

222ND Meeting**Erskineville Town Hall
Erskineville****Wednesday, 10 March 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.40 p.m. on Wednesday, 10 March 1999.

PRESENT

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

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

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At this stage the Mayor welcomed the Liberal candidate for the seat of Heffron, Dr. Jackie Canessa, to the Council Meeting.

Confirmation of Minutes

Moved by Councillor Deftereos, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 24 February 1999, be taken as read and confirmed.

Carried.

Apologies

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

Moved by Councillor Deftereos, seconded by Councillor Bush:-

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

Carried.

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

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

9 March 1999

ANTISOCIAL ACTIVITIES - KERB CRAWLING AND SEX WORKERS IN RESIDENTIAL AREAS (2013719)

In February, 1998, Council was approached by the East Sydney Neighbourhood Association to erect No Loitering Signs along Forbes Street using Section 632 of the Local Government Act. By using this Act it was argued that Police would have greater powers to move sex workers along.

Council is sympathetic to residents' concerns about street prostitution in a residential area and the associated problems of kerb crawling and anti-social behaviour. However, it was felt that No Loitering Signs were not the answer for a number of reasons including; problems of enforcement, displacement and the likelihood of a proliferation of requests for similar signs across South Sydney. Council has however been looking at alternative responses to this problem with a particular view to dealing with kerb crawlers.

It is clear from the level of correspondence that Council is receiving from residents, parents and staff from SCEGGS that this issue is a major concern. In particular, parents of school girls attending SCEGGS have highlighted that the main source of the problem is the anti-social behaviour and harassment by kerb crawlers.

A report has recently been circulated regarding successful measures to combat kerb crawling in Streatham in London and has highlighted a number of responses.

It is proposed that Council investigate a similar strategy to give residents some relief from the problem. It is proposed that Forbes Street be used as a pilot for a number of initiatives to target kerb crawling.

The main points of this strategy are:

- Examining options for road closures where appropriate to remove a loop for kerb crawling. This would have to take place with extensive community consultation to ensure that other areas are not adversely affected as a result.
- Working with the Police to target subject areas with random breath testing.
- Working with the State Government to introduce legislation similar to Victoria making kerb crawling an offence.

These measures must be complemented with a health and community service response, involving the Department of Community Services and the sex industry to address the needs of young sex workers and to assist adult street workers with drug and sexual health concerns.

Recommendation:

That Council investigates a response to alleviating the problem of kerb crawling in residential areas by adopting a pilot for a strategy in Forbes Street including:-

- Examining options for road closures where appropriate to remove a loop for kerb crawling. This would have to take place with extensive community consultation to ensure that other areas are not adversely affected as a result.
- Working with the Police to target subject areas with random breath testing.

- Working with the State Government to introduce legislation similar to Victoria making kerb crawling an offence.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

10 March 1999

COMMUNITY SERVICES - JOINT AGREEMENT BETWEEN SOUTH SYDNEY COUNCIL AND THE ETHNIC COMMUNITIES' COUNCIL OF NSW (2018914)

At its meeting of 24th June, 1998, council voted to affirm its full commitment to multiculturalism, reconciliation and tolerance, and to work towards building a safe, harmonious and culturally diverse society.

Since then, Council has participated in the Ethnic Communities' Councils (ECC) Community Harmony Project. The project is an ongoing community campaign that aims to send a message of support for multiculturalism through literature and promotional material.

To further affirm our commitment to cultural diversity Council has been asked to sign an agreement with the ECC. The agreement includes the affirmation of the following principals:

- Australia's greatest riches are its people
- Our aim is to bring about community Harmony
- Our commitment is to the Principals of Cultural Diversity
- Multiculturalism is a way of uniting all Australians

The agreement also includes methods council and the ECC can use to promote community harmony.

Recommendation:

That Council sign a joint agreement with the Ethnic Communities' Council of NSW to continue to work together to promote community harmony in the South Sydney area.

Paul Nicolaou, Chairperson of the Ethnic Communities' Council of NSW will be arriving at the end of the meeting to join me in signing the agreement.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

10 March 1999

**LEGAL - COUNCIL REQUEST FOR WRITTEN APOLOGY FROM
MEU GENERAL SECRETARY AND ORGANISER (2020346)**

Council on 21 February 1999, passed the following recommendation:

- (A) That a written apology be sought from Mr Paul Reid Union Organiser from the MEU, and the General Secretary of that Union, Mr Brian Harris, for comments made by Mr Reid towards Council's Director of Corporate Services.
- (B) That if these apologies are not received within fourteen days, then Council will seek counsel advise.
- (C) Further, that the letter to the General Secretary include a copy of Council's EEO Policy regarding the use of discriminatory language.

The General Secretary of the MEU by letter dated 9 March 1999 (attached) refers to this matter and seeks specific advice as to the comments allegedly made by Mr Paul Reid, and further, how any alleged comments give rise to any obligation on the MEU.

The Union requests an extension of time of 14 days to meet with Council to enable them to prepare the appropriate response and states that Mr Reid also seek a similar extension.

Submitted for consideration.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Fenton:-

That the minute by the General Manager, be received, and further, that the General Manager notify the MEU that Council requires a response to the issue within seven days.

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 62 signatures appended from residents of "The Darlington" apartment building No.253 Goulburn Street, Darlinghurst, complaining about Private Garbage Contractors removing rubbish from Arnold Place, Darlinghurst, between 2.00 a.m. and 4.00.a.m. each morning and also the work on Sundays which is taking place at Nos. 263-273 Crown Street, Darlinghurst, development site.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 11 signatures appended from residents and business owners in Abercrombie Street, Chippendale, about the redesign of the Abercrombie, Lawson, Ivy Streets intersection requesting that it not be implemented.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 127 signatures appended from residents objecting to the amount of through traffic using Burren, Albert and Charles Streets, Erskineville, and with suggested Traffic Management measures to reduce the amount of vehicles using the streets.

Received.

4.

The Mayor tabled a petition received by the General Manager with approximately 29 signatures appended from residents objecting to the Development Application approval for premises No.114 Lawson Street, Redfern.

Received.

5.

The Mayor tabled a petition received by the General Manager with approximately 42 signatures appended from residents of Walker, Morehead and Cleveland Streets, Redfern, objecting to the dumping of rubbish in James Street, between Morehead and Walker Streets.

Received.

QUESTIONS WITHOUT NOTICE

1.

SIGNS - BELVOIR STREET THEATRE - INVESTIGATION OF APPROPRIATE SIGN-POSTING - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2004379)

Question:

The Belvoir Street Theatre is an important and widely acclaimed institution in South Sydney, but it is not sign-posted on the surrounding streets. A wooden sign previously located in Elizabeth Street appears to have been broken off.

Could Council Officers in consultation with Theatre Management investigate appropriate locations for sign posting the Theatre? Could they also investigate whether there is a requirement for better lighting in the street outside the Theatre?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate both matters and have responses circulated in the Councillors Information Service.

2.

OXFORD STREET, NOS. 261 - 263, PADDINGTON - MEETING OF RESIDENTS AND DEVELOPERS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2020477)

Question:

Recently, there have been pre Development Application meetings with Council and the developers of St Johns Church and Manse Oxford Street, Paddington.

Along with the Paddington Town Hall, Paddington Post Office Juniper Hall and Paddington Reservoir, St Johns forms a very significant historical site.

