMENT APPLICATION (U98-00807)

That the Council as the responsible authority grants its consent to the application submitted by Liquor Advisory Services, with the authority of Macs Pty Ltd, for permission to use the basement level of the existing building as a night-club between 8pm and 3am daily, including fit out, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered 98339, BA and DA dated July 1998;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and

GENERAL MANAGER

ensure that the plans are suitably endorsed. The levy, to the value of \$100 or first installment (as applicable), can be paid to the Council;

- (4) That the use shall cease after a period of 12 months from the date of commencement. A further Development Application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
- (5) That the proposed use shall not commence until the unauthorised sign to the front of the building at second floor level with the words "Adult World" is removed;
- (6) That the exit to Foley Street shall not be used for egress except in emergencies and that it shall be kept closed and have no identifying signage visible from Foley Street;
- (7) That soundproofing shall be provided to the north-facing wall at basement level including the door to Foley Street (adjoining Foley Street) to the satisfaction of Council's Director of Planning and Building prior to commencement of the proposed use, with this soundproofing to be in accordance with the recommendations of the acoustic report required by condition (57) below;
- (8) That no loading or unloading shall be carried out from Foley Street;
- (9) That mechanical ventilation required as a condition of this development consent referred to below shall be designed and positioned in such a way as to ensure that it does not cause noise disturbance to nearby residents;
- (10) That the proposed place of public entertainment shall be provided with an automatic smoke exhaust system complying with specification E.2.2 of the BCA. Alternatively, a sprinkle system shall be installed complying with specification E.1.5 of the BCA;
- (11) That all doors fitted to egress doorways shall be hung in two folds where the doorway is more than 1m in width fitted only with panic bolts where required to be secured and recessed so as not to open over the public way;
- (12) That the number of patrons shall be restricted to 96 persons plus 4 staff and 5 entertainers = 105 persons;
- (13) That the clock/music room shall be separated from the egress stairway by construction having a minimum fire resistance level of

60/60/60;

- (14) That the applicant be advised that amended Construction Certificate plans shall be submitted showing the relevant changes including specifications that have been conditional under this Development Consent;
- (15) That the premises shall not be used as a Place of Public Entertainment until a Certificate of Occupation has been issued by Council;
- (16) That lighting shall be provided to the outside face of the north-facing wall, being to Foley Street, designed to avoid spillage to residential properties, to assist in discouraging people from loitering in Foley Street during night hours;
- (17) That the "House Policy" submitted to Council with the application on September 24 1998, shall be complied with at all times;
- (18) That personnel shall be employed on the premises sufficient to ensure that patrons do not cause noise and disturbance to nearby premises;
- (19) That staff shall be instructed to ensure that the exit to Foley Street shall be kept shut and shall only be used during emergency evacuations;
- (20) That the hours of operation shall be restricted to between 8.00 p.m. and 3.00 a.m. daily;
- (21) That all fully enclosed areas not provided with natural ventilation shall be mechanically ventilated in accordance with the Building Code of Australia and Council's Ventilation Code;
- (22) That the effluent air from the toilet exhaust system shall be discharged in a vertical direction above the roof in a position approved by the Health and Community Services Department where no nuisance will be created;
- (23) That the air handling system to the toilets and air lock shall exhaust at least 10 litres/sec per square metre of floor area from each sanitary compartment and air lock, but not less than 25 litres/sec per sanitary fixture;
- (24) That the doors to the toilets and airlock shall be made close fitting and self-closing;
- (25) That a sink shall be supplied with hot water at a temperature of not less than 75 degrees Centigrade to the service bar;

GENERAL MANAGER

- (26) That a wash hand basin, conveniently located, shall be provided in the service bar with an adequate supply of potable drinking water at a temperature of at least 40 degrees Centigrade delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
- (27) That a glass washing machine supplied with hot water at a temperature of not less than 82 degrees Centigrade shall be installed in the service bar;
- (28) 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;

and the following adopted standard conditions:

- (29) Separate Application for Signs²⁰⁰¹
- (30) Spruikers¹⁰⁸
- (31) Office to be Ancillary¹¹⁰
- (32) Garbage Room⁶⁰¹⁰
- (33) Recycling⁶⁰⁰⁷
- (34) Garbage Room/Receptacle⁶⁰¹¹
- (35) Commercial Garbage Contract⁶⁰⁰³
- (36) Noise Report⁷⁰⁰⁵
- (37) hsc800 - Use of appliances emitting intrusive noise;
- (38) hsc801 - Noise from premises;
- (39) Comply With BCA⁹¹⁰⁴
- (40) Commencement of Structural Works⁹²⁰²
- (41) Maintenance of Premises⁹⁷⁰⁴
- (42) Access to Exits⁹⁷¹³
- (43) Fabric Used for Chairs⁹⁷²³

- (44) Separation of Entertainment Area⁹⁷²⁶
- (45) Basement Storey Separation⁹⁷²⁸
- (46) Separation of Storerooms⁹⁷²⁹
- (47) Machinery and Associated Equipment⁹⁷⁴⁵
- (48) Safety Curtains⁹⁷⁴⁴
- (49) Fastenings to Exit Doors⁹⁷⁶²
- (50) Electric Mains Installation⁹⁷³⁴
- (51) Certification of Electrical Installation⁹⁸⁵³
- (52) Egress Paths to be Kept Clear⁹⁸⁵²
- (53) Emergency Lighting⁹⁸⁰⁸
- (54) Exit Signs⁹⁸⁰⁹
- (55) Portable Fire Extinguishers⁹⁹⁰²
- (56) Certification of Existing Hose Reels System⁹⁹⁰⁵
- (57) Certification of Existing Hydrant System⁹⁹⁰⁶
- (58) Curtains or Blinds⁹⁷²²
- (59) Edges of Treads of Strairs⁹⁷¹⁹
- (60) Entry to Refrigerator or Cooling Chamber⁹⁴³¹
- (61) Lighting⁹⁷³⁵
- (62) Mechanical ventilation⁹⁶¹⁵

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.

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

- (A) That the application be deferred pending advice from the applicant regarding the proposed nature of the night club including an explanation of the market which the night club will target.
- (B) That Council Officers refer the application to the Lesbian and Gay Anti-violence project and the Surrey Hills Police for advice on their opinion of the possible affect on the night club in the area and the possible cumulative affect of another night club being approved on Oxford Street.

Motion, as amended by Councillor Waters, carried.

15.