In 1991/92 key people within the Paddington Community met with the developers of the church so that agreement could be reached that a reasonable and sympathetic development would take place on this historical site.

The Development Application approval of 1992 has since lapsed.

The same residents have all volunteered to meet with the developers before lodgement of plans.

Could Council arrange such a meeting?

Answer by the Mayor:

I will ask the Director of Planning and Building to contact the applicant as to whether or not they wish to meet with the residents. It is not a matter for Council to instruct the applicant to meet with the residents.

3.

DEVELOPMENT - PADDINGTON RESERVOIR - "IDEAS COMPETITION" - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2001093)

Question:

Late last year it was a Council resolution that an "Ideas Competition" be held in regard to the future use of the Paddington Reservoir.

Could Council please prepare a report outlining what form this "Ideas Competition" will have and when will it take place?

Answer by the Mayor:

I will ask the Director of Corporate Services to prepare a report for Committee.

4.

DEVELOPMENT - PADDINGTON RESERVOIR - ERECTION OF HOARDINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2001093)

Question:

The hoardings on the perimeter of the Paddington Reservoir in Oxford Street have been removed which has exposed the site to the public. It is not uncommon to see groups exploring the site.

Could Council erect hoardings as soon as possible to discourage the public from entering the site?

Answer by the Mayor:

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

5.

SUBDIVISIONS - ROSEBERY AVENUE, NO. 33, ROSEBERY - CURRENT POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2006682)

Question:

Could the Director of Planning and Building please advise me whether there has been a subdivision approved at No. 33 Rosebery Avenue, Rosebery, and what the current policy on subdivision is for this area?

Answer by the Mayor:

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

6.

BUILDING - SURVEYS - COUNCIL'S POLICY ON NEW DEVELOPMENTS AND ADDITIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2006682)

Question:

Could the Director of Planning and Building please advise me of the Council's policy regarding the carrying out of surveys on new developments and additions?

Answer by the Mayor:

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

7.

PLANNING - COUNCIL'S POLICY AND GUIDELINES RELATING TO THE PROVISION OF WHEELCHAIR ACCESS TO COMMERCIAL PREMISES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2014373)**Question:**

Could I please have a report from the Director of Planning and Building relating Council's Policy and Guidelines relating to the provision of wheelchair accessible ramps into commercial premises? I particularly raise this issue in relation to the lack of access provided into the majority of premises on King Street, Newtown.

Answer by the Mayor:

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

8.

DEPARTMENTS - CONGRATULATIONS TO STAFF INVOLVED IN DEVELOPMENT AND MAINTENANCE OF THE ALAN DAVIDSON OVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (D51-00061)**Question:**

Could the staff involved in the development and maintenance of the Alan Davidson Oval please be congratulated?

Answer by the Mayor:

I will ask the General Manager and Director of Public Works and Services to pass on to relevant staff the congratulations of the Councillors.

9.

HEALTH - WASTE TO FEAST PROJECT - CONGRATULATIONS TO STAFF INVOLVED - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2016319)**Question:**

I note the support and congratulations directed at this Council, the Mayor and staff for the commitment, etc. in getting the Waste to Feast Project started and

now in assisting to support and extend it for a further 18 months or so. Could the relevant staff be congratulated?

Answer by the Mayor:

I will ask the General Manager to pass on to relevant staff the congratulations of the Councillors.

10.

TRAFFIC - BURREN, ALBERT AND JOHN STREETS, ERSKINEVILLE - ACTION TAKEN TO ADDRESS TRAFFIC FLOW - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (T02-00025)

Question:

Could Council Officers advise me on what action has been taken to address the traffic flows in Burren Street, Albert Street and John Street, Erskineville?

In particular, the issue of cars entering the dead end part of Burren Street and the excessive speed of vehicles passing Macdonaldtown Station.

Answer by the Mayor:

I will ask Councillor Lay, Traffic Committee Chairperson to respond.

Answer by Councillor Lay:

This was an issue that was being discussed today with Mr Peter Donley, Traffic Design Branch. There are a number of measures being undertaken, but they are only interim measures and linked with the Traffic Study. This will go to the Traffic Committee next week for final approval.

Answer by the Mayor:

I will ask the Director of Public Works and Services to include a copy of the Traffic report in the Councillors Information Service

11.

STREETS - INSTALLATION OF THE J C DECEAUX CONTRACT STREET FURNITURE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2019968)

Question:

I refer to my question without notice two weeks ago regarding the installation of the J C Deceaux contract street furniture.

Our elderly residents are finding extreme difficulty waiting for buses without seats and shelters.

Could the Bayswater Road, Macleay Street and Cowper Wharf Roadway shelters be given priority when the work starts?

Answer by the Mayor:

These shelters will be the first ones targeted. Work starting today with saw cutting and various investigations.

12.

PUBLIC TRANSPORT - RELOCATION OF BUS STOPS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (5273828)

Question:

I was worried when elected that bus stops take more expertise and wisdom than multi-storey, multi million dollar buildings.

The stops at the top of Greenknowe Avenue, Potts Point, would better serve the area if they were both moved to the east. The one on the south side of the roadway outside Kingsclare is very close to the corner and creates difficulty for buses turning right into Macleay Street. It is very close to the Fitzroy Gardens and Landmark stops - it would better serve the Reg Murphy Activity members and Country Women's Association patrons if it were moved outside Tara, just east of Baroda Street.

The one on the north side of Greenknowe Avenue is outside the Post Office and near to a building which opens onto Crick Avenue. It is very close to the Marriott and Glenorie Gates stops and would better serve the Reg Murphy members, Country Women's Association and Manhattan Hotel Patrons if it were moved to the east.

Could this matter be referred to the Traffic Committee?

Answer by the Mayor:

I will refer the matter to the Director of Public Works and Services to seek an urgent meeting with State Transit Authority as it is their decision where the buses stop.

13.

HEALTH - REDFERN RESIDENT ACTION GROUP - REQUEST FOR COUNCIL ASSISTANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (H51-00084)

Question:

At the last full Council meeting I asked a question about offer of assistance to the Redfern Resident Action Group. That request was the result of an urgent motion resolved from an urgent meeting of the Action Group. I have been asked to represent that request for assistance as per my question at the last Council Meeting.

Answer by the Mayor:

I will ask the General Manager and the Director of Health and Community Services to prepare a report for the next Committee Meeting.

14.

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

Question:

South Sydney Council in the past has demonstrated its initiative by supporting the residents in campaigns relating to the incinerator, Save the Post Offices and Open Space Parks. It is common knowledge in the market at the moment that negotiations are planned and well advanced for the NSW Labor Government to sell off South Sydney Hospital. Will the Mayor and the Labor Councillors support the community's long held expectations that South Sydney Hospital remains a community asset and the possibility of an old age care centre has been suggested?

Secondly, would the Mayor also write to Dr. Andrew Refshauge MP asking him to reconsider any decisions to sell the Hospital?

Answer by the Mayor:

I will take that matter up with the Local Member who has a very deep and sincere interest in what happens to that building and what is developed on the site.

REPORT OF THE FINANCE COMMITTEE

3 March 1999

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

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

Councillors - Deftereos, Fenton and Macken

Apology:

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

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

That the Report of the Finance Committee of its meeting of 3 March 1999, be received and the recommendations set out below for Items 1, 2, 4 to 15, inclusive, be adopted. The recommendation set out below for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

CONFERENCES - LOCAL GOVERNMENT ABORIGINAL NETWORK MEETING, 17-18 MARCH 1999 - NAROOMA, N.S.W. - ATTENDANCE OF COUNCIL'S REPRESENTATIVE (2002540)

That arising from consideration of a report by the Director of Health and Community Services dated 17 February 1999, approval be given for Council's Aboriginal Development Officer to attend the next Local Government Aboriginal Network meeting at Narooma in the Eurobodalla Shire from 16-18 March 1999, at a total cost from of \$450, funds for which are available in the 1998/99 Budget KCB001177RO.

Carried.

2.

FINANCE - ACCOUNTS - SUNDRY ACCOUNTS OUTSTANDING - WRITING OFF - GARY YOUNG (2016520)

That arising from consideration of a report by the Director of Finance dated 19 February 1999, approval be given for an amount of \$3,220.50 due by Gary Young for recoverable works to be written off as an irrecoverable bad debt.

Carried.

3.

LEASING - KINGS CROSS PARKING STATION - REVIEW OF PARKING FEES (2002399)

(At the Council Meeting, the Mayor declared an interest and did not take part in discussions or voting on the Item. Note: The Deputy Mayor, Councillor Jill Lay was Acting Chairperson during the matter.)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That approval be given for the car parking rates at the Kings Cross Parking Station leased to the Kings Cross Car Park Pty. Ltd. as itemised hereunder, be increased as and from 10 March 1999:

Daily Rate - Motor Vehicle (13 hours onwards)	\$	15
Monthly Rate	\$	115
Daily Rate (Motor Cycle)	\$	8
Disabled Parking (Monthly)	\$	115
St Lukes Hospital (Monthly)	\$	115
Reserved Parking (Monthly)	\$	175
Small Garage (Monthly)	\$	200
Large Garage (Monthly)	\$	250
Motor Cycle (Monthly)	\$	80

(DCS Report 18.2.99)

It was moved by Councillor Deftereos, seconded by Councillor Bush, 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 lease in respect of the Kings Cross Parking Station be renegotiated with the Proprietor.

Amendment negatived.

Motion carried.

4.

ADMINISTRATION - YEAR 2000 PROJECT - STATUS (2006770)

That the report by the Director of Corporate Services dated 18 February, 1999, concerning the status of the Year 2000 Project, be received and noted.

Carried.

5.

PROPERTIES - PALMER STREET, NOS. 137-155, EAST SYDNEY - UPGRADE OF ROOF (L52-00183)

That approval be given to:-

- (1) upgrade the roof at Nos. 137-155 Palmer Street, East Sydney, to the extent shown on the plans accompanying the report;
- (2) call Quotations from Roofing Contractors to carry out the proposed roof upgrade;
- (3) funds of \$40,000 being allocated in the 1998/1999 Works Programme to carry out the proposed roof upgrade.

(DCS Report 23.2.99)

Carried.

6.

STREETS - ALCOHOL-FREE ZONE - VICINITY OF NEWTOWN RAILWAY STATION - ESTABLISHMENT (2012385)

- (A) That Council confirms the establishment of an Alcohol-Free Zone for a period of three years from the date of placing an advertisement in a paper circulating in the area of:-
- King Street (eastern side) between the northern boundary of Newtown Railway Station and running south to Whitehorse Street;
 - Whitehorse Street between King Street and Newman Street;
 - Railway Lane commencing at Thomas Street and extending south for approximately 75 metres;
 - Newman Street running south from the T-intersection with King Street and continuing to the road closure within that street;

- Norfolk Street;
- Hordern Street from King Street to Victoria Street;
- Mechanic Street from Church to Egan Streets.

(B) That this decision be communicated in writing to all persons who submitted an application or who commented on the Zone.

(DCS Report 25.2.99)

Carried.

7.

STREETS - ALCOHOL-FREE ZONE - VICINITY OF SURRY HILLS/ DARLINGHURST - ESTABLISHMENT (2019905)

(A) That Council confirms the establishment of an Alcohol-Free Zone for a period of three years from the date of placing an advertisement in a paper circulating in the area of:-

Oxford Street (both sides) between Whitlam Square and Bourke Street;
Oxford Street (southern side) between Flinders Street and Sth. Dowling Street;

Gilligan's Island at Taylor Square;

Little Oxford Street between Crown and Bourke Streets;

Ryder Street;

Taggarts Lane;

Crown Street (eastern side) between Oxford and Campbell Streets;

Campbell Street between Crown and Bourke Streets;

Little Bloomfield Street, Bloomfield Street and Bloomfield Lane;

Denham Street;

Denham Lane;

Little Bourke Street;

Bourke Street between Taylor Square and Albion Street;

Church Lane;

Short Street;

Short Place;

Maiden Lane;

Linden Lane;

Patterson Lane;

Floods Lane;

Floods Place;

Hill Street;

Clare Street.

- (B) That this decision being communicated in writing to all persons who submitted an application or who commented on the zone.

(DCS Report 25.2.99)

Carried.

8.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - JANUARY 1999
(2019900)**

That arising from consideration of a report by the Director of Finance dated 9 February 1999, approval be given to the confirmation of the payment of the accounts totalling \$10,436,011.74 as detailed in the Summary of Warrants for the Month of January 1999, accompanying the report.

Carried.

9.

**CELEBRATIONS - RECONCILIATION WEEK 1999 - PROPOSED
IMPLEMENTATION (2017734)**

That arising from consideration of a report by the Director of Health and Community Services dated 12 February 1999, approval be given to:-

- (1) the development and implementation of two reconciliation events being held during Reconciliation Week 27 May to 3 June 1999:
 - a Community Reconciliation Event in Redfern Park for the local indigenous and non-indigenous communities;
 - a South Sydney City Council Reconciliation Event in Council's Administration Building for all Councillors and staff.
- (2) the allocation of additional funds totalling \$30,000 to support the proposed Reconciliation Week program to (Account KCB 0013 77 FO).

Carried.

10.

DONATIONS - NAIDOC WEEK - 1999/2000 PROGRAM (2014301)

That arising from consideration of a report by the Director of Health and Community Services dated 11 February 1999, Council endorse the proposed program for NAIDOC Week 1999/2000, and approve the proposed budget

funds for which have been included in the 1999/2000 Budget (Account KCB 001377FO).

Carried.

11.

**PARKS - SYDNEY PARK - C.A.R.E.S. FACILITY - ESTABLISHMENT
(2006332)**

That Council:-

- (a) accept the revised quotation of \$62,686, from Sinclair Knight Mertz for the design and documentation of the CARES facility at Sydney Park, being \$11,868 over the original quotation, for which funds are available in (Account CWK 9631);
- (b) note the independent Quantity Surveyor estimate of \$750,000 and support the continued development of the CARES Facility, by making the required funding available in the 1999/2000 Engineering Works Program.

(DPWS Report 26.2.99)

Carried.

12.

**RATES - NON-RATEABILITY OF VARIOUS LANDS WITHIN THE
BOUNDARIES OF SOUTH SYDNEY CITY COUNCIL (2016665, 2005199,
2011258, 2020276, 2011278, 2020227, 2020080, 2019257, 2012735)**

That arising from consideration of a report by the Director of Finance dated 19 February 1999 detailing items (1) to (9) of land which has been determined as non-rateable, approval be given to the appropriate amendments to the Rate Book and consequential refund of rates where applicable.

Carried.

13.