CHARLES STREET, NO. 17, ERSKINEVILLE - UNAUTHORISED WORK (2016434)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That with regard to the unauthorised work at the rear of the abovementioned premises consisting of a 3.5m x 3.6m sunroom at ground floor with a covered deck above it and a side access timber stair, Council, as the responsible authority, issue an order pursuant to Section 124.4(g) of the Local Government Act, 1993 on the owners of the premises to within 28 days:
 - (1) That a privacy screen shall be provided to a height of 1.8 metres to the rear 1st floor deck on the southern elevation.
 - (2) Remove the external stair and use internal access for the balcony;
 - (3) Provide a structural certificate from a practising structural engineer registered with the Council as to the structural adequacy of the balcony.
- (B) That the Council write to the owners warning them that in future if works are carried out without first obtaining approval, Council will enforce its full powers given under Local Government Act and Environmental Planning and Assessment Act.

- (C) That in the event the order is not complied with the matter be referred to Council's Solicitors.
- (D) That the persons who made representations in respect of the unauthorised work be advised of Council's decision.

Carried.

16.

WILLIAM STREET, NOS. 196 - 214, WOOLLOOMOOLOO - APPLICATION FOR COMMERCIAL/RESIDENTIAL BUILDING (U98-00629)

- (A) That Development Application DA.0629/98 submitted on 10th July, 1998 by Martin and Spork Pty Ltd proposing a mixed commercial and residential development shown on plans 9812-DA 01-17 Revision A dated 8 July, 1998, Drawing No. 9812-DA-18 dated 3 July, 1998 and Drawings Nos 9812-DA-19-20 dated 2 July, 1998 prepared by Martin and Spork Pty Limited Architects be refused for the following reasons, namely:-
 - (1) The proposed development exceeds the floor space ratio of 4:1 contained in South Sydney Development Control Plan 1997- Urban Design, and will result in a building of unacceptable bulk and scale;
 - (2) The proposed development exceeds the height limit of 24 metres contained in South Sydney Development Control Plan 1997- Urban Design, and when considered in conjunction with the proposed roof top structure will constitute a building of excessive height which will have an adverse visual impact on the surrounding area;
 - (3) The proposed development does not satisfy the standards for car parking specified in South Sydney Development Control Plan No.11 -Transport Guidelines for Development 1996. In the absence of any justification by the application for this departure there is no indication that the application will not result in adverse traffic conditions in the surrounding street system and inadequate provision of parking on site for residents and visitors;
 - (4) That the applicant has provided no information to demonstrate that the illuminated advertising sign proposed on top of the building will not have an adverse impact on the surrounding residential area.
 - (5) That no information has been provided by the applicant to demonstrate that the application complies with South Sydney Development Control Plan No.10- Planning for Disabled Access;

GENERAL MANAGER

- (6) That the proposed development is not in the public interest because of its excessive size and likely adverse impact on the surrounding area.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

OATLEY ROAD, NO. 3, PADDINGTON - INSTALLATION OF AIR CONDITIONING SYSTEM - BUILDING APPLICATION (Q98-00287)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Peter Isaac Tollitt for permission to install an air handling system at the abovementioned premises all in accordance with the submitted one unnumbered plan received 7 April 1998, subject to the following conditions, namely:-
 - (1) That prior to any work commencing, the applicant shall submit, and have approved by Council in writing, details of the design of an acoustic barrier, certified by an acoustical engineer, to be erected around the condenser unit to achieve compliance with condition (3), below and following installation the acoustical engineer shall verify that the condition is being complied with;
 - (2) That the air conditioning unit and the acoustic barrier shall be located 2.6m from the parapet wall;
 - (3) That the domestic air conditioner unit shall not create an offensive noise at any time as defined under the Noise Control Act 1975 and not being audible in any other premises between the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays;
 - (4) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (5) That compliance shall be given to all of the conditions shown on the approved plan;
 - (6) That the external metal duct to the rear of the building be redesigned so that it is flush with the rear of the wall of the terrace house;
 - (7) That the approval shall only relate to the work shown on the approved plans;

GENERAL MANAGER

- (8) That new work shall not project beyond the street alignment or boundaries of the allotment;
- (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (10) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (11) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;and the Council shall be immediately informed in writing if:-
 - (a) a contract is entered into for the work to be done by a different licensee; or
 - (b) arrangements for the doing of the work are otherwise changed;
- (12) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council Officers;
- (13) That the hours and days during which building work may be carried out shall be restricted to between 7.00 am and 5.00 pm Mondays to Fridays and 7.00 am and 3.00 pm Saturdays with no work being carried out on Sundays or public holidays;
- (14) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (15) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (16) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;

- (17) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Lay and by consent, the motion was amended by the deletion of condition (1) and the insertion in lieu thereof, of the following new conditions 1(a) and 1(b) to the recommendation, namely:-

- (1)(a) That prior to any work commencing, the applicant shall submit and have approved by Council in writing, details of the design of an acoustic barrier, certified by an acoustical engineer, to be erected around the condenser unit to achieve compliance with condition (3) below.
- (b) That following installation the acoustical engineer shall certify that the condition is being complied with and that the issue of vibration/structure borne noise has been included in his evaluation of the proposal.

Motion, as amended by consent, carried.

18.

ROSEBERY AVENUE, NO. 33, ROSEBERY - ERECTION OF SINGLE STOREY DWELLING - DEVELOPMENT APPLICATION (U98-00828)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Jandson Homes with the authority of Mr A and Mrs B Langtry for permission to erect a single storey brick veneer dwelling at the abovementioned premises, all in accordance with the submitted plans, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and

ensure that the plans are suitably endorsed. The levy, to the value of \$203.90, or first installment (as applicable), can be paid to the Council providing that a completed levy payment form accompanies the payment;

- (3) Please note that following the gazettal of the Home Building Act 1997, your application is subject to a privately obtained "Consumer Warranty Insurance". You must preserve your completed insurance documentation;
- (4) That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;
- (5) That the development shall be generally in accordance with plans numbered 1179/56786 dated 27 August 1998;
- (6) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;

and such materials shall respect and be consistent with the attributes and character of the surrounding area;

- (7) That details of the location of a solar hot water heating system or a heat pump system shall be submitted with Construction Certificate. If a solar hot water heating system is used, a tank with a capacity of 180 litres (one panel system) shall be associated with each one bedroom and two bedroom unit, a tank with a capacity of 300 litres (2 panel system) shall be associated with the three bedroom unit;
- (8) That a statement from a suitably qualified energy adviser shall be submitted with the Construction Certificate, indicating the suitability of the proposed system in terms of orientation, location and capacity;

- (9) That structural details shall be submitted with any application for a Construction Certificate;
- (10) That the applicant be advised that they may be liable for prosecution under the Environmental Planning and Assessment Act for breach of an approval condition, or under the Clean Waters Act 1970 if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures;

and the following standard conditions:

- (11) 9155 - Construction Certificate Required;
- (12) 9013 - Drainage Details with Construction Certificate;
- (13) 9003 - Natural Ground Level Details with Construction Certificate;
- (14) 4005 - Connection to Council's Stormwater System;
- (15) 4002 - Clean Water Discharge;
- (16) 9001 - Survey Certificate at Set Out Stage;
- (17) 9002 - Survey Certificate at Completion;
- (18) 7023 - Ventilation;
- (19) 7026 - Noise and Vibration;
- (20) 9156 - Building/Demolition Noise Control;
- (21) 6009 - Storage/Garbage;
- (22) 1016 - Alignment Levels;
- (23) 3025 - Road opening permit;
- (24) 3028 - Footway crossing;
- (25) 3029 - Obstruction of Public Way;
- (26) 6001 - Garbage on Public Way;

- (27) 6002 - Refuse Skips;
 - (28) 8501 - Compliance with Building Code of Australia;
 - (29) 8503 - Residential Building Work;
 - (30) 8506 - Support for Neighboring Buildings;
 - (31) 8507 - Protection of Public Places;
 - (32) 8508 - Signs Erected on Building and Demolition Sites;
 - (33) 8509 - Toilet Facilities;
- (B) That the applicant be advised that, in order to satisfy the provisions of the Building Code of Australia, compliance with the following conditions is required:
- (1) Sarking Material Flammability Index
 - (2) Protection of Walls and Floors in Wet Areas
 - (3) Damp and Weather Proofing
- 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 notified of Council's decision.

Carried.

19.

PRIMROSE AVENUE, NO. 34, ROSEBERY - ALTERATIONS AND ADDITIONS TO REAR - BUILDING APPLICATION (Q98-00539)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr Phillip Kastellas for permission to carry out alterations and additions to the rear of the abovementioned premises including new car port and roof attic together with a separate garage and storeroom at the rear north-eastern corner of the site, all in accordance with the amended plan numbered 98016 (dated 22 September 1998), subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
- (2) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (3) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (4) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (5) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (6) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
- (7) That samples of the proposed face brickwork shall be submitted for approval;
- (8) That details of the proposed system of stormwater drainage shall be submitted for approval;

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

-and the following standard adopted conditions:

- (9) BC2 - Compliance with Local Government Act 1993;
- (10) BC3 - Compliance with conditions on plan;

- (11) BC8 - Details of contractor;
 - (12) BC11 - Inform Council for inspections;
 - (13) BC62 - Survey Certificate for setup of building;
 - (14) BC63 - Survey Certificate for finished building;
 - (15) BC111 - Hours of work;
 - (16) BC113 - Work to comply with noise standards;
 - (17) BC123 - Demolition to comply with standard;
 - (18) BC167 - Structural details and certification to be submitted;
 - (19) BC175 - Comply with Timber Framing Code;
 - (20) BC189 - Termite protection;
 - (21) BC340 - Non-flammable sarking materials;
 - (22) BC421 - Private stairs construction;
 - (23) BC601 - Water closets and shower compartments;
 - (24) BC603 - Damp and weatherproofing;
 - (25) BC608 - Ceiling heights;
 - (26) BC609 - Natural light and ventilation;
 - (27) HSC500 - Premises to be ventilated;
 - (28) HSC014 - Hot water safety devices;
 - (29) HSC800 - Use of appliances emitting intrusive noise;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried

20.

CAMPBELL STREET, NO. 105, SURRY HILLS - APPLICATION TO VARY HOURS OF BUILDING WORK (U96-00219)

- (A) That the Council having considered an application pursuant to Section 96 of the Environmental Planning and Assessment Act by Acoustic Logic Consultancy on behalf of D S Parklane Pty Ltd, at the abovementioned premises resolves to refuse the application for the following reasons, namely:-
- (1) That the extended hours could adversely affect the amenity of surrounding residents;
 - (2) That as a Noise Management Notice has been served on the site, work hours should not be extended beyond times at which Council officers are available to investigate complaints;
 - (3) That disturbance is likely to be caused by the late night departure of employees;
 - (4) That the building being residential is not fully sealed as windows are capable of being opened;
 - (5) That approval would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

21.

BAYSWATER ROAD, NOS. 72 - 78, RUSHCUTTERS BAY - ERECT EIGHT STOREY BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00613)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 88(B) of the Environmental Planning and Assessment (Amendment) Act, 1997 to the application submitted by Consolidated Contractors Pty Ltd, with the authority of N & N Davidson Investments Pty Ltd, for permission to erect 8 storey building, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details of the following matters which shall be approved in writing

GENERAL MANAGER

by the Director of Planning and Building prior to lodging an application for a Construction Certificate:

- (a) the provision of measures to preserve low rental housing opportunities on the site. Such measures may comprise:
- a legal agreement between Council and the landowner providing for capping of the rent levels of some units for a specified period;
 - management of some units by a social housing provider
 - strata subdivision of the proposed building into multiple unit allotments to ensure their availability on the rental market

or a combination of these and/or other like measures, to the satisfaction of Council and the Department of Housing.

- (b) That the building be redesigned to incorporate the changes outlined in the letter from Architect Englelen Moore dated 11 November 1998, subject to the eastern blade wall of the north eastern balconies being of opaque glass or other such detail as may be agreed between the owners of the adjoining units in No. 80 Bayswaters Road;
- (c) That coloured elevations, a schedule of finishes and samples of materials shall be submitted prior to the approval of the Building Application, for the approval of the Director of Planning and Building, in respect of the following:-

external walls;
roofing;
balustrade treatment;
fences;
windows and doors;

- (d) That plans and specifications showing details of:-
- (I) all proposed mechanical ventilation systems;
 - (II) the garbage room and garbage chute;
 - (III) the layout, disposition and method of installation of fixtures and fitting, together with wall, floor and ceiling finishes to all food preparation and storage areas in the coffee shop;
 - (iv) the recycling storage areas;