**LEASING - OXFORD STREET, NOS. 58 - 60, DARLINGHURST -
BASEMENT INCLUDING BURTON STREET, NO. 1A, DARLINGHURST -
PROPOSED LEASE TO FINE EJ PTY LIMITED (CAN 082 919 766)
(2013909)**

That approval be given to Fine EJ Pty Limited (ACN 082 919 766) being offered a 10 year Lease with a five year Option of Council premises, Basement, Nos.58-60 Oxford Street, and No. 1A Burton Street, Darlinghurst, for use as a restaurant, at a rental of \$6,666.75 per month (\$80,000 per

annum) gross, from a date to be determined subject to the following conditions, namely:-

- (1) That the Lease is to be reviewed by 3% on the 2nd, 4th, 6th, 8th and 10th terms and to Market on the 3rd, 5th, 7th and 9th terms. If the Option is exercised, it is to be reviewed to Market, with the same Rent Review structure to apply;
- (2) That the Lessee is to provide a Bank Guarantee equivalent to 3 months rental together with unconditional Personal Guarantees by Galeb Kilzi, Chris Wakeford and Gary Rothwell for the term of the Lease;
- (3) That consent to the Assignment of Lease from Fine EJ Pty Limited to another Company be granted, provided that the Guarantors remain as Galeb Kilzi, Chris Wakeford and Gary Rothwell;
- (4) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease;
- (5) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs, etc, by the Lessee during the term of the Lease period, must first be submitted to the Property Branch manager prior to any submission of plans, etc, to Council's Planning and Building Department for Statutory approvals;
- (6) That a "**rent free**" period of 6 months is to apply from the date of the Restaurant opening for trading or 1 July, 1999, whichever date applies first;
- (7) That the Lessee will be required to obtain the necessary Licences from Council's Health and Community Services Department in connection with the preparation of food;
- (8) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessee;
- (9) That all relevant documents are to be executed by Council's Attorney;
- (10) That the Lease is to be signed within seven days of Council's approval.

(DCS Report 26.2.99)

Carried.

14.

CONFERENCE - MANAGEMENT PLAN REVIEW - ARRANGEMENTS FOR CONFERENCE (2006310)

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 12 February 1999, approval be given for arrangements being made for a Management Plan Conference to be held in Bowral, N.S.W. in October or November 1999, and to the attendance of the Mayor, Councillors, Heads of Department, Civic Affairs Manager/Public Officer and the Supervising Committee Clerk, and that accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, involving an estimated expenditure of \$18,000, for which funds are available in the 1999/2000 Revenue Estimates (EBE.77LO and EAA.77RO).

Carried.

15.

PARKS - SYDNEY PARK - CONSTRUCTION OF CAR PARKS - TENDER ACCEPTANCE (2018139)

That approval be given:-

- (1) to accept the tender from J.A. Bradshaw Pty Ltd for construction of the Sydney Park Car Parks at a cost of \$1,367,659.83 with the addition of a contingency sum of 15% for a total cost of \$1,580,000;
- (2) to the project being funded from the Parks Development Branch 1998/99 Works Programme: (Sydney Park Car Parks FWP 9051 and FWP9061 - total \$840,000), and the Parks Development Branch 1999/2000 Works Program (Sydney Park Car Parks total \$740,000);
- (3) to the amount of \$740,000 in the 1999/2000 Parks Development Branch Works Program for the completion of the project.

(DPWS Report 26.2.99)

Carried.

The Finance Committee Meeting terminated at 7.14 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

3 March 1999

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

At the commencement of business at 7.15 p.m. those present were -

Councillors:- Deftereos, Fenton and Macken

Apology:

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

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

That the Report of the Community Services Committee of its meeting of 3 March 1999, be received and the recommendations set out below for Items 1 and 2, be adopted. The recommendation set out below for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY SERVICES - 1999/2000 CLOSURE DATES OF CENTRE BASED CHILDREN'S, YOUTH AND ARTS PROGRAMS (2014945)

That arising from consideration of a report by the Director of Health and Community Services dated 24 February 1999, approval be given to the closure of the centre based Children's, Youth and Arts programs on the following days during 1999/2000:-

Friday 12 March, Friday 2 April, Saturday 3 April, Sunday 4 April, Monday 5 April, Monday 26 April, Monday 14 June, Monday 4 October, Council staff Christmas Party Day (to be advised) and from 25 December 1999 to 2 January 2000 inclusive.

Carried.

2.

CONFERENCES / MEETINGS - "EATING INTO THE FUTURE" 11 -13 APRIL 1999 ADELAIDE, SOUTH AUSTRALIA - QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVE (2009966)

That arising from consideration of a report by the Director of Health and Community Services dated 26 February 1999, Council grant its approval for Mr. Alex Kiss, Council's Public Health Control Officer, to attend the "*Eating Into the Future*" conference in Adelaide, South Australia from April 11 -13, and that expenses not covered by the Federal Government, as outlined in the beforementioned report, be met by Council, funds for which are available in the 1998/99 Revenue Estimates (KAA.77RO).

Carried.

3.

STREETS - DECORATIONS - COUNCIL'S ADMINISTRATION BUILDING - "FLY A TIBET FLAG CAMPAIGN", 10 MARCH 1999 (2011367)

This matter was submitted to Council without recommendation.

Moved by Councillor Fenton, seconded by Councillor Macken:-

That the report by the Director of Public Works and Services dated 26 February 1999, in respect of flying the Tibet flag from Council's Administration Building, be received and noted.

Carried.

The Community Services Committee Meeting terminated at 7.25 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

3 March 1999

PRESENT

The Deputy Mayor, Councillor Jill Lay (Chairperson)

Councillors - John Bush and Christine Harcourt.

At the commencement of business at 6.36 p.m., those present were -

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

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 3 March 1999, be received and the recommendations set out below for Items 1 to 3, inclusive, 5 to 9, inclusive, 12, 13, 15, 16 and 18, be adopted. The recommendations for Items 4, 10, 11, 14 and 17 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ABERCROMBIE STREET, NO. 368, DARLINGTON - COVER AND PARTLY ENCLOSE FIRST FLOOR VERANDAH AND USE FOR RESTAURANT SEATING - DEVELOPMENT APPLICATION (U95-01227)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Alfredo Della Corte with the authority of Con Mitsios for permission to cover and partially enclose the existing verandah at first floor level at the rear and to use the verandah for restaurant seating for the following reasons, namely:-
- (1) That the proposal would have an adverse impact on the streetscape and is not consistent with the character of the Heritage Conservation Area;
 - (2) That the proposal would have adverse impact on adjacent residential property by way of noise generated by restaurant patrons;
 - (3) That the proposal would have adverse impact on adjacent residential property by way of loss of privacy and overlooking;
 - (4) That the proposal is not consistent with the objectives of the 2(b) residential zone under LEP 1998;
 - (5) That the granting of consent would not be in the public interest.

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

Carried.

2.

NEWMAN STREET, NO. 15, NEWTOWN - ALTER AND INCREASE HEIGHT OF APPROVED GROUND FLOOR ADDITION TO DWELLING - DEVELOPMENT APPLICATION (U98-01182)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Nick Pyner, with the authority of Hung Van Tran, for permission to modify the previously approved ground floor rear addition, including an increase in the height of the boundary walls, 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 \$600 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 instalment 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 \$150, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered 1/2 and 2/2, dated 12 February 1998;
 - (4) That the exposed external walls shall be rendered or bagged and painted, with the agreement of adjoining owners, and work shall be detailed in the application for a construction certificate (and completed prior to issuing an Occupation Certificate);
 - (5) That all relevant sections of the BCA shall be complied with;
 - (6) 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;

- (7) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (8) 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;
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (10) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (11) That 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;
- (12) 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;
- (13) 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;
- (14) 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);
- (15) That all proposed work shall be wholly within the boundaries of the site.

NOTE:

The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees,

agents, or sub-contractors understand and maintain sediment control measures;

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

Carried.

3.

BOURKE STREET, NO. 132, WOOLLOOMOOLOO - USE PREMISES AS A BACKPACKERS HOSTEL - DEVELOPMENT APPLICATION (U98-00201)

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by T J Holdings, for permission to use the abovementioned premises as a backpackers hostel, for the following reasons, namely:-
 - (1) That the applicant has failed to address the provisions of State Environmental Planning Policy No. 10 and obtain the required concurrence from the Department of Housing;
 - (2) That the applicant has failed to demonstrate that the use of the premises as a backpackers hostel will not have any adverse impacts on the amenity of surrounding residential properties;
 - (3) That circumstances of the case suggest that approval of the application is not warranted and that the public interest would not be served if the application was approved.
- (B) That the matter of unauthorised use be referred to Councils Solicitors for appropriate action.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

MITCHELL ROAD, NOS.177-219, ERSKINEVILLE (SYDNEY PARK VILLAGE) - USE SHOP 6 AS A CAFÉ AND TAKE AWAY FOOD SHOP - DEVELOPMENT APPLICATION (U98-01302)

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 Annalea Pty Ltd, with the authority of the

Registered Proprietors Strata Plan 57306, for permission to use shop 6 in 'Kendal Gardens' as a cafe and take away food outlet with indoor and outdoor seating, 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 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 WD.01A and WD.02A dated December 1998 and the sketch of the awnings dated 16 December 1998;
- (3) That the hours of operation shall be restricted to between 6.00 a.m. and 10.00 p.m. Mondays to Thursdays and 6.00 a.m. and 12.00 midnight Fridays and Saturdays, and 7.00 a.m. and 10.00 p.m. Sundays and Public Holidays with no outdoor seating before 7.00 a.m. Mondays to Saturdays or 9.00 a.m. Sundays;
- (4) That the outdoor seating shall be confined to the approximately 39m² common property area beneath the proposed awnings;
- (5) That the proposed awnings shall be constructed and maintained such that the canvas and frames do not cause a noise nuisance to residents during windy conditions;
- (6) That the lighting associated with the cafe and awnings shall be of an intensity so as not to cause nuisance to residents and the lights illuminating the awnings shall be turned off at closing time each night;
- (7) That the proposed sign board shall be located within the development and not on Council's footpath;
- (8) That plant, equipment and exhaust systems shall be designed and located so that they do not cause a noise or odour nuisance for residents;
- (9) That only recorded music may be used on the premises and any such music shall be low volume background music only;
- (10) That all relevant sections of the BCA 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 during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (13) 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;
- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) That the construction, fitout and finishing of the premises shall comply with Food (General) Regulation 1992 and the National Code for the Construction and Fitout of Food Premises;
- (16) That the walls of the kitchen and food preparation area shall be constructed of approved solid material finished with glazed tiles or other rigid smooth-faced impervious material approved by the Health and Community Services Department, evenly laid to a height of at least 2 metres above floor level and to the underside of the hood and covered to a minimum radius of 25mm, at the intersection with the floor;
- (17) That the walls of the kitchen and food preparation area where not tiled, shall be painted with a washable gloss paint of a light colour;
- (18) That the floor of the kitchen and food preparation area shall be paved with an approved impervious material, graded and drained to an approved floor waste and covered to an approved radius at the intersection with the walls;
- (19) That the ceiling of the kitchen and 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;
- (20) That adequate dishwashing machines or double bowl sinks or two-compartment tubs shall be provided for the washing and rinsing of drinking and eating utensils;
- (21) That a minimum of one urinal stall, one water closet and one hand basin shall be provided on the floor for male customers;
- (22) That a minimum of two water closets and one hand basin shall be provided on the floor for female customers;

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

- (a) all required mechanical ventilation systems;
- (b) the garbage room or garbage receptacle storage area;
- (c) sanitary facilities;
- (d) the coolroom;

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

and the following adopted standard conditions:

- (24) hsc500 - Premises to be ventilated;
- (25) hsc111 - Liquid wastes to sewer;
- (26) hsc700 - Compliance with code for Garbage Handling System;
- (27) hsc709 - Garbage room;
- (28) hsc711 - Commercial contract (trade waste);
- (29) hsc800 - Use of appliances emitting intrusive noise;
- (30) hsc801 - Noise from premises.

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

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

NOTE:

The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents, or sub-contractors allow sediment, including soil, excavated material, building materials or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes, or waterways. That applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

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

At the request of Councillor Bush, and by consent, the motion was amended by the addition of the following words to condition (3) of the recommendation, namely:-

"and that the outdoor seating be restricted to 40 and 20 seats indoor and the outdoor seatings and hours to be for a trial period of twelve months".

Motion, as amended by consent, carried.

Carried.

5.

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

- (A) 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 fitout at the abovementioned premises, 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 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 115 persons including staff and entertainers;
- (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;
- (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
- (63) That at no time shall patrons be allowed to queue in front or close by the premises.

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

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

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

Carried.

6.

JOHNSON STREET, NO. 2, BEACONSFIELD - ERECT A NEW FACTORY - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01148)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Max Sgammotta Architects, with the authority of Kems Investments Pty Ltd, for permission to carry out additions to the existing factory and erect a new two level factory to be used as a printery to the abovementioned premises, 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 \$5,250 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 \$700 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,158	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 402	2E97002.BGY0
Accessibility And Transport Management	\$ 7	2E97006.BGY0
	<u>\$ 37</u>	2E97007.BGY0
Total	\$1, 605	

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 December 1998 Quarter .

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 certificate.

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.

- (4) That the development shall be generally in accordance with plans numbered Project No.98/130 DA01 to DA05 inclusive, dated 5 November, 1998

- (5) That the hours of operation shall be restricted to between 7.00 a.m. and 7.00 p.m. Mondays to Fridays and 6.00 a.m. and 3.00 p.m. Saturdays;
- (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;
- and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (7) That the owner/developer shall dedicate to the Council, free of cost to the Council, the following land:
- 2.5 x 2.5m splays at the intersection of O'Conner Lane with both Reserve Street and Queen Street;
- (8) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;

and the following adopted standard conditions:

- (9) Office to be Ancillary¹¹⁰
- (10) Consolidate Lots¹²²
- (11) Street Number Application¹²³
- (12) Alteration of Public Services¹⁰⁰⁶
- (13) Builders Hoarding Permit¹⁰⁰⁸
- (14) Loading/Parking kept clear³⁰¹⁶
- (15) Cost of Signposting³⁰²⁶
- (16) Footway Crossing³⁰²⁸
- (17) Obstruction of Public Way³⁰²⁹
- (18) Delivery of Construction Materials³⁰³²
- (19) Stormwater Standard⁴⁰⁰¹