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

- (e) That a maximum of 34 off-street car parking spaces shall be provided, shall be allocated on the basis of 27 spaces for residents, with a maximum of 1 space per unit for 2 bedroom units or smaller, and 7 spaces to be kept available for the exclusive use of visitors;
- (f) That of the visitor spaces required in Condition, at least 1 space measuring 3.5m by 5.4m minimum shall be provided for a car wash bay. Such spaces shall be provided with water connection, drained and discharged in accordance with EPA Guidelines appropriately located and clearly marked;
- (g) That the car park including parking bays, driveways, ramps, aisles, headroom, etc shall be dimensioned in accordance with Australian Standard 2890.1. The following items particularly are considered to be inadequately designed and require amendment;
 - (i) a near level street transition at a maximum grade of 1:20 shall be provided for at least the first 6m inside the building line in addition to any ramp transitions for safety purposes;
 - (ii) columns fronting access aisles shall be setback at least 0.75m from the face of the parking bay.
 - (iii) circulation aisles at the top and base of ramps should be 6.0m minimum.
 - (iv) the street transitions and ramping shall be integrated with the requirements of proposed car park entry (card control, remote control, push button, etc) to provide a safe means of entering and exiting the car park without the need for stopping or queuing on steep sections of the ramp.
- (h) That 4 bicycle spaces in the form of 2 inverted U stands or 4 wall mounted stands be provided and that these be located in a convenient, publicly accessible and secure location on level 3 and with appropriate signage, all in accordance with Class 3 facilities of Australian Standards 2890.3.
- (i) That a minimum clear passageway of 1.5 metres be provided between the foyer and pool on the approaches to the Level 3 storage areas, garbage room and gymnasium;

NOTE: Development Approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and attempt compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to Guidelines on Access to Premises by the Human Rights and Equal Opportunities Commission, may be the best defence against potential action until an accepted industry standard is available. Sole reliance on the access provisions of the Building Code of Australia is not adequate protection.

- (2) That the development shall be generally in accordance with plans 9826-2-0-01A, 9826-2-0-02A, 9826-2-0-03A, 9826-2-0004A, 9826-2-0-05 A, 9826-2-0-06 A, 9826-2-0-07 A, 9826-3-0-01 A, 9826-04-9091, 9826-4-0-02A, 9826-4-0-03A received on 13 July 1998, as amended by condition (1) above;
- (3) Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$65,415	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$19,757	2E97002.BGYO
Accessibility And Transport	\$ 254	2E97006.BGYO
Management	\$ 984	2E97007.BGYO
Total	\$86,410	

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

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

where:

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

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

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

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

(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.

As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (4) 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 – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category Account	Amount
Multi-Function Administration Centre 2E97008.BGY0	\$17,684

The above payment will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

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. Payment shall be made (before the release of the construction permit .

- (5) That a right of way, minimum width 3.05m shall be maintained between 72-78 Bayswater Road and 8 Clements Street;
- (6) That the existing duplex at No. 8 Clement Street retained and the sites 72-76 Bayswater Road, 78 Bayswater Road and 8 Clement Street be consolidated into one allotment;
- (7) That a separate application shall be submitted at the appropriate time for the specific use of the small shop ;
- (8) That a garbage chute constructed in accordance with Council's Code of Garbage Handling Systems shall be installed in the premises;
- (9) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of the Water Board;
- (10) That before entering a purchase/lease/occupancy agreement, all occupiers and tenants of the development are to be advised by the applicant/owner of the building and owners of the individual units once on-sold, that residents are not eligible to participate in the on-street Resident Parking Scheme applying to this area. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a directory board, where it can easily be observed and read by persons entering the building. This exclusion is to appear on Section 149 Certificates;
- (11) That all relevant sections of the BCA shall be complied with;
- (12) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (13) That the requirements of the Work Cover Authority shall be complied with;
- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) 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;
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (16) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by the Director of Public Works and Services;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (19) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (20) That the demolition work shall comply with Australian Standard 2601-1991;
- (21) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;

and the following adopted standard conditions:

- (22) LDA101 - Provide landscaping plan;
- (23) LDA102 - Maintain existing landscaped area;
- (24) LDA106 - Preserve existing trees;
- (25) LDA107 - Make application to remove trees;
- (26) LDA153 - Reflectivity of external glazing;
- (27) LDA158 - Treatment of exposed walls;
- (28) LDA161 - Provide common television aerial;
- (29) LDA167 - No garbage on public way;
- (30) LDA172 - Projections beyond street alignment;
- (31) LDA366 - Liaise with Natural Gas Company;
- (32) LDA367 - Timing device on alarms;
- (33) LDA374 - Disabled entry;
- (34) LDA376 - Hours of building work;
- (35) LDA377 - Construction noise regulation;
- (36) LDA384 - New alignment levels;
- (37) LDA387 - Footway crossings;
- (38) LDA388 - Stormwater disposal details;
- (39) LDA392 - No obstruction to public way;
- (40) LDA396 - Works within boundaries;
- (41) hsc500 - Premises to be ventilated;
- (42) hsc001 - Compliance to Director of Health and Community Services;
- (43) hsc200 - Compliance with Food Premises Code;
- (44) hsc300 - Air handling systems for future food premises;

- (45) hsc018 - Sanitary facilities;
- (46) hsc100 - Removal of spoil from site;
- (47) hsc516 - Discharge vents;
- (48) hsc247 - Garbage room;
- (49) hsc711 - Commercial contract (trade waste);
- (50) hsc801 - Noise from premises;
- (51) LDA36 - Loading only within confines of the site;
- (52) LDA44 - Driving in forward direction only;
- (53) LDA49 - Signage for vehicular egress;
- (54) LDA66 - Minimum 2.2m headroom;

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, 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;

Note: The applicant has offered at their cost:

- (a) to soundproof the second bedroom windows in the adjoining building (No.80), where they abut the proposed building;
- (b) At the completion of the development, paint the western wall of No.80 to a mutually agreed colour;
- (c) Construct a new dividing fence with No.80 to a design agreed with No.80.

Carried.

22.

CHELSEA STREET, NO. 34, REDFERN - ERECT TWO X TWO BEDROOM FLAT BUILDING AND GARAGE - DEVELOPMENT APPLICATION (U97-00734)

That consideration of the Development Application submitted by Frank Walsh Architects, with the authority of Mr W Van Beek and Ms J Walsh , for permission to demolish the existing terrace house and erect a residential flat building with 2 x 2 bedroom dwellings in a split level form over 3 levels with ground level parking for 2 vehicles be deferred as requested by the applicant in fax dated 3 November 1998.

Carried.

23.