- (20) Clean Water Discharge⁴⁰⁰²
- (21) Articulated Vehicles³⁰¹⁸
- (22) Refuse Skips⁶⁰⁰²
- (23) Construction Noise⁷⁰⁰⁸
- (24) Compliance with Building Code of Australia⁸⁵⁰¹
- (25) Retaining Walls and Drainage⁸⁵⁰⁵
- (26) Support for Neighbouring Buildings⁸⁵⁰⁶
- (27) Protection of Public Places⁸⁵⁰⁷
- (28) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (29) Hours of Work and Use of Cranes⁹¹⁵³
- (30) Works Within Boundary⁹¹⁵²
- (31) Construction Certificate Required⁹¹⁵⁵
- (32) Building/Demolition Noise Control⁹¹⁵⁶
- (33) Sanitary Facilities⁷⁰¹⁶
- (34) Ventilation⁷⁰²³
- (35) Vibration and Noise⁷⁰²⁸
- (36) Landscape Plan⁵⁰⁰¹
- (37) Tree Preservation Order⁵⁰⁰⁵
- (38) Preserve Existing Trees⁵⁰⁰⁶
- (39) Street Trees⁵⁰⁰⁸
- (40) On Slab Planting⁵⁰¹³
- (41) Maintenance of Landscaping⁵⁰¹⁴
- (42) Final Inspection⁵⁰¹⁵
- (43) Security Fencing⁵⁰⁰⁴
- (44) Garbage on Public Way⁶⁰⁰¹

- (45) Recycling⁶⁰⁰⁷
- (46) Garbage Room/Receptacle⁶⁰¹¹
- (47) Contaminated Waste⁶⁰¹²
- (48) Garbage Room⁶⁰¹⁰
- (49) Storage/Garbage⁶⁰⁰⁹

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.

7.

WELLS STREET, NO. 5, REDFERN - DEMOLITION OF THE EXISTING DWELLING AND ERECTION OF A NEW TWO-STOREY TERRACE, WITH ATTIC LEVEL - DEVELOPMENT APPLICATION (U98-00998)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr A J Larkings, with the authority of Mr N Whitehall, for permission to demolish the existing dwelling and erect a new two-storey terrace at the abovementioned premises, 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 \$1950 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 \$260, or first installment (as applicable), can be paid to

the Council, providing that a completed levy payment form accompanies the payment;

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,693	2E97001.BGY0
Open Space/Townscape/Public Domain	\$ 515	2E97002.BGY0
Accessibility And Transport	\$ 6	2E97006.BGY0
Management	\$ 26	2E97007.BGY0
Total	\$2,240	

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 December Quarter 98/99.

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 certificate.

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.

- (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	Amount	Account
Multi-Function Administration Centre	\$462	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 certificate.

- (5) That the development shall be generally in accordance with plans numbered NW9801DA.01 & 02 Issue D, dated September 1998, except where amended by conditions of this consent;
- (6) That the proposed front dormer window shall be proportioned at a ratio of 1.5:1 measured from the head to the ceiling of the

window frame. Amended plans shall be submitted for the approval of the Director of Planning and Building with the Construction Certificate;

- (7) That the proposed first floor rear balcony and the proposed nib walls to provide screening shall be deleted from the plans and the roof reduced in length to reflect the changes. Amended plans shall be submitted with the Construction Certificate;
- (8) That the proposed front parapet wall and awning on the front facade of the building shall be deleted from the plans and the existing roof pitch continued forward as amended on the submitted plans. Amended plans shall be submitted for approval prior to release of the Construction Certificate and shall show the inclusion of stormwater guttering and down piping to the satisfaction of 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;

-shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (10) That a solar hot water heater system shall be installed in the new dwelling in accordance with the requirements of Development Control Plan 1997 – Urban Design;
- (11) 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;
- (12) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation;

and the following adopted standard conditions:

- (13) Details of Materials – Deferred Consent¹¹⁶
- (14) Comply With BCA⁹¹⁰⁴

- (15) Construction Certificate Required⁹¹⁵⁵
- (16) Clean Water Discharge⁴⁰⁰²
- (17) Garbage on Public Way⁶⁰⁰¹
- (18) Storage/Garbage⁶⁰⁰⁹
- (19) Garbage Room/Receptacle⁶⁰¹¹
- (20) Breakdown on material on site⁷⁰⁰¹
- (21) Emissions⁷⁰⁰⁴
- (22) Ventilation⁷⁰²³
- (23) Part Mechanical Ventilation⁷⁰²⁷
- (24) Exhaust Vents⁷⁰³⁷
- (25) Noise and Vibration⁷⁰²⁶
- (26) Sewer Discharge⁸⁰⁰⁴
- (27) Builders Hoarding Permit¹⁰⁰⁸
- (28) Alignment Levels¹⁰¹⁶
- (29) Road Opening Permit³⁰²⁵
- (30) Obstruction of Public Way³⁰²⁹
- (31) Stormwater Standard⁴⁰⁰¹
- (32) Refuse Skips⁶⁰⁰²
- (33) Works Within Boundary⁹¹⁵²
- (34) Building/Demolition Noise Control⁹¹⁵⁶
- (35) Retaining Walls and Drainage⁸⁵⁰⁵
- (36) Support for Neighbouring Buildings⁸⁵⁰⁶

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.

8.

PLANNING POLICY - REVIEW OF LOCAL ENVIRONMENTAL PLAN 1998 - SOUTHERN SIDE OF STANLEY STREET, EAST SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2015554)

- (1) That Council receives and notes the contents of this report.
- (2) That Council as a matter of policy deal with spot rezoning requests and other amendments to LEP 1998 on a six monthly basis.

(DPB Report 26.2.99)

Carried.

9.

KING STREET, NO. 221, NEWTOWN - SECTION 96 AMENDMENT TO PREVIOUS APPROVAL FOR USE OF THE FIRST FLOOR OF THE COOPERS ARMS HOTEL (U98-00399)

- (A) That the Council as the responsible authority grant its consent to the application made under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) submitted by Colston Budd Hunt & Kafes Pty Ltd, to modify the development consent (U98-00399) for use of the first floor of the abovementioned premises as a backpackers hostel, be approved subject to the deletion of the following conditions, namely:-

- (3) That the accommodation shall be for a maximum of 24 persons, provided that the number of persons residing on the site, (excluding an on-site manager) shall not exceed 18 until such time as the building alterations approved by this consent have been completed to Council's satisfaction;
- (4) That the use shall cease after a period of 12 months for 24 persons from the date of this consent after which time the maximum number of people accommodated shall revert to 18 persons. (The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use);

and the insertion in lieu thereof of the following new conditions, namely:-

- (3) That the accommodation shall be for a maximum of 30 persons, provided that the number of persons residing on the site, (excluding an on-site manager) shall not exceed 18 until such time as the building alterations approved by this consent have been completed to Council's satisfaction;
- (4) That the use shall cease after a period of 12 months for 30 persons from the date of completion of building works after which time the maximum number of people accommodated shall revert to 18 persons. (The applicant is advised that a further application may be lodged before the expiration of this consent for Council's consideration of the continuation of the proposed use).

The following additional conditions are also recommended for inclusion on the consent.

- (18) 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	\$6, 768	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$2, 062	2E97002.BGY0
Accessibility And Transport	\$ 24	2E97006.BGY0
Management	\$ 102	2E97007.BGY0
Total	\$8, 956	

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

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

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 certificate.

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.

- (20) That the backpackers accommodation shall operate under an agreement between the on-site manager and the individual backpackers that backpackers are not permitted to stay on the premises for a period of longer than 28 consecutive days;
- (21) That a management plan shall be submitted with the Construction Certificate, demonstrating how the proposed backpackers shall ensure the premises operates without loss of amenity for adjoining residential properties;
- (22) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (23) That an additional exit stairway shall be provided to serve the southern end of the first floor of the premises, alternatively a sprinkler system complying fully with the requirements of A.S 2118.4 shall be installed throughout the building;

- (24) That the existing partition separating the public corridor from the kitchen area at first floor level shall remain as approved under Building Application reference No. Q95-00485 and F.S.O 2005685;
- (25) That all relevant sections of the BCA shall be complied with;
- (26) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;
- (27) That use of the first floor of the premises, as a backpackers hostel shall not commence until the Building Application has been submitted, approved and completed to the satisfaction of Council.

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.

10.

LANG ROAD, NO. 104, CENTENNIAL PARK - PROPOSED ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00580)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Habitat Architects with the consent of the owners, Lincoln and Betty Lee, to undertake alterations and additions to the existing dwelling, subject to the following reasons, namely:-
 - (1) That the proposal, is potentially a separate dwelling and would therefore result in a multiple occupancy, which is not listed as a permissible use in the 2(a) zone and would not be in accordance with the objectives of the 2(a) zone;
 - (2) That the bulk of the proposal is excessive;

- (3) That the proposal would cause adverse privacy impacts to surrounding properties;
 - (4) That the height of the proposal is excessive for rear lane development
 - (5) That approval of the proposal would be out of character with the area and would establish an undesirable precedent and therefore is not in the public interest.
- (B) That any persons who made representations to Council in respect of the proposal be advised of Council's decision.

Carried.

11.

REGENT STREET, NO. 86, PADDINGTON - EXTEND EXISTING DWELLING - DEVELOPMENT APPLICATION (U98-01357)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Studio Blue Architects, with the authority of E T and A F Robinson, to partially demolish the rear of a terrace and erect a three level addition including second level balcony, subject to the following conditions, namely:-
- (1) That the third level rear wing addition shall be deleted and that the existing roof shall be wholly retained;
 - (2) That the third level rear windows shall be retained in their existing location;
 - (3) That the wall located adjacent to the southern boundary be no higher than 2.3 metres;
 - (4) That any rooflight(s) incorporated as part or all of the enclosed lightwell be either:
 - (a) constructed of a non-combustible material; **or**
 - (b) constructed of a combustible material that is no less than 0.9m from the southern property boundary; **and**
 that, in addition, the rooflight material used:

- (a) is translucent so that views of the adjoining premises are not available from within the proposed kitchen marked on the plans;
- (b) is unopenable;
- (c) has a reflectivity not exceeding 20%;

and the following standards conditions:

- (5) Tree Preservation Order⁵⁰⁰⁵
- (6) Ventilation⁷⁰²³
- (7) Noise and Vibration⁷⁰²⁶
- (8) Natural light and ventilation⁹⁶¹³
- (9) Mechanical ventilation⁹⁶¹⁵
- (10) Clean Water Discharge⁴⁰⁰²
- (11) Drainage Details with Construction Certificate⁹⁰¹³
- (12) Structural Design Certificate⁹⁰⁰⁶
- (13) Comply With BCA⁹¹⁰⁴
- (14) Construction Certificate Required⁹¹⁵⁵
- (15) Works Within Boundary⁹¹⁵²
- (16) Construction Hours⁹¹⁵¹
- (17) Building/Demolition Noise Control⁹¹⁵⁶
- (18) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (19) Excavations and Backfilling⁹¹⁶⁰
- (20) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (21) Commencement of Structural Works⁹²⁰²
- (22) Protection from Termites⁹²⁰³
- (23) Protection of External Walls⁹³²³
- (24) Protection of Rooflights⁹³²⁶

- (25) Glazing Provisions⁹³³⁰
 - (26) Smoke alarms⁹⁵²³
 - (27) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
 - (28) Ceiling heights of rooms⁹⁶¹¹
 - (29) Natural light and ventilation⁹⁶¹⁴
 - (30) Construction of External Walls for Dampness⁹⁶²⁴
 - (31) Disabled Entry³⁰²⁴
 - (32) Delivery of Construction Materials³⁰³²
 - (33) Stormwater Standard⁴⁰⁰¹
 - (34) Refuse Skips⁶⁰⁰²
 - (35) Building/Demolition Noise Control⁹¹⁵⁶
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

ALBERT STREET, NO. 72, ERSKINEVILLE - ERECT DECK OVER GARAGE AND USE AS OFFICE AND RESIDENCE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01359)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Peter Blacker, with the authority of Mr Darren Todd and Robert Dodds, for permission to construct a deck above double garage and use premises as part office, part residential 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 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 98158/1-10 dated 18 December, 1998;
- (3) That the top 600mm of the proposed western wall shall either be replaced by a Plexiglas balustrade or the wall left at its existing height;
- (4) That a row of planter boxes with appropriate screening vegetation to a maximum height of 1.8m shall be placed along the western boundary;
- (5) 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	\$2,685	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 797	2E97002.BGY0
Accessibility And Transport	\$ 12	2E97006.BGY0
Management	\$ 33	2E97007.BGY0
Multifunction admin centre	<u>\$ 861</u>	
Total	\$4,388	

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 certificate.

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.

and the following adopted standard conditions:

- (6) Construction Certificate Required⁹¹⁵⁵
- (7) Obstruction of Public Way³⁰²⁹
- (8) Delivery of Construction Materials³⁰³²
- (9) Works Within Boundary⁹¹⁵²
- (10) Contamination Assessment⁷⁰¹⁸
- (11) Ventilation⁷⁰²³
- (12) Natural light and ventilation⁹⁶¹³
- (13) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (14) Clean Water Discharge⁴⁰⁰²
- (15) Residential Building Work⁸⁵⁰³
- (16) Structural Design Certificate⁹⁰⁰⁶
- (17) BC170 - Structural certificate upon completion;
- (18) Drainage Details with Construction Certificate⁹⁰¹³
- (19) Stormwater Certificate at Completion⁹⁰¹⁷

- (20) Construction Certificate Required⁹¹⁵⁵
- (21) Works Within Boundary⁹¹⁵²
- (22) Construction Hours⁹¹⁵¹
- (23) Building/Demolition Noise Control⁹¹⁵⁶
- (24) Stairs and Balustrades⁹⁴¹⁹

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.

13.

MALCOLM STREET, NO. 41, ERSKINEVILLE - EXTENSION OF REAR OF TERRACE HOUSE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01329)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the application submitted by Phillip Diment to extend the ground floor of terrace house and add a first floor at the abovementioned premises be deferred to the next Committee meeting for further discussions between the applicant and Council staff, including Council's Heritage Officer.

Carried.

14.