PLANNING - GREEN SQUARE - REQUEST FOR FINANCIAL CONTRIBUTION TO PREPARE A MASTERPLAN (2019509)

That an amount of \$50,000 be added to the Strategic Planning Budget 1998/1999 Estimates and that this money be provided to the South Sydney Development Corporation towards the preparation of the Masterplan for the Green Square Town Centre.

(DPB Report 30.10.98)

Carried.

24.

PLANNING - SEX INDUSTRY POLICY - DRAFT AND EXHIBITION (2014192)

- (A) That Council invites comment from the Community and key interest groups on the Sex Industry Policy for a period of 6 weeks.
- (B) That Council adopt the Sex Industry Policy as an interim policy prior to its finalisation; and
- (C) That Council's Solicitors be asked to review the policy particularly the aspects of cumulative impact.
- (D) That Council implement a promotion, education and enforcement policy based on Option B in the report, this being as follows:-
 - (1) That premises for which consent has been granted have a joint inspection by Council's Health staff and Building staff within the first six months to determine compliance with Conditions of Consent and a further inspection within the following 12 months,

GENERAL MANAGER

thereafter responding only if compliments are received.

- (2) Publicise the Sex Industry Policy including a plain english pamphlet that can be distributed through support groups to highlight the benefits of operators obtaining the appropriate approvals maintaining minimum standards for workers and clients and to minimise impacts on adjoining properties.
- (3) Investigating alleged unauthorised brothels, with priority being given to those premises that appear to be having adverse impacts on the neighbourhood.

(E) That any reference to "Massage Parlours" in the Draft Sex Policy be deleted.

(DPB Report 28.10.98)

It was moved by Councillor Fowler, seconded by Councillor Deftereos that the motion be amended by the deletion of clause (b) of the recommendation.

Amendment negatived.

It was moved by Councillor Bush, seconded by Councillor Fowler that the motion be amended by the addition of a new clause to the recommendation, namely:-

- (e) That loitering signs be included in the Draft Sex Policy to allow for comment by the Community.

Amendment negatived.

Motion carried.

25.

BOURKE STREET, NO. 829, REDFERN - ALTERATIONS AND ADDITIONS TO REAR OF DWELLING - BUILDING APPLICATION (Q98-00570)

(A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr John Sleiman for permission to erect ground level alterations to the rear of the abovementioned premises, including the extension of the kitchen and TV room to the northern boundary and the erection of a new pergola and roller shutter with frontage to Bourke Lane, all in accordance with the (amended) plan number SLE0698 sheets 1 to 5 dated 11 August 1998, together with 1 unnumbered plan dated 22 October 1998, subject to the following conditions, namely:-

- (1) The details of the existing and proposed drainage system (including the enclosed lightwell area) and stormwater certificate

GENERAL MANAGER

from a licenced builder or architect shall be submitted for consideration and approval prior to commencement of building work;

- (2) That in accordance with the requirements of Clause 34 of the Local Government (Approvals) Regulation, 1993, a person excavating below the level of the base of the footings of a building on an adjoining allotment of land (includes a public road and any other public place) must comply with the following:-
 - (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and
 - (c) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work;

-and the following adopted standard conditions:

- (3) BC2 - Compliance with Local Government Act 1993;
- (4) BC3 - Compliance with conditions on plan;
- (5) BC8 - Details of contractor;
- (6) BC11 - Inform Council for inspections;
- (7) BC15 - Approval relates to coloured work;
- (8) BC62 - Survey Certificate for setup of building;
- (9) BC63 - Survey Certificate for finished building;
- (10) BC64 - Applicant to make good damage to party walls;
- (11) BC65 - Boundary walls not to be party walls without neighbour's consent;
- (12) BC111 - Hours of work;
- (13) BC113 - Work to comply with noise standards;
- (14) BC120 - Letter of consent to underpinning;
- (15) BC116 - New work not to encroach boundaries;

- (16) BC167 - Structural details and certification to be submitted;
 - (17) BC175 - Comply with Timber Framing Code;
 - (18) BC189 - Termite protection;
 - (19) BC340 - Non-flammable sarking materials;
 - (20) BC337 - Construction of boundary walls;
 - (21) BC529 - Smoke alarm systems;
 - (22) BC601 - Water closets and shower compartments;
 - (23) BC611 - Ventilation of bathrooms/laundries;
 - (24) BC617 - Rain or dampness penetration;
 - (25) BC618 - Flashing to be provided;
 - (26) hsc800 - Use of appliances emitting intrusive noise;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

26.

IVY STREET, NOS. 74-80, DARLINGTON - RESIDENTIAL FLAT BUILDING SECTION 96 APPLICATION - DEVELOPMENT APPLICATION (U97-01123)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That pursuant to Section 96 of the Environment Planning and Assessment Act and Regulations, the Council resolution of 27 November 1997 be amended by:-
- (a) The deletion of conditions (4) and (16)
 - (4) That the development shall be generally in accordance with plans 1650/11/13 and 1650/15/20 and 15a, 16a, 12a, 15b, 21a, 35a dated 26 March 1997, 3 April 1997, December 1996, June 1997 and February 1998;
 - (16) That a maximum of 27 off-street car parking spaces 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

GENERAL MANAGER

Director of Planning and building, allocated on the basis of 21 for residents and 6 for visitors

-and insertion in lieu thereof of the following conditions;

- (4) That the development shall be generally in accordance with plans 1650/11/13 and 1650/15/20 and 15a, 16a, 12a, 15b, 21a, 35a, dated 26 March 1997, 3 April 1997, December 1996, June 1997 and February 1998; as amended by plans 1650/31a, 32a, 33a, 34a, 35a, 36b, 37a, 38a, 39a, dated February 1998.
- (16) That a maximum of 31 off-street car parking spaces 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, allocated on the basis of 25 for residents and 6 for visitors

(b) subject to the following additional conditions;

(50) 21 –Section 94

Open Space Land Acquisition	\$7,444
Open Space, Townscape, Public Domain	\$2,251
Accessibility and Transport	\$ 24
Management	\$ 112
Multi-function administration centre	\$2,014
Total	\$11, 845

(B) That the persons who objected to the proposed modifications be advised of Council's decision.

Carried.

27.

SOUTH DOWLING STREET, NO. 326, PADDINGTON - ALTERATIONS AND ADDITIONS TO TERRACE - DEVELOPMENT APPLICATION (U98-00529)

(A) That Council as the responsible authority grant its consent to the application submitted by Mr O B Nielssen to make alterations and additions to the abovementioned terrace, generally in accordance with the submitted plans, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the development shall be generally in accordance with plans 003, 004 and 005, dated may 1998 and amended plans numbered 0028 and dated 28 September 1998, with the exception of the amendments outlined below.;
- (2) That a watercloset (shower) shall be incorporated into the first level plan of the building, in addition to the toilet;
- (3) That appropriate and secure access arrangements to the first floor residential premises from the public way shall be established during and outside of the business hours of the commercial premises, this may involve the erection of an additional locked doorway at either the first or second level;
- (4) That the proposed stack parking shall be deleted, and that the parking provision shall be confined to a maximum of two spaces;
- (5) That the applicant shall liaise with Sydney Electricity for approval to relocate the electricity pole;
- (6) That the proposed roof over the parking area shall be deleted and that the parking area shall remain uncovered;
- (7) That the existing first floor window opening shall be retained and that the windows and doors located at the South Dowling Street elevation shall be constructed of timber joinery;
- (8) That all existing trees on the site covered by Council's Tree Preservation Order shall be preserved and protected during the construction phase to the satisfaction of the Director of Public Works and Services;
- (9) 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;
- (10) That brick pillars shall be built at each side of the proposed tilt a door with a minimum width of 500mm as viewed from Little Dowling Street and shall be treated and coloured to the satisfaction of the Director of Planning and Building;
- (11) That a parapet structure shall be located at the top of the tilt a door with a width no less than 500mm, and shall be treated and coloured to the satisfaction of the Director of Planning and Building;
- (12) That the tilt a door/parapet structure shall have a height no greater than 3 metres from natural ground level to the topmost

point of the parapet;

- (13) That the area immediately in front of the pillars at Little Dowling Street shall be landscaped with vegetation/planting in accordance with a landscape plan submitted with the Building Application, and shall be to the satisfaction of the Director of Planning and Building;
- (14) That details of the proposed colour scheme shall be submitted with the Building Application;
- (15) That a separate application shall be submitted at the appropriate time for any proposed signs;
- (18) 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;
- (19) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (20) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the

Building Code of Australia and the Local Government (approvals) Regulation;

- (21) That the hours of operation shall be restricted to between 8.00am to 6.00pm Monday to Fridays;
- (22) 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;
- (23) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (24) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (25) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (26) 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;
- (27) That all proposed work shall be wholly within the boundaries of the subject site;
- (28) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
- (29) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (30) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer;

- (31) That the applicant shall accept responsibility for the cost of any alteration or adjustment to existing public services affected by the proposed work;
- (32) That the proposed tilt a door shall be setback a minimum of 1 metre from the rear boundary;
- (33) Prior to the lopping of any trees on the site, approval must be obtained from Council's Tree Preservation Officer;
- (34) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (35) 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;
- (36) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (37) That all relevant sections of the BCA shall be complied with;

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.
- (C) That the appropriate Council Officer prepare a report on why the proposal cannot meet the FSR requirements.

Carried.

28.

RILEY STREET, NO. 136, DARLINGHURST - ALTERATIONS AND ADDITIONS TO A TERRACE DWELLING - DEVELOPMENT APPLICATION (u98-00827)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Design Drafting Services Pty Limited with the authority of Mr M O'Shea for alterations and additions to a terrace dwelling at the abovementioned premises, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the development shall be generally in accordance with plans numbered 9862 sheets 1 and 2 dated 23 August 1998;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$220, or first installment (as applicable), can be paid to the Council;
- (4) That the new windows and doors in the front elevation shall be constructed in timber joinery;
- (5) That any external glazing shall have a reflectivity not exceeding 20%;
- (6) That the dormer window proposed to Riley Street shall be vertically proportioned at a ratio of 1.5:1 measuring from head to ceiling of window frame. Details shall be submitted with the Construction Certificate;
- (7) That all relevant sections of the BCA shall be complied with;
- (8) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (9) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (10) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's

stormwater drainage system, in accordance with Council's requirements;

- (11) 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";
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (13) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;
 - (c) the location of exhaust/and intake vents;

-shall be submitted and approved by Council or an accredited certifier before a 'Construction Certificate' is issued;

- (14) 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;
- (15) 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;
- (16) That the 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;
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic

Branch and the Director of Public Works and Services
Department;

- (17) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (18) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (19) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;

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

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

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

Carried.

29.

**BOURKE STREET, NO.201, DARLINGHURST - USE PREMISES FOR
SHORT TERM ACCOMMODATION FOR THE PURPOSE OF
PROSTITUTION - DEVELOPMENT APPLICATION (U98-00812)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Ms Dianne Peters for permission to use the premises as a "safe house", providing temporary accommodation for the purposes of prostitution, for the following reasons, namely:-
 - (1) That by virtue of Clause 37 of Local Environmental Plan 1998, Council cannot grant consent to the proposal;
 - (2) That the proposal is inconsistent with the provisions of Local Environmental Plan 1998 particularly with regard to the objectives of the Mixed Use Zone;

GENERAL MANAGER

- (3) That the proposal is inconsistent with the aims and objectives of Development Control Plan 1997, namely the provisions contained in Parts B, C, D, E and F, particularly with regard to the objectives for mixed use zones, social impact, pedestrian and residential amenity and public domain;
 - (4) That the proposal is inconsistent with the Strategy for a Sustainable City of South Sydney, particularly with regard to mixed use zones, noise and public domain goals and objectives;
 - (5) That the proposal is not consistent with the objectives and provisions of the Disorderly Houses Amendment Bill 1995 by virtue of its location and existing and likely future impacts on the area;
 - (6) That proposal is inconsistent with Council's Brothels Policy 1996 particularly with regard to amenity, health, and locational objectives;
 - (7) That the proposal is not in the public interest.
- (B) That the unauthorised use of 201 Bourke Street be referred to Council Solicitor to take appropriate legal action to have the use cease, including action to have the use ceased, including action under the Disorderly Houses Act inappropriate.
 - (C) That Council investigate the use of No. 197 Bourke Street, to establish if it is being used for the purpose of prostitution.
 - (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

30.

VICTORIA STREET, NOS. 394-404, DARLINGHURST - ERECTION OF UNDERGROUND CAR PARK (U98-00486)

That consideration of the application be deferred for the reasons as detailed in the report by the Director of Planning and Building dated 30 October 1998.

Carried.

31.

MITCHELL ROAD, NOS. 2-16, ALEXANDRIA - CHANGE USE FROM WAREHOUSE TO RECORDING STUDIO - DEVELOPMENT APPLICATION (U98-00874)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by BIS Investments Pty Ltd for permission to refurbish the existing warehouse building including sound proofing to be used as a recording studio, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the submitted plan numbered DA 01 and dated September 1998;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$7500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1000 or first installment (as applicable), can be paid to the Council;
 - (4) That separate doors shall be used for vehicles to enter and exit the building in a forward direction;
 - (5) That loading within the premises shall be restricted to vehicle no larger than a small 2 axle rigid truck;
 - (6) That the proposed hours of operation shall be limited to between 9 a.m. to 5 p.m. Monday to Friday and 9am to 3pm Saturdays.
 - (7) That a separate development application shall be submitted at the appropriate time for any proposed signs;
 - (8) That all proposed work shall be wholly within the boundaries of the site;

GENERAL MANAGER

- (9) 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.
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (10) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (11) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (12) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (14) 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;
- (15) 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";

- (16) That a garage room or garbage receptacle storage area shall be constructed in accordance with the requirements of Council's Code for the construction of garbage Handling Systems;
- (17) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (18) That the proposed development shall be acoustically designed so that the noise levels are at or below 40 dB(A) during the day and 30db(A) at night;
- (19) 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;

- (20) That Mondays to Saturdays daytime is defined as 7.00 a.m. to 10.00 p.m. and night time is 10.00 p.m. to 7.00 a.m. Sundays and Public Holiday daytime is 8.00 a.m. to 10.00 p.m. and night time is 10.00 p.m. to 8.00 a.m.;
- (21) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (22) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (23) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (24) That all relevant sections of the BCA shall be complied with;
- (25) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm 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 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);

- (26) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (27) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (28) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (29) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (30) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (31) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (32) That all internal areas shall be provided with mechanical ventilation in accordance with requirements of F4.5 of the BCA and Council's Ventilation Code;
- (33) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (34) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (35) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (36) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (37) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;

- (38) 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;
- (39) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (40) That the use of the premises on Saturday shall be limited to a period of one year. (The applicant is advised that a further application may be lodged two months before the expiration of this period for the permanent contribution of the proposed use on a Saturday);
- (41) That no rehearsals shall take place within the building;

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

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.

32.

**PALMER STREET, NO.167, DARLINGHURST - RESTORE BUILDING
FACADE AND ERECT NEW GARAGE AND STUDIO ABOVE -
DEVELOPMENT APPLICATION (U98-00320)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mrs R Lazzarini, for permission to carry out restoration works to the façade of the existing terrace, and to erect a rear lane garage and first floor studio at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with Drawing No. 1, dated 16 April 1998, except as amended by conditions of consent;
- (2) That the proposed kitchenette shall be deleted and the studio shall not be occupied as a separate dwelling;
- (3) That the proposed window closest to the Woods Lane boundary of the building on the northern elevation shall be deleted from the plans submitted with the Building Application;
- (4) That the proposed building shall be constructed of painted commons or plain brickwork to match the existing fence. Details of such to be submitted for approval with the Building Application;
- (5) That a plan of elevation of the front façade of the dwelling shall be submitted with the Construction Certificate. Such plan shall show the following:
 - (i) Removal of the existing front fence and replacement with a more appropriate palisade style fence in wrought iron or similar material;
 - (ii) Replacement of the ground floor door and windows with those of more sympathetic proportions, detailing and materials;
- (6) That the proposed façade of the building shall be painted in appropriate colours which are sympathetic with the heritage conservation significance of the property;
- (7) That the proposed roller shutter door shall be operated with a remote control device and not manually operated;
- (8) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (9) That a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of

that Part;

- (10) If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided;
 - (b) adequate provision must be made for drainage;
- (11) 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;
- (12) 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;
- (13) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
- (14) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (15) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (16) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (17) 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;
- (18) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall

GENERAL MANAGER

be borne by the developer;

- (19) 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;

NOTE: Soil and Sediment Control

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

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

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

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

Carried.

33.

HENDERSON ROAD, NO.34, ALEXANDRIA - CHANGE OF USE TO FOOD PREMISES - DEVELOPMENT APPLICATION (U98-00780)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ms E P Powditch, with the authority of Mr M Tuck, for permission to carry out internal alterations to the ground floor of the existing premises for use as a restaurant and to erect signage, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit

GENERAL MANAGER

for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That the development shall be generally in accordance with plans numbered DA01;
- (3) That the hours of operation shall be restricted to between 7.00 a.m. to 9.00 p.m. Mondays to Saturday and 7.00 a.m. to 7.00 p.m. on Sundays;
- (4) That one off-street car parking space measuring 2.5m x 5.5m minimum shall be provided for use in conjunction with the development;
- (5) That the proposed use shall be confined only to the ground floor of the premises;
- (6) That no seating associated with the use shall take place on the public footpath;

the applicant is advised that a separate application for footway leasing is required;

- (7) That all internal toilets shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (8) That the floor of the food preparation area shall be constructed with an impervious, durable, non-slip and non-abrasive material and be graded and drained to an approved floor waste connected to the sewer in accordance with the requirements of Sydney Water covered to a minimum radius of 25mm, at the intersection with the walls;
- (9) That the ceiling of the food preparation area shall be constructed of a rigid smooth-faced, non-absorbent material and painted with a washable gloss paint of a light colour;
- (10) That a wash hand basin, conveniently located shall be provided with an adequate supply of potable water at a temperature of at least 40°C delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
- (11) That a minimum of one urinal stall, one water closet and one wash hand basin shall be provided for male customers;

- (12) That a minimum of one water closet and one hand basin shall be provided for female customers;
- (13) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) the garbage room or garbage receptacle storage area;
 - (c) 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 and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (14) That any requirement of Sydney Water for grease arrestors shall be complied with;

and the following adopted standard conditions:

- (15) Ventilation⁷⁰²³
- (16) Storage/Garbage⁶⁰⁰⁹
- (17) Commercial Garbage Contract⁶⁰⁰³
- (18) Vibration and Noise⁷⁰²⁸
- (19) No Live Entertainment¹⁰⁷
- (20) Lighting on Signs²⁰⁰²
- (21) Limits on Signage²⁰⁰⁵
- (22) Obstruction of Public Way³⁰²⁹
- (23) Clean Water Discharge⁴⁰⁰²
- (24) Commercial Garbage Contract⁶⁰⁰³
- (25) Storage/Garbage⁶⁰⁰⁹
- (26) Intruder Alarm⁷⁰⁰⁶
- (27) Construction Noise⁷⁰⁰⁸
- (28) Fitout of Food Premises⁷⁰²⁰
- (29) Ventilation⁷⁰²³

- (30) Vibration and Noise⁷⁰²⁸
- (31) Comply With BCA⁹¹⁰⁴
- (32) No Entertainment on Premises⁹¹⁰⁶
- (33) Construction Hours⁹¹⁵¹
- (34) Construction Certificate Required⁹¹⁵⁵
- (35) Building/Demolition Noise Control⁹¹⁵⁶

NOTE 1:

Timber framed shelving is not permitted.

NOTE 2:

Any changes made to the structure either internally or externally and any structures installed with the fitout should be constructed having due regard to the impact of all related noise and vibration. Neither the State Rail Authority or the Rail Access Corporation will be held responsible for any damage or injury which may result from the proximity of the proposal to the rail corridor.

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

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

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

Carried.

34.

DEVELOPMENTS - INTERIM STORMWATER POLICY FOR DEVELOPMENT SITE OVER 50,000M2 (200349)

That Council approves the Interim Stormwater Policy for Development Sites over 50,000m² as a preliminary document until final adoption of the revised Stormwater Code for On-Site Detention and Re-use

(DPWS Report 30.10.98)

Carried.

35.

STREETS - REGENT STREET, NO. 71-73, REDFERN - REFUND OF PORTION OF THE CONTRIBUTION MADE UNDER SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AS AMENDED (U96-00679)

That the recommendation of the Acting Director of Planning and Building contained in the report dated 29 September 1998, be approved.

(DPWS Report 2.11.1998)

Carried.

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

NOTICE OF MOTION

1.

LIVERPOOL STREET, NO.180, DARLINGHURST - USE PREMISES AS BROTHEL - DEVELOPMENT APPLICATION (U98-00846)

Moved by Councillor Fowler, seconded by Councillor Deftereos:

That the resolution of Council of 14 October 1998, as follows, namely:-

- (A) That the Council as the responsible authority defers its grant of consent under Section 88(B) the Environmental Planning & Assessment (Amendment) Act 1997 to the development application submitted by V F Stanaway, with the authority of AC B Roche and A J Bewg for permission to use the terrace house as a commercial brothel, subject to the following conditions, namely:-
- (1) That the use shall cease immediately and this consent shall not commence until the following conditions have been implemented:
- (a) That a plan of Management shall be provided in accordance with the guidelines set out in the letter sent to Ms Stanaway on 16 August 1998 to the full satisfaction of Council. Implementation of this plan will be required to the

GENERAL MANAGER

satisfaction of Council at all times;

- (b) That all works approved under Building Application reference Q97-00718 be completed and finalised to the satisfaction of Council, prior to implementation of this consent;
 - (c) That the premises including the shower/WC compartment basement level shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (2) That the development shall be generally in accordance with plans 1(B) and 2(B) dated 4 August 1997 and statement 28 August 1998;
 - (3) That no more than two sex works shall be employed on the site at any one time;
 - (4) That no advertising shall take place advertising the brothel or its sex workers by real or fictitious name, or of telephone numbers associated with the brothel in any newspaper, the Yellow pages, or any tourist guide or similar publication, other than a local newspaper circulating in the Kings Cross locality (excluding the Sydney daily/Sunday papers) directory or tourist guide;
 - (5) That the hours of operation shall not exceed 9.00am to 12.00 midnight Mondays to Saturdays and 12.00 noon to 12.00 midnight Saturdays;
 - (6) That no advertising shall be displayed on the building;
 - (7) That clients shall not be permitted to wait outside the premises but shall be requested to either wait inside the building or asked to move on;
 - (8) That no display or soliciting shall take place outside the premises;

and the following adopted standard conditions:

- (9) HSC700 - Compliance with code for Garbage Handling System;
- (10) HSC705 - Construction of garbage room;
- (11) HSC711 - Commercial contract (trade waste);
- (12) HSC400 - Compliance with Brothels Policy
- (13) HSC401 - Cleanliness of premises

- (14) HSC402 - Clean linen
- (15) HSC403 - Linen receptacles
- (16) HSC404 - Changing of linen
- (17) HSC405 - Laundering
- (18) HSC410 - Supply of condoms
- (19) HSC413 - STD information
- (20) HSC414 - Examination of clients
- (21) HSC416 - Health check-ups
- (22) HSC419 - Public Health Act offences
- (23) HSC111 - Liquid wastes to sewer;
- (24) HSC801 - Noise from premises;
- (25) That the Plan of Management referred to in Condition 1 (a) shall include provision for a receptionist to be employed on Thursday, Friday and Saturday evenings from 8.00pm onwards to closing time for an initial period of 3 months from the date on which the consent becomes operative and there after if considered necessary by the review group set up under Condition (26).
- (26) That the Proprietor, a representative of the East Sydney Neighbourhood Association and Council Officers meet on a quarterly basis for the first 12 months following the date upon which the consent becomes operative to ensure effective management procedures/practices are in place. Such meetings to be chaired by the Chairman of the Planning and Development Committee or their nominee and that a representative of the NSW Police Service and Department of Health also be invited to attend.

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 if the use does not cease immediately pending complete compliance with condition (1) of the above consent to the satisfaction of the Director of Planning and Building legal action will be taken by

Council to ensure cessation.

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the applicant be advised that in the event that the premises is managed in a manner where there is evidence that the amenity of the neighbourhood is being adversely affected, Council may commence proceedings under the Disorderly Houses Amendment Bill 1995.

-be rescinded

It was moved by Councillor Fowler, seconded by Councillor Deftereos that the rescission motion be amended by the addition after the words "be rescinded" of the following words namely:-

That the application be refused for the following reasons namely:-

- (a) That it is against the objectives of the 2b residential zone;
- (b) That the use will exacerbate the traffic congestion in the East Sydney area from circulation of clients in the local streets;
- (c) That the business is not a local business and is not a type by way of clientele or of employees that will enhance the business amenities of the area as it does not agree with the DCP 1998 for the Council to approve a compatible business that will meet the zone objectives in as much as that there is a legal opinion that Council cannot approve such a business in a 2b zone

The rescission motion was negatived.

Councillor Deftereos requested that her name be recorded as voting against the Item.

The Council Meeting terminated at 8.54 p.m.

Confirmed at a meeting of South Sydney City Council
held on1998

CHAIRPERSON

GENERAL MANAGER

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