FLINDERS STREET, NOS. 112 - 114, DARLINGHURST - ALTERATIONS AND ADDITIONS TO TERRACES AND NEW RESIDENTIAL BUILDING - DEVELOPMENT APPLICATION (U97-00992)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority advises the applicant and owner, Gallego Holdings Pty Ltd, that it has undertaken a review under Section 82A of the Environmental Planning and Assessment Act, 1979 of its decision to refuse their application to carry out alterations and additions to the existing terraces fronting Flinders Street and to erect a four level structure fronting South Dowling Street and that as a result of the review, the proposal is refused for the following reasons, namely:-
- (1) That the proposal requires the concurrence of the Director-General of the NSW Department of Housing and such concurrence has not been received to date;
 - (2) That the proposal would be likely to cause significant adverse impacts assessed under the provisions of State Environmental Planning Policy 10 and the applicant has not made sufficient undertakings to adequately mitigate these impacts;
 - (3) That the proposal does not comply with the maximum permissible floor space ratio requirements of Development Control Plan 1997 and the proposed non-compliance is not considered to be justified in the circumstances of the case;
 - (4) That the proposal does not comply with the maximum permissible height requirements of Development Control Plan 1997 and the proposed non-compliance is not considered to be justified in the circumstances of the case;
 - (5) That the proposal would result in inadequate provision of open-space to residents;
 - (6) That the proposal would cause significant adverse streetscape impacts;
 - (7) That the proposal would cause significant adverse impacts to the item of environmental heritage;
 - (8) That the proposal would cause significant adverse impacts to the conservation area of which it is part;
 - (9) That the proposal fails to meet the requirements of Council's DCP 11 Transport Guidelines for Development in respect to parking provision;
 - (10) That the proposal would cause a significant loss of solar access to adjoining residential premises to the south of the proposal;
 - (11) That the bulk of the proposal is excessive;

- (12) That the proposed new building would present excessive bulk to the existing terrace-style buildings due to inadequate separation between the two;
- (13) That approval of the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

FORBES STREET, NOS. 35 - 37, NEWTOWN - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR TERRACE HOUSES - DEVELOPMENT APPLICATION (U98-01108)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ian Knowles for permission to demolish the existing building and construct 4 x 3 bedroom two storey Victorian type terraces at the abovementioned premises, 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 \$6000 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 \$800, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with amended sheet 1 dated October 1998 and sheets 2 and 3 dated October 1998;
 - (4) That the roofing of all units shall be of corrugated metal sheeting in keeping with the traditional character of units in the area;
 - (5) That the lower level of the rear facing first floor windows shall be fixed and obscured;

- (6) That all works shall occur within the boundaries of the site;
- (7) That any external fences and/or walls shall be not less than 1.8m high and maintain privacy;
- (8) That an application shall be submitted to the Director of Public Works and Services before any tree on site or adjacent to the site is lopped or removed;
- (9) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) 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;
- (12) 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);
- (13) 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;
- (14) 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;
- (15) 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;

- (16) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (17) 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;
- (18) 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);
- (19) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) 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 p.m. on Mondays to Fridays, inclusive, and 7.00 am and 3.00 p.m. 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;

- (22) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;
- (23) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (24) That the tree at the rear of proposed terrace not (fronting Forbes Street) shall be retained;
- (25) That a landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The plan shall nominate hard works and softworks 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 size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (26) That the Developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be 75 litre container size, 2.5 metres high, planted at 10m centres. The species nominated for Queen Street is the Water Gum (*tristanopsis laurina*) and for Forbes Street the Chinese Tallowwood (*Sapium sebiferum*);
- (27) That the Developer arranges with the certifying authority (whether Council or private), prior to the issuing of an Occupation Certificate, for a qualified Landscape Architect or Designer to complete the final inspection of the landscape works to ensure that the works are constructed in accordance with the plans approved with the Construction Certificate;
- (28) That all relevant sections of the BCA shall be complied with;
- (29) 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;

- (30) That the requirements of the Work Cover Authority shall be complied with;
- (31) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (32) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (33) That the demolition work shall comply with Australian Standard 2601-1991;
- (34) The applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulations;
- (35) That the exposed external walls shall be rendered, bagged or painted, and shall be detailed in the application for a construction certificate (and work done prior to issuing an Occupation Certificate).

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

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

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

Carried.

16.

CLEVELAND STREET, NOS. 400 - 402, SURRY HILLS - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U98-01088)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Ms Lesley Anne Hunter, with the authority of Shoprite Pty Ltd for permission to use the above premises as a brothel, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with Council endorsed plans submitted with the application;

- (2) That a final plan of management, signed by the owner and operator/manager of the premises, shall be submitted to Council for approval within 30 days from the date of this consent;
- (3) That the final Council approved plan of management referred to in condition (2) shall be complied with at all times and shall not be modified without the prior approval of Council;
- (4) That the existing sign reading "under new management" shall be removed;
- (5) That the hours of operation shall be restricted to between 10.00am and 6.00am daily;
- (6) That doorways to all bedrooms shall be protected by self closing solid core doors not less than 35mm thick;
- (7) That a suitable smoke/fire detection system shall be installed throughout the premises;
- (8) That the proprietor shall provide written information, ie pamphlets and brochures, for club members on sexually transmitted infectious diseases in a variety of languages including those of any club member who has difficulty communicating or reading the English language;
- (9) That the premises shall be provided with adequate lighting in accordance with Australian Standard 1680;
- (10) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (11) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (12) 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 to all food preparation and storage areas;

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

- (13) That no trade wastes shall be stored in the public way at any time;
and the following adopted conditions:
- (14) Display Street Number¹²⁴
 - (15) Separate Application for Signs²⁰⁰¹
 - (16) Comply With BCA⁹¹⁰⁴
 - (17) Construction Certificate Required⁹¹⁵⁵
 - (18) Portable Fire Extinguishers be Installed⁹⁵⁰¹
 - (19) Emergency lighting⁹⁵¹⁸
 - (20) Exit signs⁹⁵¹⁹
 - (21) Protection of Openings⁹³⁰⁷
 - (22) Mechanical ventilation⁹⁶¹⁵
 - (23) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
 - (24) Access to Exits⁹⁷¹³
 - (25) Certification of Electrical Installation⁹⁸⁵³
 - (26) Good Housekeeping⁹⁸⁵¹
 - (27) HSC402 - Clean linen
 - (28) HSC403 - Linen receptacles
 - (29) HSC404 - Changing of linen
 - (30) HSC405 - Laundering
 - (31) HSC411 - Contaminated waste disposal
 - (32) HSC111 - Liquid wastes to sewer;
 - (33) HSC711 - Commercial contract (trade waste);
 - (34) HSC715 - Trade waste;
 - (35) HSC801 - Noise from premises.

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

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

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

Carried.

17.

HAROLD STREET, NOS. 20 - 22, NEWTOWN - ALTERATIONS AND ADDITIONS TO CREATE A TOTAL OF FOUR DWELLINGS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01194)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That consideration of the application submitted by A Bastas Architects, with the authority of Doubleform Pty Ltd, to undertake alterations and additions to the existing dwelling-house and to erect three new dwellings, be deferred for further discussions to be held by the applicant, the Director of Planning and Building and Council Officers.

Carried.

18.

STREETSCAPES - CHALLIS AVENUE, POTTS POINT - FOOTWAY WIDENING (2019961)

That the report by the Director of Public Works and Services dated 1 March 1999, regarding the footpath widening in Challis Avenue, Potts Point, be received and noted.

Carried.

The Planning and Development Committee Meeting terminated at 8.15 p.m.

At this stage, the Mayor and Mr. Paul Nicolaou, Chairperson of the Ethnic Communities' Council of N.S.W. signed the joint agreement between South Sydney

Council and the Ethnic Council to enable both groups to work together to promote community harmony in the South Sydney area.

The Council Meeting terminated at 7.42 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER