

**230<sup>TH</sup> Meeting****Erskineville Town Hall  
Erskineville****Wednesday, 23 June 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, 23 June 1999.

**PRESENT**

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

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

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## **Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Deftereos:-

That the minutes of the Ordinary Meeting of Council of 26 May and 9 June 1999, be taken as read and confirmed.

At the request of Councillor Fowler, and by consent, the minutes of 9 June 1999, were amended on Page 653 in relation to the Mayoral Minute regarding the Investigation of Amalgamation with Botany Bay City Council with South Sydney Council by the insertion of the word "or" after the word "and" where appearing in the second line of the amendment by Councillor Fowler so that the amendment now will read "and/or other interested surrounding Councils".

Minutes, as amended by consent, were then confirmed.

## **Leave of Absence - Councillor Waters**

Leave of absence from all meetings of Council, including Council and Committee Meetings, from 16 June to 23 June, 1999, inclusive.

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

That leave of absence be granted to Councillor Waters from all meetings of Council, including Council and Committee Meetings, from 16 June to 23 June 1999, inclusive.

Carried.

## **MINUTE BY THE MAYOR**

23 June 1999

### **PUBLIC RELATIONS - ARTHUR E. T. HAINES MEMORIAL TREE PLANTING CEREMONY (2019109)**

Julieanna Szabo has approached Council and asked if we would be willing to plant a tree to commemorate the life, and passing of her only child Arthur E.T Haines. Arthur, who was 13 years old at the time, died on 29<sup>th</sup> June, 1998, following a house fire in a friends home in Walker St, Waterloo.

Given the tragic circumstances, and the enormity of the loss of young Arthur, it is proposed that Council host a memorial tree planting ceremony at 11.00am on Saturday 17<sup>th</sup> July, 1999.

Following consultation with Council's Public Works and Services Department it is proposed that the tree be planted in Tobruk Reserve, on the corner of Elizabeth St and Wellington Streets, Waterloo. The ceremony will be followed by a community BBQ, in the company of Arthur's family and friends.

**Recommendation:**

That approval be given for a Memorial Tree Planting Ceremony to be held at 11.00am on Saturday 17 July, 1999 at Tobruk Reserve, Cnr Elizabeth and Wellington Streets, Waterloo, followed by a BBQ to commemorate Arthur E.T. Haines' life and passing, in the company of his family and friends, with additional funds totalling \$2,000 to be allocated from the 1999/2000 budget for this purpose.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

23 June 1999

**CONFERENCES - 1999 AUSTRALIAN SISTER CITIES ASSOCIATION  
CONFERENCE TO BE HELD IN DARWIN, NORTHERN TERRITORY -  
QUESTION OF ATTENDANCE BY COUNCIL REPRESENTATIVES (2011396)**

Council on 5 January 1999, approved of the Mayor or his nominee, Councillor Sonia Fenton, the General Manager and the Civic Affairs Manager/Public Officer representing Council at the 1999 Australian Sister Cities Association Conference in Darwin, Northern Territory from 4 to 7 July 1999 and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds will be provided in the 1999/2000 Revenue Estimates.

Due to unforeseen circumstances, Councillor Sonia Fenton and the General Manager cannot attend.

The registration fees of \$1,130 and the accommodation deposits of \$268 have been paid and are not refundable.

Councillor Bush has indicated that he would be interested in attending.

It is recommended that Council's Medical Officer, Dr. Harinath, represent the General Manager at the Conference and approval be given for Councillor Bush to also attend.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Fowler, seconded by Councillor Lay:-

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

Carried.

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

23 June 1999

#### **DEVELOPMENT APPLICATION - KINGS CROSS ROAD, NOS. 30 - 32, POTTS POINT - LAND AND ENVIRONMENT COURT APPEAL (U97-01070)**

#### **COUNCILLORS**

At its meeting on 10 February 1999 Council refused a Development Application for a 7 storey rear addition at 30-32 Kings Cross Road. This was contrary to the officers report which recommended approval subject to alterations and further information being provided by the applicant.

An appeal was lodged against this refusal and Council instructed its Solicitors, Pike, Pike and Fenwick, to engage an independent Planning Consultant to prepare and give evidence in the case.

After some difficulty, Pike, Pike and Fenwick engaged Mr Andrew Smith, to defend the matter.

A statement of issues was filed on 13 April 1999. The matter was set down for hearing on Wednesday to Friday 29 and 30 June and 1 July.

Amended plans were submitted by the applicants to the Court on 11 May 1999. An amended Statement of Issues was filed on 9 June 1999. Council's Planning Consultant considered that, with further amendments, these plans could address all of the matters raised in the Amended Statement of Issues and, as such, could be acceptable. A 'Without Prejudice' meeting was held between the applicant's and Council's Solicitors, Council's Planning Officer, consultants and the applicants

architect on Friday 18 June 1999. Further changes were agreed to, with revised plans to be submitted prior to the hearing.

Council's Planning Consultant has confirmed that, with the agreed changes, the Amended Statement of Issues will have been addressed and he would recommend that Consent Orders be prepared accordingly. He also confirmed that he would not now be able to defend a refusal in Court.

The applicants will not vacate the hearing dates of 29 and 30 June and 1 July and wish to present agreed Consent Orders to the Court at this time.

Council's Solicitors advise that this would be an acceptable course of action subject to the revised plans being received by Council's Planning Consultant, objectors being notified and being given the opportunity to give evidence.

There were 25 objectors to the original proposal. Council's Solicitors contacted these objectors and, to date, two have stated that they would be prepared to give evidence. All objectors have been notified in relation to the amended plans. If these objectors still wish to give evidence on the basis of the final amended plans, the court would provide them with this opportunity.

The Acting Director of Planning and Building is also satisfied that the revised proposal generally addresses the Statement of Issues and overcomes Council's reasons for refusal.

Given the very limited time available it is recommended that the General Manager be given delegation to authorise the preparation of Consent Orders to be submitted to the Court should final amended plans be received.

**Recommendation:**

That arising from a report by the General Manager dated 23 June 1999, Council delegates to the General Manager authorisation for the preparation of Consent Orders to be submitted to the Court in respect of Land and Environment Court Appeal 10103 of 1999 relating to 30-32 Kings Cross Road, Potts Point, should appropriate plans be submitted to the satisfaction of the Acting Director of Planning and Building and Council's Planning Consultant prior to the Court hearing date.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

It was moved by Councillor Fenton, seconded by Councillor Fowler, that the motion be amended by the addition of a clause (b) to the recommendation, namely:-

- (b) That a Press Release be drafted outlining the reasons why Council is taking this course of action with respect to the above premises.

Amendment negatived.

Motion carried.

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

18 June 1999

#### **PLANT AND ASSETS - AMENDMENT OF POLICY REGARDING EXTENSION OF LIGHT COMMERCIAL VEHICLES REPLACEMENT PERIOD (2018560)**

In the Council's Asset Replacement Policy, the Light Commercial Vehicles are grouped with Sedans and Station Sedans. The current replacement period for all these assets is 2 years/40,000 kms.

It is proposed that the Light Commercial Vehicles be separated into their own category and the replacement period for Light Commercial Vehicles be extended to 3 years/60,000 kms. As highlighted in the accompanying data on depreciation rates Sheet 1 for Light Commercial Vehicles the principal loss in depreciation is in the first year of ownership with a levelling out over years two and three.

The benefit of the plateauing of the depreciation rate between years two and three of ownership is highlighted by typical auction values for Light Commercial Vehicles as shown on accompanying Sheet 2. The additional costs for extending the replacement period to 3 years/60,000 kms would be a set of brake pads (Council cost \$200 to purchase and fit) and normal servicing. There would be no additional cost for tyres since most Light Commercial Vehicles have tyres changed as the vehicle approaches 40,000 kms or to meet the auction's Pink Slip requirement.

#### **Recommendation:**

That approval be given for the amendment of Council's Plant and Asset Policy to separate Light Commercial Vehicles from Sedans and Station Sedans and to extend the replacement period for Light Commercial Vehicles to 3 years or 60,000 kms which ever comes first.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

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

23 June 1999

#### **PROPERTIES - PROPOSAL FROM WILLIAM AND PITT STREET, REDFERN LANDOWNERS TO PURCHASE NO. 30A AND NO. 30B PITT STREET, REDFERN (P06-00335)**

Council resolved on May 13, 1998 to negotiate the sale of 30A-30B Pitt Street, Redfern with the landowners at 33-55 William Street, Redfern.

On July 29, 1998 Council resolved the sale of the subject land with the William Street owners at a cost of \$20,872 per landowner. The sale was conditional on the basis that all interested landowners participate in the transaction. The interested landowners did not accept Councils offer.

November 9, 1998 Council resolved that further negotiations proceed with the interested owners. Again the basis of the offer was that all owners interested would need to participate and that the offer would include the market value of the land and costs associated with the subdivision. Councils revised offer was also rejected. Subject to the negotiations failing Council had resolution to sell the land at auction.

On March 8, 1999 Council forwarded a letter to all interested owners stating that given the poor response to the offer by 1 March 1999, Council would pursue other divestment options for the land.

May 11, 1999 Council appointed L J Hooker to sell the site at public auction.

On May 13, 1999 Mr Fussell of 39 William Street expressed further interest in the land.

June 9, 1999 a petition was received from particular landowners in William and Pitt Streets, Redfern requesting that the sale of the subject property be deferred given the following claims made by the affected landowners;

- "We believe that we have existing rights over the subject land" and
- "We also believe that negotiations with surrounding owners were concluded prematurely" by South Sydney Council.

Council has sought legal opinion in regard to the existing land rights. Pike Pike & Fenwick have dismissed those claims and have advised Council to proceed with the sale.

The interested landowners have now asked Council to consider an acquisition proposal for the site whereby the landowners form a "Co-Operative" and purchase the land directly from Council.

This report briefly discloses the nature of their proposal and determines whether the proposal is appropriate for Council.

### **WILLIAM AND PITT STREET LANDOWNERS PROPOSAL**

A meeting was held this morning with the Mayor, General Manager, Director of Corporate Services, Council officers and representatives of William and Pitt Street landowners to consider a sale proposal for the site.

The proposal put forward to Council was that the interested landowners in William and Pitt Streets would form a "Co-Operative" and purchase the land directly from Council.

The process agreed to by both parties and which is **to be resolved no later than 6 July 1999** is as follows;

- (1) All the interested landowners in William Street are to confirm their participation in the proposed transaction by means of a signed deed of agreement by no later than 30 June, 1999. It is noted that some of the landowners in Pitt Street, Redfern, have expressed an interest to participate in the transaction.
- (2) An independent valuation of the subject land by both parties is then to proceed and will form the basis of the transaction price. Colliers Jardine are to be appointed on behalf of the William and Pitt Street landowners. Council will instruct First Pacific Davies to prepare a valuation report. Both parties Valuer are to agree on the appropriate basis of valuation.
- (3) The interested William & Pitt Street landowners will be totally responsible for all aspects of the proposed subdivision of the subject land.
- (4) The auction proposed for 7 July, 1999, be deferred until the next available auction date (to be advised) in the event both parties fail to conclude negotiations by **6 July, 1999**.
- (5) If an agreement is entered into (auction terminated) the affected landowners are to reasonably compensate LJ Hooker Newtown for the work associated with the proposed auction sale to date.

**Recommendation:**

- (1) South Sydney Council defers the sale of 30A-30B Pitt Street, Redfern in order that an appropriate agreement to purchase the subject land by the interested William and Pitt Street, Redfern, landowners is entered into by 6 July, 1999.
- (2) In the event negotiations fail by the 6 July 1999, the subject land is to be immediately sold at auction.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

23 June 1999

**ADMINISTRATION - DRAFT MANAGEMENT PLAN 1999/2002 -  
STATEMENT OF REVENUE POLICY (2019941)**

Council's Draft Management Plan 1999/2002 is currently being advertised and includes a Rate increase of 2.4%, being the allowed Section 506 general variation advised by the Minister.

As a result of the storm damage of Wednesday, 14 April 1999, Council is to lodge a Section 508(2) application with the Minister for an additional Rate increase of 3%. Council is required to give public notification of this application by including both scenarios in its Statement of Revenue Policy, showing both the rating structure should ministerial approval be granted and the structure should it be denied (Attachments 1 & 2 accompanying the minute).

Council's revised policy should read as follows:

**(D) Rate Levies**

In accordance with Section 506 of the Local Government Act, 1993, Council intends to apply a rate increase of 2.4% being the general variation allowed by the Minister.

However as a result of the storm damage of 14 April 1999, Council has been forced to find alternative administrative accommodation and consequently will incur a significant increase in its operating costs. In order to defray part of this additional cost, Council will lodge an application with the Minister for a total increase of 5.7%. This increase includes the general variation of 2.4%, special variation of 3%, Crown land adjustments and previous year catch up of 0.3%.

Council will conduct a full review of its Operations in order to determine ways in which it can offset the balance of this additional expenditure not covered by the rate increase.

The burden of the rate increase in both scenarios will be shared equally amongst Council's Residential and Business Ratepayers. However the new location will mostly improve public accessibility and will provide Council with an opportunity through improved working facilities to provide a better service to its public.

**Recommendation:**

That Council revises the Statement of Revenue Policy contained in the Draft Management Plan 1999/2002, to that as amended above and advertises it in accordance with the Act.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Macken:-

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

At this stage it was moved by Councillor Fowler, seconded by Councillor Deftereos, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the acceptance of petitions to the Minister for Local Government referring to changes in the boundaries of the South Sydney City Local Government Area.

Carried.

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

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

## **BOUNDARIES - INVESTIGATION OF AMALGAMATIONS**

That this Council urge the Minister for Local Government to accept the petitions, under his powers in Section 215 2(b) of the Local Government Act, 1993, from electors to refer changes in the boundaries of the South Sydney City Local Government Area to the Local Government Boundaries Commission for inquiry and report on the removal of parts of the South Sydney City Local Government Area to the City of Sydney Local Government Area because they have no commonality of interest with a Local Government Area based on Botany Bay.

Motion negatived.

Motion, as detailed in the minute by the General Manager, carried.

## **MINUTE BY THE GENERAL MANAGER**

22 June 1999

### **DONATIONS - AUSTRALIANS FOR NATIVE TITLE AND RECONCILIATION - REQUEST FOR FREE USE OF PADDINGTON TOWN HALL - 14 JULY 1999 (P56-00410)**

Applicant: - Australians for Native Title & Reconciliation  
Event: - Public Meeting  
Date: - 14 July 1999

#### **Benefits to Residents of South Sydney**

Active for Aboriginal Reconciliation and Public Education.

#### **Historical/other Support Received from Council**

Featured in Council's Reconciliation Week at Redfern Park in 1998 and 1999.

#### **Loss of Income**

Hall Hire

#### **Costs**

\$3,800

#### **Out of Pocket Expenses**

Cleaning

\$172

Set of tables and chairs

\$300

Salaries/Staffing

\$128

**Recommendation:**

That Council support Australians for Native Title and Reconciliation by foregoing \$3,800 in income subject to the Organisation meeting the expenses of \$600, for free use of Paddington Town Hall on 14 July 1999 to conduct a Public Meeting.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

23 June 1999

**ADMINISTRATION - OPERATIONS - HAIL DAMAGE  
RESTORATION WORK (2021116)**

A minute by the General Manager dated 23 June 1999, was circulated to all Councillors prior to the Council Meeting.

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

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Macken, seconded by Councillor Fenton:-

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

Carried.

**QUESTIONS WITHOUT NOTICE**

1.

**COMMITTEES - SERGEANT TERRY SHEPHERD - LETTER OF THANKS FROM COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2000538)****Question:**

Could a letter under the Mayor's signature be forwarded to Sergeant Terry Shepherd from Redfern Station to express our thanks for the work he has done for the community while on the Traffic Committee?

**Answer by the Mayor:**

I will send a letter to Sergeant Shepherd offering the thanks of the Council and the community.

2.

**PUBLIC RELATIONS - QUEEN'S BIRTHDAY HONOURS LIST 1999 - LETTERS OF CONGRATULATIONS TO RECIPIENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2000734)****Question:**

Could the Mayor send letters to the recipients in the Queen's Birthday Honours list including Margaret Barry, George Paciullo, Peter Anderson and a number of others in the sphere of Local Government and the community in South Sydney?

**Answer by the Mayor:**

I will have those letters forwarded to the recipients for you.

3.

**DONATIONS - NORTH NEWTOWN PUBLIC SCHOOL - REQUEST FOR WOODCHIPS AND THE REMOVAL OF TREE STUMPS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2010748)****Question:**

I have received a letter from the North Newtown Public School requesting Council assist with the removal of several tree stumps in their garden and the provision of some wood chips for the playground.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to arrange a visit to the school to assess the situation and have a report prepared for the Councillors Information Service on the action taken.

4.

**TRANSPORT - OPERATION OF 370 BUS ON WEEKENDS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2014372)****Question:**

I recently had discussions with people regarding the 370 bus which runs from Leichhardt to Coogee and its operations on weekends. We have received information that the State Transit Authority are not looking at putting the service on for some time. Could we send a letter to the State Transit Authority stressing the need for this service on the weekend?

**Answer by the Mayor:**

I Chair the Eastern Distributor Bus Priority Task Force which is involved with the Roads and Traffic Authority and other authorities. We only met last week to draw up all the plans for buses in and around the City. The 370 bus was raised and whilst it has quite a large patronage when it was introduced, it would appear that due to the increase of buses, the patronage has fallen off. That has been why there has been a delay in extending the services because of the patronage of that bus.

5.

**STREETS - BUS SHELTER - MACLEAY STREET, POTTS POINT - INSTALLATION OF NARROW SHELTER - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2014501)****Question:**

Item 11 of this evenings Finance Committee report allows J C Decaux Australia to place a narrow model bus shelter in various locations along City Road and Parramatta Road.

The new shelter on Macleay Street at the corner of Challis Avenue was removed to allow correct clearance on the pavement. (There is no shelter and no seat and it is causing hardship to our elderly residents.)

Is it possible to place a similar narrow shelter on Macleay Street?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to prepare a report for the Councillors Information Service. I did raise it with the Director yesterday about the narrow width created in terms of the footpath to the building alignment of various locations and these are being investigated.

6.

**HEALTH - KINGS LANE RESERVE - REQUEST FOR THE INSTALLATION OF A DOGGY LOO - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (H51-00199)****Question:**

The dogs and dog owners of East Sydney thank Council for the new doggy loo in the park at the top of Palmer Street. Word has passed around and the dogs and dog owners near the Kings Lane Reserve between Thomson Street and Bourke Street would like a doggy loo installed there.

**Answer by the Mayor:**

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

7.

**STREETSCAPES - RESERVE IN LIVERPOOL STREET, DARLINGHURST - REQUEST FOR UPKEEP OF RESERVE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2016906)****Question:**

At Thomson Street, the Reserve on Liverpool Street which was to be landscaped by the developers of the Claremont Estate was in a poor condition before the hailstorm and since is in worse shape. Could the relevant Council Officer investigate whose responsibility the upkeep of the Reserve is and take the appropriate action to beautify the area?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter for you and have a report prepared on their actions to have the area cleared for you.

8.

**DONATIONS - ROTARY CLUB OF KINGS CROSS - REQUEST FOR COUNCIL ASSISTANCE TO "HOME AND AWAY" PROGRAM - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2021190)**

**Question:**

The Rotary Club of Kings Cross is anxious to receive a grant from Council to assist in the running of their new "Home and Away" Program to transport children in the Kings Cross Area to their homes in the suburbs.

The forms were apparently filled in for \$50,000 assistance. This afternoon I was requested to amend the amount required to \$10,000 and request Council to add the donation to this evenings consideration of Item 18 of the Finance Committee.

Is this possible?

**Answer by the Mayor:**

No, but I will have a report prepared by the Director of Health and Community Services for the first Committee after the recess.

9.

**STREETSCAPES - FITZROY STREET CLOSURE, SURRY HILLS - REQUEST FOR RE-LANDSCAPING - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2016906)**

**Question:**

The gardens in the Fitzroy Street closure, Surry Hills, have been disturbed by work on traffic lights at the intersection of Bourke, Fitzroy and Foveaux Streets. A resident has asked if larger shrubs or bushes could be placed adjacent to Fitzroy Street to shield the houses from the lights of vehicles entering the crossing.

Would it be possible to consult with the residents of this section of Fitzroy Street on the re-landscaping of this area?

**Answer by the Mayor:**

If you can provide the information of the residents and who they are, I will ask the Director of Public Works and Services to speak to them and look at what we can do to improve the amenity in that area.

10.

**DEVELOPMENT - RUTLAND STREET, SURRY HILLS - REQUEST BY RESIDENTS FOR COUNCIL TO DEAL WITH HEAVY TRAFFIC, NOISE, RUBBISH AND MAINTENANCE OF STREET TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2020902)**

**Question:**

I have received a letter from residents of Rutland Street, Surry Hills, requesting further efforts from Council to deal with a number of problems they are experiencing:

- (a) Heavy traffic - in particular privately operated garbage trucks, construction vehicles, buses and numerous smaller vehicles which use the street as a short cut;
- (b) Additional street noise (particularly at night) from the clients and workers of brothels in the locality and the frequent sounding of security alarms;
- (c) Inadequate maintenance of street trees and the accumulation of rubbish on footpaths.

I understand Council Officers have tried to address these problems, but without great success so far. Could I have a report on efforts so far, and on proposals for future treatment? These problems (or similar ones) are widespread in this part of Surry Hills and have relevance to all mixed zones.

**Answer by the Mayor:**

I will ask the Officers to prepare a report in relation to those matters. Those reports if need be, can come back to Committee or if they can be dealt with by the Officers, have a report prepared for the Councillors Information Service.

11.

**TRAFFIC - RESIDENTS CONCERN REGARDING PARKING ON EUSTON ROAD, ALEXANDRIA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2003147)**

**Question:**

I have a letter from residents in Euston Road, Alexandria, to be tabled to the Director of Public Works and Services relating to parking on Euston Road. A copy of this could go to the Deputy Mayor, the Chair of the Traffic Committee and may be brought up at the next Traffic Committee Meeting.

**Answer by the Mayor:**

Yes, Councillor Bush.

12.

**DONATIONS - GARDENERS ROAD PRIMARY SCHOOL - LIST OF DONATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009372)**

**Question:**

Is Gardeners Road Primary School on the list for donations?

**Answer by the Mayor:**

Yes.

13.

**PARKS - SYDNEY PARK - CONSTRUCTION OF CAR PARKS - MANAGEMENT PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018139)**

**Question:**

Council is in the process of building two car parks in Sydney Park. The location of these car parks is opposite one of South Sydney's and one of Marrickville's largest developments. This has caused concern to park users.

Could a Management Plan for these car parks be canvassed with park users and local residents?

**Answer by the Mayor:**

I thought there was a plan.

**Answer by the Deputy Mayor:**

I think you are jumping the gun a little bit to suggest boom gates or a time limit for the car parks. I would prefer to wait until the car parks are available and see what options we have then if necessary.

**Answer by the Mayor:**

I would have to agree with the Deputy Mayor. I think we are being a little presumptuous about where people are going to park. I would be concerned if there wasn't sufficient parking provided in those developments.

14.

**FORBES STREET, NOS. 165 - 215, DARLINGHURST - REQUEST BY RESIDENTS FOR A PUBLIC MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U98-01091)**

**Question:**

A number of residents in Darlinghurst have requested a Public Meeting to be convened by Council.

This meeting to be held as a forum for SCEGGS Darlinghurst to discuss their Masterplan and lodged Development Application with the local community.

**Answer by the Mayor:**

I will have those discussions with the Acting Director of Planning and Building in relation to that question.

**REPORT OF THE FINANCE COMMITTEE**

16 June 1999

**PRESENT**

**Councillor Sean Macken (Chairperson)**

**Councillor – Margaret Deftereos**

At the commencement of business at 6.41 pm those present were -

Councillors:- Deftereos and Macken

**Apologies:**

Apologies for non-attendance at the meeting were received from Councillors Fenton and Waters.

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

That the Report of the Finance Committee of its meeting of 16 June 1999, be received and the recommendations set out below for Items 1 to 10, inclusive, 14, 15 and 19, be adopted. The recommendations set out below for Items 11

to 13, inclusive, 16 to 18, inclusive, and 20 having been dealt with as shown immediately following such Items.

Carried.

There was no quorum present at the meeting. Councillors Deftereos and Macken who were present, **recommend** the following:-

1.

**FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD ENDING 30 APRIL 1999, (2015594)**

That the Investment Report by the Director of Finance dated 2 June 1999, be received and noted.

Carried.

2.

**ELECTIONS - COUNCIL PREMISES - POLLING PLACES FOR 11 SEPTEMBER 1999 (E52-00016)**

That arising from consideration of a report by the Director of Corporate Services report dated 7 June 1999, approval be given for the use of Council premises, for the Ordinary Election of Councillors on 11 September 1999, as detailed in the beforementioned report.

Carried.

3.

**LIBRARIES - SUPPLY AND INSTALLATION OF LIBRARY BOOK SECURITY GRIDS - TENDER ACCEPTANCE (L55-00012)**

That arising from consideration of a report by the Director of Health and Community Services dated 7 June 1999, approval be given to:-

- (1) the acceptance of the tender from 3M for the supply and installation of library book security grids in four South Sydney Libraries at a cost of \$94,328.70, for which sufficient funds are available in the current Works Program (KW 99013) and that funds be voted for this project;
- (2) any unspent budget from the 1998/99 allocation of \$110,000, being carried forward to 1999/2000 to enable completion of the project.

Carried.

4.

**DOMAIN CAR PARK - PARK AND RIDE SCHEME - FOX STUDIOS AUSTRALIA (2005302)**

That approval be given to the operation of a Park and Ride Scheme, for a 12 month trial period from the Domain Car Park in conjunction with Fox Studios Australia.

(DCS Report 8.6.99)

Carried.

5.

**PLANT AND ASSETS - HEALTH AND COMMUNITY SERVICES DEPARTMENT - REALLOCATION OF 1998/1999 FUNDS - PURCHASE OF KITCHEN EQUIPMENT (2018374)**

That arising from consideration of a report by the Director of Health and Community Services dated 8 June 1999, Council grant its approval for \$28,000 to be reallocated to purchase two Hostess trolleys.

Carried.

6.

**CONFERENCES - "STREAMLINING GOVERNMENTS, LOCAL GOVERNMENT, AND PUBLIC ORGANISATIONS" - TOKYO, JAPAN, 25-26<sup>TH</sup> AUGUST 1999, ATTENDANCE BY COUNCIL REPRESENTATIVE (2015745)**

That approval be given to the granting of leave with pay, to Mr G Burton, Management Accounting Manager, to present a paper at the "Streamlining Governments Local Government and Public Organisation" Conference in Tokyo, Japan, from 25 to 30 August 1999.

(DF Report 3.6.99)

Carried.

7.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - APRIL 1999 (2021382)**

That arising from consideration of a report by the Director of Finance dated 28 May 1999, approval be given to the confirmation of the payment of the

accounts totalling \$7,829,409.29 as detailed in the Summary of Warrants for the Month of April, accompanying the report.

Carried.

8.

**COMMUNITY SERVICES - "PURPLE RIBBON PROJECT" - INVOLVEMENT AND FINANCIAL ASSISTANCE (2021147)**

That arising from consideration of a report by the Director of Health and Community Services dated 9 June 1999, approval be given to:-

- (1) Council's involvement in the "Purple Ribbon Project" during National Child Protection week in September;
- (2) the expenditure of \$300 towards the project, funds for this purpose are available in the Health and Community Services Department's 1999/2000 Budget Estimates.

Carried.

9.

**PARKS - SOUTH SYDNEY AREA - SKATEBOARD FACILITIES - INVESTIGATION - CALLING OF QUOTATIONS (S54-00028)**

That arising from consideration of a joint report by the Acting Assistant Director of Public Works and Services and the Director of Health and Community Services dated 11 June 1999, approval be given to:-

- (1) calling quotes for the supply and installation of skateboard equipment for a total amount of \$50,000, for which funds will be available from the 1999/2000 Health and Community Services Works Program (KW99114 - \$30,000), and Public Works and Services Unsupervised Playgrounds 1999/2000 Works Program (FWP9121 - \$20,000);
- (2) a further report being submitted at the end of July from the Health and Community Services Department outlining the details of a community, user, and feasibility consultation to determine in detail the best options for Council in the development of a skateboard facility in the South Sydney Area.

Carried.

10.

**COMPUTERISATION - IMAGING AND WORKFLOW IMPLEMENTATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2011918)**

That the report by the Director of Corporate Services dated 28 May 1999, regarding Council's Computerisation Imaging and Workflow Implementation, be received and noted.

Carried.

11.

**STREETS - STREET FURNITURE CONTRACT - INSTALLATION OF BUS SHELTERS IN CITY ROAD AND PARRAMATTA ROAD, BROADWAY (2014501)**

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

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the matter be deferred and referred to the Parramatta Road Steering Committee for a comment, following which the matter be submitted to the next Finance Committee Meeting to be held on 21 July 1999.

Carried.

12.

**LEASING - GREENKNOWE AVENUE, NO. 19, POTTS POINT, REG MURPHY HALL, UPSTAIRS SECTION - APPLICATION TO LEASE COUNCIL PREMISES BY DARLINGHURST THEATRE (2021160)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Corporate Services dated 11 June 1999, approval be given in principle the submission from Darlinghurst Theatre to lease the upstairs portion of the premises at No. 19 Greenknowe Avenue, Potts Point, under the following conditions, namely:-

- (1) That appropriate negotiations are entered into with Council's Properties Section and Venue Management Unit with regard to equitable rental fees, licensing requirements and venue usage;

- (2) That any agreements reached reflect Councils need to retain an allocation of free usage dates sufficient enough to satisfy requirements for public meetings, community events and electoral booth usage.
- (3) That to conform with the Disability Discrimination Act, a suitable device be installed to allow disabled persons access to the upstairs section of the Hall.

Carried.

13.

**CELEBRATIONS - 1999 CITY TO SURF RACE - SPONSORSHIP OF COUNCIL EMPLOYEES (C52-00016)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fenton, seconded by Councillor Lay:-

That arising from consideration of a report by the Director of Health and Community Services dated 15 June 1999, approval be given to the donation of \$700 to the Paralympics, and that the charges be made under Section 356 of the Local Government Act (1993).

Carried.

14.

**WELFARE - FOOD SERVICES - SKILLS AUDIT AND POSITION DESCRIPTIONS - APPOINTMENT OF CONSULTANTS (W51-00045)**

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Organisational Development dated 15 June 1999, Council approve the appointment of Work Wise Consultants Pty Ltd to carry out a skills audit of the food services staff and design the new position descriptions at a cost of \$17,500 and that money be added to the 1999/2000 Revenue Estimates.

Carried.

15.

**RATES - SPECIAL VARIATION FOR 1999 - 2000 - APPLICATION (2008143)**

That for the reasons set out in the report by the Director of Finance dated 15 June 1999, Council apply for a special variation of 3% of its 1999/2000 General Income.

Carried.

16.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

This matter was dealt with as a General Manager's Minute at the commencement of the Council Meeting and the following recommendation was adopted, namely:-

- (1) That South Sydney Council defers the sale of 30A-30B Pitt Street, Redfern in order that an appropriate agreement to purchase the subject land by the interested William and Pitt Street, Redfern, landowners is entered into by 6 July, 1999.
- (2) That in the event negotiations fail by the 6 July 1999, the subject land is to be immediately sold at auction.

Carried.

17.

**PERSONNEL - INDUSTRIAL DISPUTE - SALARY SYSTEM (GRADES 14 -  
18) (5263043)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That arising from consideration of a minute by the General Manager dated 23 June 1999, it be resolved that:-

- (1) the recommendation by minute dated 11 June 1999, for a 3% performance based increase for employees in Grades 14 - 18 be withdrawn, in lieu of the following proposal;
- (2) grades 14 - 18 be given the opportunity for the following increases over two stages:
  - 2.5% available on 1 January 2000, and a further
  - 2.5% available on 1 January 2001;
- (3) the criteria for performance assessment be determined between the parties with payment for the first stage (2.5%) increase effective from 1 September 1999, in accordance with the recommendation of Deputy President Sams dated 23 June 1999;

- (4) the resolution of the second (2.5%) increase based on the agreed performance criteria also proceed in accordance with the recommendation of Deputy president Sams and further that the General Manager be given delegated authority to negotiate an operative date for this to apply;
- (5) the opportunity for increases based on performance pay under this proposal will not be available to employees on salary maintenance where the rate retained is in excess of 5% above the substantive rate for the position;
- (6) following agreement by the Salaried Unions, approval be given to authorise Council's Solicitors to lodge the necessary documents with the Industrial Relations Commission of New South Wales to vary Council's Salaried Officers Award as may be necessary to include these changes.

Carried.

**18.**

**DONATIONS - 1999/2000 COMMUNITY GRANTS PROGRAM - FINANCIAL ASSISTANCE GRANTS AND SUBSIDISED ACCOMMODATION (2012703/2016721)**

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

- 4 9 St Johns Anglican Church, Councillor Fenton;
- 4 18 The Factory Community Centre, the Mayor, Councillor Smith;
- 10.3PCYC - South Sydney, Councillor Harcourt.

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

- (A) That the recommendation of the Donations Sub-Committee of its meeting held on 10 June 1999, as detailed in the minute by the Director of Health and Community Services dated 15 June 1999 and set out hereunder, be approved and adopted, namely:-

## 1. SUBSIDISED ACCOMMODATION GRANTS

**COMMUNITY GRANTS PROGRAM 1999/2000  
SUBSIDISED ACCOMMODATION - Recommendations**

App No	Category/ Applicants	File Number	Recommendation	
			Rent Payable	Subsidy
<b>Aged</b>				
1	Kings Cross Community and Information Centre	D5300353	\$1 p.a.	\$8,999 p.a.
<b>Sub Total</b>				<b>\$8,999</b>
<b>Children/ Families</b>				
2	D4	D5300283	\$800 p.a.	\$37,772
<b>Sub Total</b>				<b>\$37,772</b>
<b>Disabled</b>				
3	Beehive Industries	TBA	\$108,000 p.a.	\$84,825
<b>Sub Total</b>				<b>\$84,825</b>
<b>Gay and Lesbian</b>				
4	Metropolitan Community Church	2013125	\$3,972 p.a.	\$52,212 p.a.
5	Sydney 2002 Gay Games	2020152	\$ Nil	\$13,200 p.a.
6	Out FM Sydney Limited	2017148	\$1,800	\$15,720 p.a.
7	Australian AIDS Memorial Quilt	2014105	\$6,520 p.a.	\$13,400 p.a. on proviso that alternate storage arrangements be investigated by end of current subsidy period.
8	Gay and Lesbian Rights Lobby	D5300342	\$9,000 p.a.	\$36,500 p.a.

9	People Living with HIV/ AIDS	2014161	\$8,500 p.a.	\$20,500 p.a.
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<b>Sub Total</b>				<b>\$151,532</b>
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### Homeless

10	The Assoc. to Resource Co-Op Housing (ARCH)	2014162	\$16,479 p.a.	\$8,179 p.a.
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11	Darlinghurst Area Rental Tenancy Cooperative (DART)	2005828	\$16,700 p.a.	\$37,900 p.a.
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<b>Sub Total</b>				<b>\$46,079</b>
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### General

12	Inner City Legal Centre	D5300257	\$23,520 p.a.	\$23,520 p.a.
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13	Inner Sydney Regional Council for Social Development	D5300376	\$3,000 p.a.	\$31,000 p.a.
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14	Radio Eastern Sydney Co-Op	D5300370	\$3,000 p.a.	\$12,000 p.a.
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15	Redfern Legal Centre	D5300380	\$7,112 p.a.	\$23,439 p.a.
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16	Women's Library	2001967	\$3,962 p.a.	\$16,708 p.a.
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<b>Sub Total</b>				<b>\$106,667</b>
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### Youth

17	East Sydney High School	2014156	\$990 p.a.	\$64,405 p.a.
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18	PACT Youth Theatre	D5300350	\$6,096 p.a.	\$51,226 p.a.
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19	South Sydney Youth Services	D5300368	\$ Nil	\$8,500 p.a.
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<b>Sub Total</b>				<b>\$124,131</b>
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### Arts and Culture

20	Brackets & Jam	2020356	\$17,760	\$ Nil
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21	Tom Bass Sculpture School	2015125	\$10,240 p.a.	\$14,720 p.a
22	Metro TV Limited	D5300417	\$29,160 p.a.	\$20,000 p.a
23	South Sydney Heritage Society Inc			No properties currently available, to be subject of a further report to Council.

<b>Sub Total</b>	<b>\$34,720</b>
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<b>TOTAL SUBSIDIES RECOMMENDED</b>	<b>\$594,725</b>
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It is recommended that all proposed subsidies be approved for a twelve (12) month period, commencing 1 July 1999. Further, it is recommended that consideration be given to extending any leases coming up for renewal for a minimal period in order to allow for the Subsidised Accommodation Program to be fully reviewed.

## 2. SPECIFIC DONATIONS UNDER SECTION 356

### 1. Aged and Disability Services

- 1. 1 Voluntary Workers Insurance Reimbursement 2,200
- 1. 2 Insurance of Clubs' Fund at Activity Clubs 360
- 1. 3 Petrol Subsidy, Voluntary Workers 30,000
- 1. 4 Other Assistance, Voluntary Workers 2,500
- 1. 5 Fares, Bridge Toll and Parking, Voluntary Workers 9,500

### 2. Children's Services

- 1. 6 KU Children's Services 70,000
- 1. 7 Redfern Occasional Care 10,000
- 1. 8 Children and Nutrition Project (Breakfast Program) 3,000

### 3. Other Community Support

- 3.1 Community Bus Scheme 45,000
- 3.2 Old Time Dances, Redfern 1,920
- 3.2 Annual Betty Makin Memorial Youth Scholarships 2,000
- 3.4 Hall Hire Rebates 25,000
- 3.5 Assistance to Redfern Legal Centre 70,000

<b>TOTAL SPECIFIC FINANCIAL GRANTS RECOMMENDED</b>	<b>\$271,480</b>
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However, KU Children' Services has only applied for \$57,799 under this year's Community Grants Program, therefore only \$259,279 is required for the specific donations.

Additional funds (totalling \$33,700) to cover the expenditure approved by way of Council minute during the year, is also required to be funded out of the 1999/2000 Community Grants Program.

Accordingly an amount of \$228,504 remains unallocated, and is the focus of submissions now due for consideration.

### 3. FINANCIAL GRANTS

#### COMMUNITY GRANTS PROGRAM 1999/2000 FINANCIAL GRANTS - Recommendations

App No.	Category/ Applicants	File Number	Recommendation
<b>1.</b>	<b>Aboriginal</b>		
1.1	South Sydney Aboriginal Corporation	2020318	\$5,000
1.2	Aboriginal Dance Theatre	2000101	Refused
1.3	Aboriginal Women's Healing House	2019994	\$5,197: 1) \$807 2) \$895 3) \$2,000 4) \$1,495 5) Refused
1.4	Redfern Residents for Reconciliation	2017150	\$1,950
1.5	National Aboriginal Sports Corp	2012786	Refused
1.6	City Care, Sydney Christian Life Centre	2020199	Refused
1.7	Mudgin-gal Aboriginal Corp	2004229	Refused
1.8	World Vision Australia.	2020150	Refused
<b>Sub Total</b>			<b>\$12,147</b>

**2. Aged**

2.1	Inner City Home Modification Service	2020320	\$13,500
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<b>Sub Total</b>			<b>\$13,500</b>
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**3. CALD/Multicultural**

3.1	Australian Chinese Communities Assoc.	D5300279	\$2,000 (part fund)
3.2	Sydney Bangla Cultural Centre	2020390	\$1,000 (part fund)
3.3	Botany Migrant Resource Centre (1)	2012500	\$300 (part fund)
3.4	Botany Migrant Resource Centre (2)	2020323	Refused
3.5	City Women's Hostel	2020308	\$3,470
3.6	Lone Parent Family Support	2011198	\$1,102
3.7	Portuguese Welfare Centre	2020325	\$2,940
3.8	South Sydney Domestic Violence Committee	2011708	\$3,000
3.9	Australian Jewish Welfare Society	5249332	Refused
3.10	Central/Southern Waterloo Tenants	2020300	Refused
3.11	Ethnic Communities Council of NSW	2000730	Refused

<b>Sub Total</b>			<b>\$13,812</b>
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**4. Children/ Families**

4.1	Marrickville Council, Magic Yellow Bus	2019988	Refused
4.2	Plunkett Street School	D5300118	Refused

4.3	Gardeners Road OOSH	2020307	\$3,000 one-off grant only toward either (1) or (2)
4.4	Our Lady of Mount Carmel School	2015996	Refused, see 4.5.
4.5	St Mary's Primary School	D5300369	\$2,000 towards joint operating costs of bus with Our Lady of Mt Carmel.
4.6	SDN Children's Services	2017135	Refused
4.7	SDN Children's Services (Inclusion Support Team)	2019991	\$1,919 (one-off grant only)
4.8	Aunties and Uncles	2017135	\$2,500
4.9	St John's Anglican Church	2019992	Refused
4.10	Rosebery Child Care Centre	D5300381	\$400
4.11	Darlo Play Centre	2017140	Refused
4.12	Darlo Play Centre /Network	2021114	\$1,950
4.13	KU Children's Services	2000259	\$57,799 (specific***)
4.14	Redfern Occasional Child Care Service	D5300284	\$10,000 (specific***)
4.15	D4	D5300283	\$ Nil, on the basis that no auspice is currently available for the service.
4.16	The Shop	D5300366	\$5,000 on proviso that future applications relate to projects.
4.17	Contact Inc.	2000643	Refused
4.18	The Factory Community Centre	D5300341	\$7,268.24

4.19	Connect Redfern	2020198	\$2,000 on proviso that lack of alternative funds is confirmed.
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<b>Sub Total</b>			<b>\$26,037.24</b> <b>(inclusive of specifics</b> <b>\$93,836.24)</b>
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## 5. Disabled

5.1	Eastern Respite and Recreation	2014160	Refused
5.2	Junction House	2001711	\$2,800
5.3	Serenity NSW Inc.	2015756	\$2,000 (part fund - one off grant only)
5.4	South Sydney Blind Community and Friends	5275951	\$1,000 (part fund)
5.5	Mental Illness Education Aust	2019956	Refused
5.6	ME Chronic Fatigue Syndrome	2020317	Refused
5.7	121 Employment	2020339	Refused
5.8	Clovelly Support Service	2019979	Refused
5.9	Windgap Foundation	D5300319	Refused
5.10	Aust. AIDS Memorial Quilt Project	2014105	\$2,200
5.11	PWA Centre	2017142	Refused
5.12	Luncheon Club	2014188	\$5,000

<b>Sub Total</b>			<b>\$13,000</b>
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## Gay and Lesbian

6.1	Gay and Lesbian Counselling Service	D5300398	Refused
6.2	Sydney 2002 Gay Games	2020152	Refused

6.3	Gay and Lesbian Mardi Gras	2014734	\$30,000 (in-kind only - cleansing services)
6.4	Diversi TV	2017176	Refused
6.5	Blackout	2019950	Refused
<b>Sub Total</b>			<b>\$30,000</b>

### General

7.1	Waterloo-Redfern University of NSW Community Development Project	2020340	\$7,000
7.2	Woolloomooloo Community Development Project	2017133	\$5,000: 1) \$1,300 2) \$3,700 (part fund)
7.3	Surry Hills Social Justice Coalition	5209730	Refused
7.4	South Sydney Community Aid	D5300098	Refused.
7.5	South Sydney Domestic Violence Committee	2011708	\$1,000
7.6	Wrap With Love	2012357	\$1,000 (part fund)
7.7	St Saviours Church - Community Garden	D5300313	\$2,000 (part fund)
7.8	Uniting Church - Community Garden	D5300295	\$2,000 (part fund)
7.9	Angel St Permaculture Garden	2020319	\$9,000 (part fund)
7.10	South Sydney Amateur Swimming Club	2014926	\$1,400 (includes \$600 in-kind support)
7.11	South Sydney Callisthenics Club	2017139	\$2,000 (part fund)
7.12	Woolloomooloo Warriors	2020503	\$1,000 (part fund)

7.13	Surry Hills Public Tenants Association	2017155	Refused
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<b>Sub Total</b>			<b>\$31,400</b>
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### Drug and Alcohol Affected

8.1	Wayside Chapel	D5300365	1) \$3,000 on proviso that service works with Kirketon Road Centre to develop program. 2) Refused.
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8.2	We Help Ourselves	D5300276	\$3,784
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8.3	Baptist Inner City Ministries	D5300391	1) \$6,000 2) Refused, on basis that funds allocated to Festival can be put to this program. 3) Refused.
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<b>Sub Total</b>			<b>\$12,784</b>
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### Homeless

9.1	Hope Australia	2020306	\$500
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9.2	Vincentian Village Project	2020180	Refused, to be the subject to a further report to Council.
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9.3	The Big Issue	2019996	Refused
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9.4	St Vincents de Paul - Welfare Unit	2015127	\$500 (towards Christmas Party only)
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<b>Sub Total</b>			<b>\$1,000</b>
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### Youth

10.1	PCYC - City of Sydney	2020567	Refused
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10.2	PCYC - Newtown	2020316	Refused
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10.3	PCYC - South Sydney	D5300367	\$1,000 on proviso that the BBQ be used for a joint program with local youth services.
10.4	Channel Free Youth Media Access	2020303	\$2,000 on proviso that workshops are run in conjunction with Council programs, working towards Youth Week 2000.
10.5	Erskineville Youth Housing	2020302	\$4,050 (one off grant only)
10.6	Wesley St Smart Youth Services	2020326	\$5,000 (subject to conditions)
10.7	Junkyard Theatre	2020197	Refused
10.8	Canteen NSW	2020301	Refused
<b>Sub Total</b>			<b>\$12,050</b>

### Arts and Culture

11.1	South Sydney Arts and Crafts Exhibition	2020171	Refused, on basis that funds already allocated to festival.
11.2	New Theatre	D5300076	Refused
11.3	Darlinghurst Theatre Company	2017307	\$2,000 (part fund, specifically towards lighting project).
11.4	Click Bang Productions	2020304	Refused
11.5	Opera Ochre	2020305	Refused
11.6	Theatre of Image Ltd	2020321	Refused
11.7	Solidarity Choir	2020322	\$3,000 (part fund)

11.8	Friends of the Russian Theatre	2020324	Refused
11.9	First Draft Gallery	2005904	Refused
11.10	Kids Activity Newtown Community Arts	2008104	1) \$5,000 2) Refused 3) Refused 4) Refused
11.11	TAP Gallery	2020315	1) \$2,500 (part fund, on proviso that exhibition theme be finalised.)
11.12	Sydney University Settlement	2020151	\$5,000 (part fund, includes any in kind support)
11.13	South Sydney Community Aid	D5300098	\$5,000 (part fund, includes any in kind support)
11.14	Surry Hills Neighbourhood Centre	5209730	\$5,000 (includes any in kind support).
11.15	Woolloomooloo Festival	2020518	\$5,000 (includes any in kind support).
11.16	Kings Cross Events Group	2019980	\$5,000 (includes any in kind support).
11.17	Erskineville Chamber of Commerce	2017152	\$5,000 (part fund, includes any in kind support).
11.18	Tropfest	2011199	\$2,500 (in kind support only)
11.19	Women in Film and TV NSW Inc.	2011370	Refused
11.20	Australia Army Band	2020310	Refused
11.21	The Sydney Fringe Festival	2012703	Refused

11.22	Kings Cross Community and Information Centre	2018666	\$2,000 (part fund, on proviso that program links with Council's Seniors Week Program).
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<b>Sub Total</b>	<b>\$47,000</b>
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<b>TOTAL UNSPECIFIED FINANCIAL GRANTS RECOMMENDED</b> <b>\$212,730.24</b>
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Total Unspecified \$212,730.24

Total Specific \$271,480.00

<b>TOTAL FINANCIAL GRANTS RECOMMENDED</b>	<b>\$484,210.24</b>
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#### 4. SUMMARY OF RECOMMENDATIONS FOR 1999/2000 COMMUNITY GRANTS PROGRAM

A summary of recommendations under the 1999/2000 Community Grants Program by target group is as follows:

Category/ Target Group	Subsidised Accommodation		Financial Grants		TOTAL	
	\$	%	\$	%	\$	%
Aboriginal	—	—	12,147	6	12,147	1
Aged	8,999	2	13,500	6	22,499	3
CALD/NESB	—	—	13,812	6	13,812	2
Children/Families	37,772	6	26,037.24 <sup>*(1)</sup>	12	63,809.24	8
Disabled	84,825	14	13,000 <sup>*(2)</sup>	6	97,825	12
Gay & Lesbian	151,532	25	30,000 <sup>*(3)</sup>	14	181,532	22
General	106,667	18	31,400	15	138,067	17
Drug & Alcohol Affected	—	—	12,784	6	12,784	2
Homeless	46,079	8	1,000	1	47,079	6
Youth	124,131	21	12,050	6	136,181	17

Arts & Culture	34,720	6	47,000	22	81,720	10
	594,725	100	212,730.24	100	807,455.24	100

## Notes:

- \*(1): Does not include "specific" donations totalling \$67,799.
- \*(2): Does not include "specific" donations totalling \$33,700.
- \*(3): Does not include donations to Gay and Lesbian organisations covered in "Disabled Target Group", totalling \$7,200.

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Corporate Services dated 15 June 1999, it be resolved that:

- (1) the recommendations for funding for the 1999/2000 Community Grants Program, as outlined in the beforementioned report, be approved with funds to cover this expenditure available in 1999/2000 budget estimates;
- (2) a further report be submitted to Council for consideration following a review of the Subsidised Accommodation Program;
- (3) a further report be submitted to Council outlining the benefits to the South Sydney community of the current arrangements with the Kindergarten Union (KU) and Sydney Day Nurseries (SDN).

Carried.

## 19.

**PUBLIC RELATIONS - PUBLICITY - RELOCATION OF COUNCIL'S ADMINISTRATION STAFF - ACCEPTANCE OF QUOTATION (2021375)**

That Council accepts the quotation of Stephen Matchett Marketing and Communications Pty Ltd to carry out the public relations and information campaign for Council's re-location and votes \$6,000 to the Media Unit budget estimates ENE 66DO in order to commence work immediately, and refer the details of the campaign to Council's Insurance Assessors to ascertain whether this amount will be covered by insurance.

(GM Report 16.6.99)

Carried.

20.

**COMMITTEES - WILLIAM STREET - JOINT PROJECT BETWEEN NSW GOVERNMENT AND SOUTH SYDNEY CITY COUNCIL - FUNDING - COUNCILLORS DEFTEREOS AND FENTON - NOMINATION AS COUNCILLOR REPRESENTATIVES (2013541)**

(ALSO LISTED AS ITEM NO. 22, PLANNING AND DEVELOPMENT COMMITTEE)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

That Council:-

- (1) endorse the William Street Joint Project between the NSW Government and South Sydney City Council;
- (2) authorise the transfer of \$50,000 listed in the Planning and Building Department's 1998/1999 budget (comprising \$48,720 from GW97006 & \$1,280 from GW99005) to the Department of Urban Affairs and Planning;
- (3) advise the Department of Urban Affairs and Planning that such payment is contingent upon their commitment to matched funding;
- (4) allocate \$500,000 towards pre-Olympic William Street Streetscape Improvements, comprising \$250,000 levied from the pre-1993 Section 94 Contribution funds, and matched by an additional \$250,000 (as required by apportionment rules established in the pre-1993 Section 94 accounts), from Council's General Revenue for the 1999/2000 financial year;
- (5) establish a William Street Trust Account enabling developers to contribute funds in lieu of any jointly negotiated public domain improvements, so as to achieve floor space bonuses within the William Street Precinct as outlined in the Public Domain Plan of DCP 1997 - Urban Design;
- (6) approve of Councillors Margaret Deftereos and Sonia Fenton being the Councillor Representatives on the William Street Committee.

(A/DPB & DPWS Joint Report 10.6.99)

Carried.

The Finance Committee Meeting terminated at 7.34 p.m.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)****WEDNESDAY, 16 JUNE 1999 AT 7.34 PM**

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

**Apologies:**

Apologies for non-attendance at the meeting were received from Councillors Fenton and Waters.

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

Item 1 - Personnel Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 16 June 1999, be received and the recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

There was no quorum present at the meeting. Councillors Deftereos and Macken who were present, **recommend** the following:-

1.

**PERSONNEL - PLANNING AND BUILDING DEPARTMENT - PLANNING POSITIONS - UPGRADING**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That a market survey be undertaken as a matter of urgency by the Director of Organisational Development in consultation with the Director of Planning and Building for all Planning staff below Director. This process to occur in

discussion with Planning staff nominated by the Director of Planning and Building.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 7.35 p.m.

## **REPORT OF THE COMMUNITY SERVICES COMMITTEE**

16 June 1999

### **PRESENT**

**Councillor Sean Macken (Acting Chairperson)**

**Councillor – Margaret Deftereos**

At the commencement of business at 7.36 pm those present were -

Councillors:- Deftereos and Macken

### **Apologies:**

Apologies for non-attendance at the meeting were received from Councillors Fenton and Waters.

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

That the Report of the Community Services Committee of its meeting of 16 June 1999, be received and the recommendations set out below for Items 2 to 4 inclusive, be adopted. The recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

There was no quorum present at the meeting. Councillors Deftereos and Macken who were present, recommend the following:-

1.

**HEALTH - DISPOSAFIT NEEDLE COLLECTION PROGRAM - REVIEW (H51-00084)**

That arising from consideration of a report by the Director of Health and Community Services dated 4 June 1999, approval be given to:-

- (1) the continuation of the Disposafit Bin program as proposed;
- (2) commencing the tender process to provide for the emptying, maintenance and cleaning of the Disposafit bins.

At the request of Councillor Fenton and by consent, the motion was amended by the addition of a Clause (3) to the recommendation namely:-

- (3) A report being prepared for circulation in the Councillors Information Service on the location of the Disposafit bins.

Motion as amended by consent, carried.

2.

**PARKS - MARIAN STREET PARK, REDFERN - PROPOSAL TO GAIN CARE, CONTROL AND MANAGEMENT AS OPEN SPACE (2010532)**

That approval be given to:-

- (1) representations being made to the Minister for Transport, the SRA and STA to gain care, control and management of the area as open space located at Marian Street Redfern;
- (2) a media release being distributed stating Council's intention to lobby the Minister, the SRA and the STA to gain care, control and management of the site as open space.

(DPWS & Acting DPB Joint Report 10.6.99)

Carried.

3.

**CULTURAL COMMITTEE MEETING - 17 MAY 1999 - REPORT (C57-00028)**

That the report by the Director of Health and Community Services dated 9 June 1999, regarding the minutes of Council's Cultural Committee meeting held on 17 May 1999, accompanying the Director's report, be received and noted.

Carried.

4.

**PUBLIC RELATIONS - PROTECTION OF THE ENVIRONMENT  
OPERATIONS ACT - AUTHORISATION OF COUNCIL'S OFFICERS  
(2000258)**

That arising from consideration of a joint report by the Director of Health and Community Services and the Acting Director of Public Works and Services dated 11 June 1999, it be resolved that:-

- (1) Council delegate to the General Manager pursuant to Section 377 of the Local Government Act, 1993, the power to appoint authorised officers and issue them with identification cards;
- (2) the Director of Health and Community Services and the Director of Public Works and Services establish and keep a public register in accordance with Section 308 of the POEO Act;
- (3) the Director of Health and Community Services and the Director of Public Works and Services establish administrative procedures for the service of notices, and directions and the collection of costs in accordance with clause 60 Protection of the Environment Operations (General) Regulation 1998.

Carried.

The Community Services Committee Meeting terminated at 7.40 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

16 June 1999

**PRESENT**

**The Mayor, Councillor Vic Smith (Chairperson)**

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

At the commencement of business at 6.40 pm, those present were -

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

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

That the Report of the Planning and Development Committee of its meeting of 16 June 1999, be received and the recommendations set out below for Items 1 to 3, inclusive, 5, 6, 8, 9, 11, 13 to 19, inclusive, and 21, be adopted. The recommendations for Items 4, 7, 10, 12, 20, 22 and 23 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**TRAFFIC - WIRE ROPE SAFETY BARRIERS - ADOPTION OF POLICY PROHIBITING USE (2011925)**

That Council:

- (1) as a matter of Policy effective immediately not place wire rope barriers (such as "Brifen", "Bridon" or "Flex fence" types) on any roads in South Sydney;
- (2) seek to prohibit the placement of wire rope barriers (such as "Brifen", "Bridon" or "Flex fence" types) on all roads in South Sydney by State or Federal Authorities;
- (3) write to relevant State and Federal authorities to inform them of Council's decision with regard to wire rope barriers (such as "Brifen", "Bridon" or "Flex fence" types) and its potential danger to motor cyclists in support of the concerns of the Motorcycle Council of NSW and seek their support of the decision.

(A/DPWS Report 3.6.99)

Carried.

2.

**TWEEDMOUTH AVENUE, NO.82, ROSEBERY - CONVERT EXISTING PERGOLA INTO ENCLOSED GAMES ROOM - UNAUTHORISED WORK BUILDING APPLICATION (Q96-00100)**

- (A) That the report by the Director of Planning and Building dated 8 June 1999, be received and noted.
- (B) That an information brochure outlining Council's position regarding action on unauthorised work, be prepared for distribution to residents and developers.

Carried.

## 3.

**VICTORIA STREET, NOS. 203-225, POTTS POINT - ERECTION OF A TEMPORARY MARQUEE STRUCTURE ON THE ROOF OF THE HOLIDAY INN HOTEL - DEVELOPMENT APPLICATION (U99-00311)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by the Holiday Inn for permission to erect a temporary structure for a New Year's Eve party at the above mentioned 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 \$345 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 99135.01-A, dated March 1999;
  - (3) That the structure shall not be erected before 20 December 1999 and shall be fully removed and the roof made good no later than 5 January 2000;
  - (4) That the hours of the function shall be restricted to between 6.00pm on December 31, 1999 to 2.00am on January 1, 2000;
  - (5) That the structure shall be used for no other purpose other than the function hereby approved;
  - (6) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 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;

- (7) 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;
- (8) 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;
- (9) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (11) 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;
- (12) 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;

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 submissions in respect of this application be notified of Council's decision.

Carried.

4.

**MALCOLM STREET NO.41, ERSKINEVILLE - EXTENSION OF REAR OF TERRACE HOUSE - DEVELOPMENT APPLICATION (U98-01329)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Phillip Diment for permission to extend the ground floor of terrace house and add first floor subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 101, dated March 1999;
  - (2) 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;
  - (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 \$110, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (4) That the floor space ratio shall not exceed 1:1;
  - (5) That the proposed window along the first floor southern and western elevation shall be fixed and obscured at the lower level;
  - (6) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
  - (7) That noise and vibration from the use and operation 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;

- (8) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the

purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which the EPA Act 1998 Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

- (16) 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;

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

- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

5.

**ROCKWALL CRESCENT, NO.22, POTTS POINT - CHANGE OF HOURS TO NIGHTCLUB - DEVELOPMENT APPLICATION (U99-00296)**

- (A) That the Council as the responsible authority refuses its consent under the Environmental Planning and Assessment (Amendment) Act 1997 to the development application submitted by Noda Yoshitaka with the authority of Rockwall Estate P/L, to extend the hours of operation of an existing nightclub, for the following reasons, namely:-
- (1) That the proposed extension of hours is inconsistent with the objectives of the Residential 2b zone pursuant to South Sydney Local Environmental Plan 1998;
  - (2) That the proposed extension of hours is likely to result in an adverse affect on the residential amenity of the area, by reason of potential noise and disturbance associated with the use;
  - (3) That the proposal would set an undesirable precedent for late night uses in an inappropriate location, away from the established Kings Cross entertainment precinct;
  - (4) That 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.

6.

**CLEVELAND STREET, (SUBSECTION 5100), REDFERN - KNOWN AS ST. PAUL'S PLACE - ERECT 2 FREE STANDING GENERAL ADVERTISING SIGNS - DEVELOPMENT APPLICATION (U99-00072)**

That the application for two freestanding advertising structures and endorse referral of the application to the Minister for Urban Affairs and Planning in accordance with S.115J of the Environmental Planning and Assessment Act, 1979 be deferred to the next Planning and Development Committee meeting, as requested by the applicant in the fax dated 16 June 1999.

Carried.

7.

**WELLINGTON STREET, NO.36, WATERLOO - HAND CAR WASH WITH CAFÉ AND WORKSHOP - DEVELOPMENT APPLICATION (U99-00375)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent to the development application, submitted by Mr. S. Davidson and Salibeau Pty Ltd., for a car wash with ancillary café plus a workshop for fitting of items to cars, subject to the following conditions, namely:-
- (1) That the proposal shall be generally in accordance with the approved development plans held by Council marked DA01, undated and submitted to Council on 14 April, 1999;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (3) 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 \$400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (4) That two off-street car parking spaces designed in accordance with the requirements of Council's Transport Guidelines for development for car-parking spaces for disabled people shall be provided on the western boundary of the site near Kellick Street and that these spaces shall be sign posted and made available at all times for patrons of the library on the opposite side of Kellick Street;
  - (5) 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;
  - (6) That all relevant sections of the BCA shall be complied with;
  - (7) 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;

- (8) That the requirements of the Work Cover Authority shall be complied with;
- (9) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (10) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (11) That all proposed work shall be wholly within the boundaries of the site;
- (12) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (13) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (14) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (15) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (16) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (17) 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;
- (18) 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;
- (19) 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);

- (20) 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;
- (21) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (22) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (23) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2 and Council's Ventilation Code;
- (24) That the construction, fitout and finishes of the premises shall comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (25) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with Australian Standard 1668-1991;
- (26) That wastewater arising from the (nominate area or process) shall be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The applicant is advised that pre-treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporation's requirements should be obtained prior to the commencement of work;
- (27) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (28) 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;

- (29) That the number of toilets within the building shall comply with the requirements of Part F2 of the Building Code of Australia;
- (30) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (31) 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 Code for the Construction of Garbage Handling Systems;
- (32) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (33) That noise and vibration from the use and operation 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;
- (34) That the use of the premises shall not give rise to:
  - (a) a sound pressure level at any affected premises that exceeds the background  $L_{A90}$  noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{A10, 15min}$  and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
  - (b) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).
- (35) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction of Occupation Certificate:
  - (a) all proposed mechanical ventilation systems;
  - (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises

;

- (c) the garbage room or garbage receptacle storage area.

Note: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated material, building materials or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from 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, including adverse effects relating to the emission of noise and vibration, and would not be in the public interest.

- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

## 8.

### **BOURKE STREET, NOS. 421 - 441, DARLINGHURST - ST. MARGARET'S HOSPITAL - SURRY HILLS - MASTER PLAN, SUBDIVISION AND REZONING - DEVELOPMENT APPLICATION (2002545)**

- (A) That Council advise the proponents of the Masterplan that while the general principles and concept of the plan are supported, the following matters need to be addressed:
- The unit mix figures provided in the Masterplan vary significantly from the social mix figures provided in Figure D-1, Part D of DCP 1997 – Urban Design. Any development proposal submitted to Council should address the significant departure from social mix criteria contained in DCP 1997.
  - Council is unlikely to favour the provision of any vehicular access off Church Lane
  - Car parking and bicycle storage facilities should be provided in accordance with Councils' DCP 11. Council may be in a position to support a reduced provision of parking given that visitor spaces could

serve the dual function for the non-residential uses during the day and residential units at night.

- Stormwater detention will be required as part of the redevelopment.
  - Heritage Assessments (in accordance with Councils' guidelines) should be carried out for all buildings on the Masterplan site.
  - The issue of excluding the floor area of the Chapel and the Public Hospital Buildings from the floor space ratio calculations will be dependent upon the gazettal of the Heritage LEP listing the site as an Item of Environmental Heritage and any applicant satisfying the relevant criteria to gain that exclusion.
  - The provision of a 2.5 metre splay on the corner of Church Lane and Bourke Street.
- (B) That Council exhibits the Draft Local Environmental Plan amendment to zone the site part Mixed Uses 10 and part Special Uses 5 (hospital) under LEP 1998 and to seek public comment.
- (C) That a report be put back to Council after the exhibition period addressing the submissions received.
- (D) That upon gazettal of the zoning under LEP 1998, Council amend Development Control Plan 1997 to include the site zoned Mixed Use 10 within a "Precinct 2 – Mixed Use Transitional" zone in DCP 1997- Urban Design and impose a maximum FSR of 2:1 under that plan.

(A/DPB Report 10.6.99)

At the request of Councillor Fowler and by consent, the motion was amended by the addition of the following words " and the sub-division of the site into separate development lots to allow a 'finer grain' of building development" after the words "Bourke Street" where appearing in the last dot point in Clause (A) of the recommendation.

Motion as amended by consent, carried.

## 9.

### **PLANNING - GREEN SQUARE LEP AND DCP STAGE 1 DEFERRED AREA - BLOCK BOUNDED BY O'DEA AVENUE, LACHLAN SOUTH DOWLING AND BOURKE STREETS (2020387)**

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

That Council resolve to exhibit for 28 days, the zoning options and street, open space and built form pattern presented in this report for the block bounded by O'Dea Avenue, Lachlan, South Dowling and Bourke Streets, in

accordance with the requirements of the Environmental Planning and Assessment Act and Regulation.

(A/DPB Report 8.6.99)

Carried.

10.

**KING STREET, NOS.576-582, NEWTOWN - EXTENSION TO HOURS OF TRADING (UNION HOTEL) - DEVELOPMENT APPLICATION (U99-00170)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr M Wood-Hiscox for permission to extend the operating hours of the Union Hotel to 2.00 a.m. on Thursdays, Fridays and Saturdays, for a twelve month period, subject to the following conditions, namely:
- (1) That the doors on the ground floor of the hotel facing Union Street shall be closed at midnight each evening when the hotel operates past midnight;
  - (2) That no live entertainment shall be provided in the hotel;
  - (3) That no amplified music of any kind shall be played in the hotel after midnight;
  - (4) That the use of the outdoor area shall cease at 11.00 p.m.;
  - (5) That a uniformed security guard shall be provided outside the premises after 10.00 p.m. on each night the hotel trades after midnight in order to control the behaviour of patrons as they arrive at or depart from the hotel. The guard shall patrol the area in and around the hotel including residential streets to ensure that patrons do not linger or loiter in the area. The surveillance shall be maintained for 30 minutes after closing time or until the last patron has left the area patrolled. The streets to be patrolled shall include Union Street for 50 m beyond Iredale Street, Iredale Street to Gowrie Street, Knight Street to Rochford Street, and Dickson and Holmwood Streets for distances of 50m from King Street. Should the numbers in the hotel exceed 100 after 10.00 p.m., another security guard shall be employed;

- (6) That a member of staff inside the premises on any night the hotel trades after midnight shall have an appropriately certified security qualification;
- (7) That signs shall be displayed in the Hotel requiring patrons to depart in a manner that respects nearby residents;
- (8) That the applicant shall prepare a Management Code Of Practice for the conduct of the proposed use, a copy of which shall be submitted to Council and the NSW Police Service;
- (9) That the use shall not commence until the Council has been notified in writing that the provisions of condition 8 have been complied with and approval has been given by the Liquor Administration Board and shall cease after a period of one year from the date of such letter;
- (10) The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed 5dB above the background ( $L_{A90}$ ) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 10.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (11) The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background ( $L_{A90}$ ) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 12.00 midnight to 3.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed 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.

11.

**ROSLYN GARDENS, NO.37, ELIZABETH BAY - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U99-00268)**

(At the Committee meeting and Council meeting, the Mayor declared an interest in the Item and did not take part in discussions or voting.)

(A) That the Council as the responsible authority grants its consent to the application submitted by Gary Keep, with the authority of the Body Corporate, for permission to carry out alterations and additions to a top floor dwelling unit involving construction of an internal stair connecting the unit to the roof terrace level and extension of the unit to provide additional accommodation on that level, at No.37 Roslyn Gardens, Elizabeth Bay, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the application received by Council on 18 March, 1999 and accompanying plans numbered SK10A to 12A inclusive, dated March 1999;
- (2) That the building height shall not exceed 18 metres, measured in accordance with South Sydney Development Control Plan 1997 - Urban Design;
- (3) That the colour and texture of new external walls shall match the existing cement rendered work on the building facades;

and the following adopted standard conditions:

- (4) 1 - Building Damage and Encroachment Deposit (\$600);
- (5) 2 - Long Service Levy (\$80);
- (6) 4 - Certificate of Insurance to Undertake Residential Building Work;
- (7) 6 - Building Inspection Fees;
- (8) 102 - Lapse after 2 years;
- (9) 3029 - Obstruction of Public Way;
- (10) 3032 - Delivery of Construction Materials;
- (11) 4001 - Stormwater Standard;
- (12) 6002 - Refuse Skips;
- (13) 7006 - Intruder Alarm/s;

- (14) 7008 - Construction Noise;
- (15) 7023 - Ventilation;
- (16) 7028 - Noise;
- (17) 8503 - Residential Building Work;
- (18) 9007 - Structural Details with Construction Certificate;
- (19) 9104 - Comply with BCA
- (20) 9151 - Construction Hours;
- (21) 9153 - Hours of Work and Use of Cranes
- (22) 9616 - Mechanical ventilation to internal bathrooms and laundries;

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

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

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

- (B) That the owner of Unit 16 at No.39 Roslyn Gardens, Elizabeth Bay be advised of Council's decision.

Carried.

## 12.

### **BOURKE STREET, NO.132, WOOLLOOMOOLOO - USE PREMISES AS A BACKPACKERS HOSTEL - SECTION 82A REVIEW OF DEVELOPMENT APPLICATION (U98-00201)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council, as the responsible authority, resolve to uphold its resolution of 10 March 1999 as follows:

- (A) That consent to an application submitted by TJ Holdings, for permission to use 132 Bourke Street, Woolloomooloo as a backpackers hostel be refused, 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 if not warranted and that the public interest would not be served if the application was approved.
  - (4) That the premises provide inadequate sanitary facilities and in this regard fails to comply with South Sydney Council's Draft Health Policy for Places of Shared Accommodation.
- (B) That the matter of unauthorised use be referred to Council's Solicitors for appropriate action.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

**DARLINGHURST ROAD, NOS. 39-43, KINGS CROSS - USE PREMISES (SHOWGIRLS) AS A STRIP CLUB/THEATRE (PLACE OF ASSEMBLY) DEVELOPMENT APPLICATION (U98-0004)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Elvedon Holdings Pty Ltd, with the authority of Vendomatic Pty Ltd, for permission to use the above premises as a strip club/theatre, at the above mentioned premises subject to the following conditions, namely:-
- (1) That the development shall be in accordance with the plans numbered "Annexure 5" in the Statement of Environmental Effects submitted with the Development Application, and dated March 1999;

- (2) That the hours of operation shall be restricted to between 8.00am and 6.00am, 7 days per week;
- (3) That all the management procedures outlined in the Statement of Environmental Effects and the Liquor Licence requirements, submitted with the Development Application shall be incorporated into a Code of Practice, which shall be submitted to the Kings Cross Police the Kings Cross Licensing Accord and Council within one month of the date of this consent, and shall be to the satisfaction of the Director of Planning and Building;
- (4) That the Code of Practice shall be adhered to at all times, and any variation to the management procures shall be subject to the approval of the Director of Planning and Building;
- (5) That the applicant shall, within 1 month of this consent become a fully paid member of the Kings Cross Licensing Accord;
- (6) That no spruiking shall occur in association with the premises;
- (7) That a separate Development Application shall be submitted at appropriate time for any proposed signs;
- (8) That the entry and egress point to the premises for customers and staff shall be provided from Darlinghurst Road only;
- (9) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (10) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (11) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community services. Attention is drawn to Council's "Waste Minimisation Fact Sheets";
- (12) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling systems;
- (13) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That the premises shall be ventilated in accordance with the requirements of the BCA and Council's Ventilation Code;

- (16) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (17) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dust or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (18) That the use of the premises shall not give rise to:-
  - (a) Transmission of vibration to any place of different occupancy, or
  - (b) A sound level at any point on the boundary of the site greater than the background noise levels specified in Australian Standard 1055, "Acoustic Description and Measurement of Environmental Noise", or
  - (c) An "offensive noise" as defined in the Noise Control Act, 1975;
- (19) That if the premises is utilising amplified equipment the following applies each loudspeaker or loudspeaker system should be placed in accordance with Environment Protection Authority Manual - Noise from Shops p.551 in such a position that while it is in use, it remains:
  - (a) located entirely inside the premises;
  - (b) situated not less than 3 metres from any public entrance to the premises and
  - (c) directed in such a manner that the loudspeaker or loudspeaker system, while in use, does not point towards any wall which contains an external window or entrance to the premises;
- (20) That no persons (such as those commonly known as spruikers) shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods or services or entertainment;
- (21) The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed 5dB above the background ( $L_{A90}$ ) sound level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 10am to 12.00 midnight when assessed at the nearest affected residential boundary. The background sound level shall be measured in the absence of noise emitted from the licensed premises;

- (22) The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background ( $L_{A90}$ ) sound level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 12.00 midnight to 6.00am, Monday to Sunday, when assessed at the nearest affected residential boundary. The background sound level shall be measured in the absence of noise emitted from the licensed premises;
- (23) That notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
- (24) That an acoustic assessment shall be carried out by an accredited acoustic consultant assessing and describing how the construction and operation of the premises will comply with the recommended conditions with details to be submitted to Council for approval. The report and recommended measures of a constructional nature shall be implemented prior to approval being given;
- (25) That plans and specifications showing details of:
- (a) all required mechanical ventilation systems;
  - (b) the garbage room;
  - (c) the recycling storage area;
- shall be submitted and approved by Council or an accredited certifier prior to commencement of building work.
- . That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (26) That the use of the premises shall not give rise to:
- (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
  - (b) an "offensive noise" as defined in the Noise Control Act, 1975.

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council's Traffic Section investigate through the appropriate authorities the possible installation of a Taxi Zone in the nearby area.

Carried.

**14.**

**CROWN STREET, NOS. 470-474, SURRY HILLS - ENTERTAINMENT APPROVAL AND HOURS OF OPERATION, CLOCK HOTEL - DEVELOPMENT APPLICATION (U99-00286)**

- (A) That the Council as the responsible authority, grants its consent to an application submitted by Clock Hotel Group Pty Ltd, for permission to provide entertainment in the Clock Hotel during approved hours of operation, subject to the following conditions, namely:-
  - (1) That the use shall cease after a period of 1 year 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;
  - (2) That all live music by more than one musician shall be restricted to the front bar areas;
  - (3) That the two eastward facing windows in the lounge/pool room shall be fixed and double glazed to minimise sound;
  - (4) That not more than one performance shall take place within the building at any one time;
  - (5) That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA10) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 7.00 am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
  - (6) That notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
  - (7) That an acoustic assessment shall be carried out by an accredited acoustic consultant assessing and describing how the construction and operation of the premises will comply with the recommended conditions with details to be submitted for

approval. The report and recommended measures of a construction nature shall be implemented prior to entertainment commencing;

- (8) That the distance between alternative exits shall be in accordance with the requirements of D1.5 of the BCA;
- (9) That the entertainment authorised capacity shall be calculated in accordance with parts D and H of the BCA. Details of entertainment layouts shall be submitted with Construction Certificate application;
- (10) That the building approval dated 12 November 1997 (Ref. Q97-01043) shall be complied with in full and signed off as completed prior to commencement of entertainment;
- (11) That no entertainment shall be provided until an entertainment licence has been issued by the Council;
- (12) That fabric used in a place of public entertainment shall comply with the requirements of Specification C1.10.4 of the BCA;
- (13) That bottle collection shall not take place before 8.00 a.m. or after 5.00 p.m. on any day;
- (14) That sanitary facilities shall be provided in accordance with the requirements of F2.3 of the BCA;

and the following adopted standard conditions:-

9104, 9701, 9704, 9706, 9713, 9719, 9726, 9729, 9734, 9518, 9519, 9512, 9904, 9903, 9905, 9908, 9870, 9612.

**\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999**

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council's Traffic Section investigate through the appropriate authorities the possible installation of a Taxi Zone in the nearby area.

Carried.

15.

**DARLINGHURST ROAD, NOS. 191-199, DARLINGHURST - USE  
PREMISES AS MASSAGE CENTRE - DEVELOPMENT APPLICATION (U99-  
00221)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by 195 Holdings Pty Ltd, with the authority of the Registered Proprietors Strata Plan 53559, for permission to use the premises (Units 4 & 5) as a brothel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 00221/98 and dated 5 March 1999;
  - (2) That the Plan of Management dated 5 February 1999 and submitted by 195 Holdings Pty Ltd to Council on 5 March 1999 shall be fully complied with at all times, and all strategies included herein, to the satisfaction of Council, Kings Cross Police and the Sex Workers Outreach Program (SWOP). Council shall be notified within one week of any changes the Plan of Management, such as health requirements, management, emergency and security procedures, including any changes to the proprietors or owners of the business;
  - (3) That the applicant shall enter into a commercial contract with a waste transporter for the removal of contaminated waste and general trade waste and a copy of the contract shall be forwarded to Council's Health and Community Services Department;
  - (4) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
    - (a) all required mechanical ventilation systems;
    - (b) sanitary facilities;
    - (c) vertical lift food conveyor;

-shall be submitted and approved by Council before a Construction Certificate is issued;
  - (5) That the development shall comply with the building, health and security provisions of the Draft Sex Industry Policy 1998;
  - (6) That the hours of operation shall be restricted to between 10am and 2am, Mondays to Wednesdays, 10am and 5am Thursdays to Sunday mornings and 10am and 12 midnight Sundays;

- (7) That a maximum of seven sex workers shall be employed on the site at any one time;
- (8) That the entry point to the premises for customers and sex workers shall be provided from Darlinghurst Road only;
- (9) The proprietor shall ensure that all sex workers undertake regular sexual health check ups and that accurate records are kept indicating the frequency of such check ups;
- (10) That all contaminated waste including condoms, dams, gloves and tissues shall be store in an approved container or plastic bag and shall be disposed of by licensed waste collectors;
- (11) That all doorways opening on top of the stairway and ground floor hall shall be protected by self-closing solid core doors not less than 35mm thick;
- (12) That the premises shall not be used for the preparation and service of food;
- (13) That no spruiking in association with the premises shall occur;

and the following adopted standard conditions:

- (14) Construction Certificate Required<sup>9155</sup>
- (15) Separate Application for Signs<sup>2001</sup>
- (16) Garbage on Public Way<sup>6001</sup>
- (17) Storage/Garbage<sup>6009</sup>
- (18) Garbage/Recylable Material Room<sup>6010</sup>
- (19) Comply With BCA<sup>9104</sup>
- (20) Ventilation<sup>7023</sup>
- (21) Mechanical Ventilation - Design/Installation<sup>7035</sup>
- (22) Sprinkler System<sup>9869</sup>
- (23) Portable Fire Extinguishers be Installed<sup>9501</sup>
- (24) Emergency lighting<sup>9518</sup>
- (25) Exit signs<sup>9519</sup>
- (26) Smoke alarms<sup>9523</sup>

(27) Emissions<sup>7004</sup>

(28) Sanitary Facilities<sup>7016</sup>

(29) Construction Hours<sup>9151</sup>

(30) Building/Demolition Noise Control<sup>9156</sup>

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

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

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

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

That the application be refused.

Amendment, negatived.

Motion carried.

Councillors Deftereos and Fowler requested that their names be recorded as voting against the foregoing motion.

## 16.

### **COMMONWEALTH STREET, NO. 187, SURRY HILLS - ALTERATIONS TO DWELLING - DEVELOPMENT APPLICATION (U99-00119)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Tsang & Lee Architects, with the authority of Mr J Chen and Ms L Yu, for permission to make alterations and additions to the residential 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 \$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 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 \$170, 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 plans numbered 1401/DA/01A, dated January 1999 as amended in red and 1401/DA/02 dated April 1999;
- (4) That the windows in the rear elevation shall be constructed in timber joinery. Details in this regard shall be submitted with the Construction Certificate;
- (5) That the new metal roof on the existing terrace and the proposed additions shall have a corrugated profile and be dark grey in colour. Details in this regard shall be submitted with the Construction Certificate;
- (6) That the proposed rear fence shall be dark grey colour. Details in this regard shall be submitted with the Construction Certificate;
- (7) That the colour and finishes of the side boundary fences and the colour of any part of the new work exposed to adjoining properties shall be agreed upon by those owners. Details in this regard shall be submitted with the Construction Certificate;
- (8) That the balustrade and lace frieze shall be reinstated to the façade and shall match the design of the existing balustrade and lace frieze at No.183 Commonwealth Street;
- (9) That should a new hot water system be proposed, either a heat pump system or energy efficient natural gas system shall be installed. Details in this regard shall be submitted with the Construction Certificate;
- (10) That a dilapidation report shall be prepared in respect of adjoining properties and details provided with the Construction Certificate of the proposed method of preserving and protecting adjoining buildings from damage during building work;

-and the following standard adopted conditions:

- (11) Comply With BCA<sup>9104</sup>

- (12) Construction Certificate Required<sup>9155</sup>
- (13) Structural Design Certificate<sup>9006</sup>
- (14) Drainage Details with Construction Certificate<sup>9013</sup>
- (15) Works Within Boundary<sup>9152</sup>
- (16) Comply With the WorkCover Authority<sup>9105</sup>
- (17) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (18) Building/Demolition Noise Control<sup>9156</sup>
- (19) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (20) Protection from Termites<sup>9203</sup>
- (21) Glazing Provisions<sup>9330</sup>
- (22) Smoke alarms<sup>9523</sup>
- (23) Damp and weather proofing<sup>9605</sup>
- (24) Ceiling heights of rooms<sup>9611</sup>
- (25) Natural Light and Ventilation/Skylights<sup>9614</sup>
- (26) Construction of External Walls for Dampness<sup>9623</sup>
- (27) Clothes washing, drying and cooking facilities<sup>9604</sup>
- (28) Obstruction of Public Way<sup>3029</sup>
- (29) Delivery of Construction Materials<sup>3032</sup>
- (30) Stormwater Standard<sup>4001</sup>
- (31) Refuse Skips<sup>6002</sup>
- (32) Construction Hours<sup>9151</sup>
- (33) Ventilation<sup>7023</sup>
- (34) Noise and Vibration<sup>7026</sup>
- (35) Natural light and ventilation<sup>9613</sup>
- (36) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>

(37) Clean Water Discharge<sup>4002</sup>

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated material, building materials or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from 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.

## 17.

**PARKING - TRIAL VISITOR PARKING SCHEME FOR ROBERTSON ROAD SUB-PRECINCT, CENTENNIAL PARK (2008900)**

That approval be given to:-

- (1) the establishment of a trial Visitor Parking Scheme in the Robertson Road Sub-Precinct of the Centennial Park Resident Parking Scheme Precinct 31 for a period of 6 months, with up to 5 (transferable) permits being issued to the residents who apply for them;
- (2) the installation of "1 Hour Parking 8.00am - 10.00pm Authorised Residents' Vehicles Excepted, Area V31" restrictions on the eastern side of Robertson Road, western side of Martin Road and on both sides of Dibbs Street;
- (3) the creation of a trial Visitor Parking Permit from the base of our existing Resident Parking Permits and with interim fees ranging as follows:

First permit		\$25 (similar to first resident permit)
Second permit		\$50 (similar to second resident permit)
Third permit	t	\$75 (uniform increment)
**Fourth and Fifth permit		\$75 each (flat rate for trial period)

\*\* (these last two permits not being available after the trial period).

- (4) a review of the trial being undertaken after six months and a further report be submitted to the Planning and Development Committee with recommendations as to the continuation, or not, of the Scheme.

(A/DPWS Report 11.6.99)

Carried.

18.

**PLANNING - SOUTH SYDNEY COUNCIL LANDSCAPE CODE - APPROVAL TO ADOPT FINAL REPORT (P58-00257)**

That approval be given to adopt the South Sydney Landscape Code including the revised Standard Landscape Conditions (as amended).

(DPWS & A/DPB Joint Report 9.6.99)

At the request of Councillor Fenton and by consent, the motion be amended by the addition of a Clause (B) to the recommendation namely:-

- (B) That all staff involved in the preparation of the landscape code be commended on their efforts and in particular with regard to access for the disabled.

Motion, as amended by consent, carried.

19.

**COMMONWEALTH STREET, NOS. 144 - 154, SURRY HILLS - ERECT SIX NEW RESIDENTIAL UNITS ABOVE EXISTING WAREHOUSE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT(U98-01172)**

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by Muhammad and Rubi Tariq (joint owners) for permission to erect residential additions to a warehouse, 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 a Construction Certificate, 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 \$900, or first instalment (as applicable), can be paid to the Council;
- (3) That the plans shall be generally in accordance with the plans labelled Drawing Nos. 101, 102, 103, 104, 105 and 106 dated 7 September 1998 stamped 'approved' and held in Council's file U98/01172, except as conditioned below and marked in red on the approved plans;
- (4) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 2,474	2E97003.BGY0
Open Space: New Parks (Fixed Component)	\$10,482	2E97009.BGY0
Open Space: New Parks (Indexed Component)	\$ 1,986	2E97009.BGY0
Accessibility And Transport Management	\$ 73	2E97006.BGY0
	<u>\$ 204</u>	2E97007.BGY0
<b>Total</b>	<b>\$15,219</b>	

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index

using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

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

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

Payment shall be before the release of the construction certificate.

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

## Part B

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

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

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

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged

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

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

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

- (5) 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	\$3,696	2E97008.BGY0

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

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

where:

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

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

That the hours of operation for the use of the warehouse on the ground floor shall be restricted to 7:00am to 6:00pm Mondays to Fridays and 7:00am to 3:00pm Saturdays;

- (6) That the use of the warehouse on the ground floor shall not be for the purposes of storing or the distributing of any material covered by the Dangerous Goods Act, 1975;
- (7) That solid privacy screens, measuring 1.7 metres high from level one shall be provided:
  - (a) setback 1 metre from the northern boundary; and
  - (b) setback 2.5 metres from the southern boundary,

-as noted in red on the plan. Details shall be provided within the application for Construction Certificate;
- (8) That the planter boxes in the rear yard of the southernmost unit and on the northern and southern boundaries shall be deleted from the proposal and the planter on the eastern boundary shall have a 1 metre breadth. Details shall be provided within the application for Construction Certificate;
- (9) That the application for a construction certificate shall be accompanied by a letter from a qualified and practising structural engineer, verifying that the existing building can be retained through the construction process, including any recommendations for specific works or building techniques to ensure retention of the building fabric to be retained (such recommendations must be followed and included as conditions in the construction certificate, as appropriate);
- (10) That the doors shall swing in the direction of egress complying with the requirements of D2.20 of the BCA. The doors shall be openable by single handed action in accordance with the requirements of D2.21 of the BCA and shall not encroach upon the street alignment;
- (11) That an energy efficient hot water system shall be installed on the site comprising either a heat pump system or a solar hot water system to comply with South Sydney Development Control Plan 1997 Energy Efficiency requirements. Full details shall be provided within the application for Construction Certificate;
- (12) That each unit shall be insulated to achieve an added "R" value (as defined in AS2627.1993) of:
  - (a) R1.5 for roofs and ceilings;
  - (b) for walls,

-except where the construction materials to be used embody an equivalent or higher R value to the Australian Standard AS2627 1993;

- (13) That a maximum of 5 off-street car parking spaces shall be provided along the north wall of the car parking area. Each space shall be a minimum of 5.4m x 3.0m, except the westernmost and easternmost car spaces which shall have dimensions of 5.5m x 3.5m. The car parking area shall have a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No.11;
- (14) That the existing loading dock close to the northern boundary shall be maintained for use in connection with the warehouse use;
- (15) That all loading and unloading operations shall be carried out via the entrance in the northern wall;
- (16) That all loading and unloading operations associated with the warehouse use on the site shall be carried out within the confines of the site, at all times (and shall not obstruct other properties);
- (17) That a solid screen shall be:
  - (a) fixed to the balcony ledge on the southern boundary; and
  - (b) no higher than 1.8 metres above the first levelas shown on the plan. Details shall be provided within the application for Construction Certificate;
- (18) That the exposed external walls along Commonwealth Street and Batman Lane shall be rendered or painted to match the new building above and shall be detailed in the application for a construction certificate;
- (19) That the French doors on level one in the front elevation shall be metal framed;
- (20) That natural light and ventilation shall be provided in accordance with the requirements of Part F4 of the BCA;
- (21) That exit travel distances shall be redesigned to comply fully with the requirements of Clause D.1.4 of the BCA;
- (22) That walls bounding public corridors shall have a minimum fire resistance level of -/60/60 with the doorway separating the car

parking area from the public corridor protected by a self closing -/ 60/30 fire door;

- (23) That a detailed landscape plan set out and materials plan and specification for the site shall be prepared by a qualified Landscape architect or designer and be submitted prior to or with the application for a Construction Certificate. The plan shall:
- (a) detail the set out, type and extent of all finishes, materials and elements and include existing and proposed critical levels and drainage;
  - (b) include construction details that clearly show and quantifies the type, layout, installation requirements/ methods of construction of all elements and relationship to adjoining finishes to be used in the project;
- (24) That the Landscape planting plan shows the planting layout, delineates each species type and includes schedules to specify size of the plant stock at installation, staking requirements and total numbers of species types. Planting details to specify hole size/preparation, soil mix types, staking requirements, mulch types as per the **SSCC Landscape Code**. Plant layout shall satisfy the following minimum densities and requirements:

<b>Materials</b>	<b>Minimum Provision</b>
Shrubs (<0.3m >1.0m mature height)	0.5 per square metre
Shrubs (1.0m mature height)	1 per square metre
Groundcovers (300mm mature height)	11 per square metre
Groundcovers (150mm mature height)	40 per square metre
Mulch (Hardwood chip)	75mm depth

#### Irrigation

- all raised planter beds must be fully irrigated;
- a hosecock must be accessible within 18m of all planting and lawn areas;

- (25) That the Developer shall provide to the certifying Authority (whether Council or private), a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion at the time of lodgement of the Occupation Certificate;
- (26) That the Developer shall arrange for Council to inspect the completed Landscape works to ensure adherence to the DA conditions and Construction Certificate drawings prior to the issuing of an Occupation Certificate;

- (27) That communal stormwater shall not occur unless under one control;
- (28) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environmental Protection Authority. This assessment shall be reviewed by a site Auditor who is accredited under Part 4 of the Contaminated Land Management Act, 1997 and a site audit statement shall be submitted to Council in accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;
- (29) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Hazardous Substances) Regulation, 1996;
- (30) That the car park shall be ventilated in accordance with Australian Standard 1668.1-1991, Section 7 and Australian Standard 1668.2 Section 4;
- (31) That Certificates of Performance in accordance with Section 5 of Council's Ventilation Code, accompanied by details of the test shall be carried out in respect of:
- (a) ventilation;
  - (b) acoustics;
- shall be forward to the Director, Health and community Services at completion and commissioning of the mechanical ventilation systems;
- (32) That the storage and handling of garbage shall comply with the requirements of the Director, Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (33) That all trade waste and excess packaging materials from the commercial area of the premises shall be stored within the premises at all times until removal by approved trade waste contractor;
- (34) That separate garbage facilities shall be provided to secure and separate all trade wastes and excess packaging separated from all residential refuse and recyclable materials;
- (35) That a garbage room shall be constructed in accordance with the requirements of Council's Waste Management/minimisation Fact

Sheets". Details shall be provided within the application for Construction Certificate.

- (36) That toilets, sanitary and other facilities shall be provided in accordance with the requirements of the Building code of Australia, Part F2;
- (37) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
- (38) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
  - (a) all proposed mechanical ventilation systems;
  - (b) the location of exhaust and intake vents;
  - (c) the garbage room;
  - (d) the recycling storage area;
- (39) 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:
  - (i) external finishes to walls;
  - (ii) roofing;
  - (iii) balcony treatment;
  - (iv) proposed fences;
  - (v) windows and doors;

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

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

and the following standard conditions\*:

114; 1008; 3001; 3004; 3016; 3020; 3022; 3026; 3027; 3028; 3029;  
 3032; 4001; 4005; 5013; 6002; 6004; 6005; 9006; 9013; 9014; 9105;  
 9152; 9153; 9155; 9156; 9157; 9202; 9321; 9330; 9407; 9418; 9420;  
 9421; 9501; 9506; 9507; 9623; 9518; 9519; 9522; 9601; 9603; 9611;  
 9615; 9616; 9617; 7004; 8004; 9616; 7034; 7033; 7026, 7028.

**\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999**

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

Carried.

20.

**WILLIAM STREET, NOS. 191 - 195, DARLINGHURST - ERECTION OF RESIDENTIAL AND COMMERCIAL BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00036)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to an application by Baker Associates Architects with the authority of Kentex Investments Pty Ltd for the erection of a building containing commercial premises and a backpackers hostel, 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 \$17,700 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 \$7,800 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That 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	\$ 34,142	2E97001.BGY0
Open Space/Townscape /Public Domain	\$171,818	2E97002.BGY0
Accessibility And Transport	\$ 1,013	2E97006.BGY0
Management	\$ 2,869	2E97007.BGY0
<b>Total</b>	<b>\$209,842</b>	

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

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

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 permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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 A01a to 16a and plan A03x, dated January 1999;
- (5) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 4.25:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;
- (6) That a through site link be dedicated as public right of way between William Street and Premier Lane as shown on the approved plan, the right of way to include the whole of the landing area to permit by agreement between the Council and the owners of the site the placing of an item of public art;
- (7) That the Council accept a contribution of \$23,500 towards public streetscape improvement in William Street to be paid prior to release of building plan;
- (8) That screening be provided to a height of not less than 1.5m from floor level on the two most western windows on the south elevation at the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> levels;
- (9) That the roof above the roof top air conditioning unit, the caretaker's flat and shower rooms be non-trafficable to prevent overlooking of the Horizon courtyard from the roof of the building;
- (10) That the area of the roof top recreation area shall only be available for use between 7.00 am or 6.00 pm during daylight saving and 10.30 pm on any day;
- (11) That the entry to the backpackers hostel from Premier Lane shall be closed between 11.00 pm and 7.00 am, so that all access to the hostel between those hours is from William Street;
- (12) That the Premier Lane car park ventilation louvres be redesigned to be vertically proportioned;

- (13) That the large eastward facing general advertising sign be deleted;
- (14) That the large general advertising sign facing William Street be deleted and the car parking level facade treatment be redesigned to blend with the remaining of the facade. The Council may consider an application for an identification sign to be located in this area;
- (15) That the westward facing general advertising sign shall have an area of not more than 32.5sqm and be set into the elevation of the building to prevent lightspill to nearby properties;
- (16) That the ground and first floors be redesigned so that access is available from each commercial tenancy to the loading bay;
- (17) That all windows facing Premier Lane be sealed;
- (18) That the gutter crossings shall be removed on William Street at the cost of the developer;
- (19) That a separate Development Application shall be lodged for the specific use of the commercial premises;
- (20) That the hours of operation of the restaurant shall not extend beyond 7.00am to midnight on any day;
- (21) That colour finishes of the building shall be in accordance with the schedule provided;
- (22) That the consent is granted on the basis that landscaping and paving works will be carried out on public land at the eastern end of the site in accordance with the public domain improvements detailed in the development application at the cost of the developer prior to occupation of the building. Such works shall be carried in consultation with the Council's Public Works and Services;
- (23) That a solar hot water system shall be installed in conjunction with the hostel use and health condition attached;
- (24) That a maximum of 25 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (25) That the parking spaces shall be allocated on the basis of 15 spaces for the backpacker's hostel and ten spaces for the use of

commercial tenancies, to be so distributed that no tenancy has less than one car space;

- (26) That a clearly marked space of dimensions 5.5 by 3m near to the lift shall be set aside for use as a loading bay and shall be shown as common property in any strata subdivision;
- (27) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgment of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. The certificate of performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of ventilation and acoustics;
- (28) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
- (a) all proposed mechanical ventilation systems;
  - (b) all required mechanical ventilation systems;
  - (c) all proposed mechanical ventilation systems and associated fire precaution features;
  - (d) the garbage room;
  - (e) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;

and the following standard conditions\*:

114; 118; 122; 123; 124; 1002; 1003; 1004; 1006; 1008; 1016; 3001; 3024; 3026; 3027; 3028; 3029; 3030; 3032; 4001; 4002; 4005; 6002; 9151; 9154; 9156; 6004; 6006; 6009; 6010; 3014; 3016; 3020; 3021; 3022; 7018; 7023; 7029; 7016; 7020; 7021; 6004; 6005; 6003; 7028; 7008; 7004; 7010.

**\*The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999**

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

Carried.

21.

**BAYSWATER ROAD, NOS. 19 - 35, POTTS POINT - CHANGE OF HOURS FOR NIGHTCLUB - THE MILLENNIUM ROOM - DEVELOPMENT APPLICATION (U99-00019)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by The Millennium Room Pty Ltd, with the authority of Straits Properties (Bayswater) Pty Ltd, to an application for permanent trading hours (24 hours) for the Millennium Room, Nightclub and Restaurant, subject to the following conditions, namely:-
- (1) That the development shall be in accordance with the application for development and Plan of Management submitted to Council on 4 June 1999 and held in file U99/00019, except as conditioned below;
  - (2) That no alcohol shall be served or consumed on the premises between 6.00 am and 12-midday;
  - (3) That the submitted Plan of Management shall be forwarded to the Kings Cross Licencing Accord for endorsement and an endorsed copy shall be submitted to Council within 3 months;
  - (4) That the premises shall be run in accordance with the Plan of Management;
  - (5) That the owners and operators of the Millennium Room shall remain a fully paid member of the Kings Cross Licencing Accord at all times;
  - (6) 7028A - Noise from Licenced Premises (Amplified Music)

That the LA10 noise level emitted from the licenced premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licenced premises.

Notwithstanding compliance with the above conditions, the noise from the licenced premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

-where the above condition are inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licencing Court the more stringent condition will prevail.

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

Carried.

**22.**

**WILLIAM STREET - JOINT PROJECT BETWEEN NSW GOVERNMENT AND SOUTH SYDNEY CITY COUNCIL - FUNDING - TO COUNCIL WITHOUT RECOMMENDATION (2013541)**

(Also listed at Item No.20 in the Finance Committee).

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fowler:-

That Council:-

- (1) endorse the William Street Project joint project between the NSW Government and South Sydney City Council;
- (2) authorise the transfer of \$50,000 listed in the Planning and Building Department's 1998/1999 budget (comprising \$48,720 from GW97006 & \$1,280 from GW99005) to the Department of Urban Affairs and Planning;
- (3) advise the Department of Urban Affairs and Planning that such payment is contingent upon their commitment to matched funding;
- (4) allocate \$500,000 towards pre-Olympic William Streetscape Improvements, comprising \$250,000 levied from the pre-1993 Section 94 Contribution funds, and matched by an additional \$250,000 (as required by apportionment rules established in the pre-1993 Section 94 accounts), from Council's General Revenue for the 1999/2000 financial year.
- (5) establish a William Street Trust Account enabling developers to contribute funds in lieu of any jointly negotiated public domain improvements, so as to achieve floor space bonuses within the William Street Precinct as outlined in the Public Domain Plan of DCP 1997 - Urban Design.
- (6) approve of Councillors Margaret Deftereos and Sonia Fenton being representatives on the William Street Committee.

(A/DPB & DPWS Joint Report 10.6.99)

Carried.

23.

**CHALMERS STREET, NO. 249, REDFERN - DEMOLITION OF INDUSTRIAL BUILDING, CONSTRUCTION OF NEW RESIDENTIAL BUILDINGS CONTAINING 82 UNITS AND ASSOCIATED PARKING TOGETHER WITH PARKING FOR THE LEAGUES CLUB ADJACENT - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00435)**

(At the Committee and Council meetings, the Mayor declared an interest in the Item and did not take part in discussions or voting).

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants deferred commencement consent pursuant to Section 80(3) of the EPA Act to the application submitted by Colomex Pty Ltd for permission to demolish the existing building and construct new residential buildings containing units and associated parking together with parking for the adjacent Leagues Club subject to the following conditions, namely:-
- (1) That the consent shall not become operative until amended plans have been submitted for the approval of the Director of Planning and Building which demonstrate the following:
    - (a) The redesign of the western part of the block facing Turner Street to address issues of bulk, visual intrusiveness, and overshadowing to Douglas Street. This is likely to result in the reduction of height and floor space in relation to the block. That part of the block fronting terrace houses in Turner Street shall also be set back a further 1.2m from the street, shall have a maximum parapet height of RL 42.00 on the northwestern corner and shall be stepped back a minimum of 5m from Douglas Street.

-the amended plans shall be submitted within 6 months of the notice of determination;
  - (2) That the development shall be generally in accordance with the amended plans numbered 21-26 dated April 1999;
  - (3) That the Floor Space Ratio shall not exceed 1.87:1;
  - (4) That the area of land comprising the 1.5m footpath along Douglas and Turner Streets to a depth of 1m shall be dedicated to Council;
  - (5) That all construction traffic shall as far as possible access the site from Chalmers Street;

- (6) That 14 visitor spaces shall be provided as part of the residential parking allocation as close as possible to the entrance
- (7) That the ramped parking levels shall be provided at a maximum grade of 1 in 20 in accordance with Australian Standards.
- (8) That of the required car parking spaces, at least 2 of the residents spaces and 5 of the club spaces shall be 3m by 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking
- (9) That 39 bicycle spaces shall be provided in accordance with DCP 11.
- (10) That 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	\$189,170	2E97001.BGY0
Open Space/Townscape /Public Domain	\$ 57,385	2E97002.BGY0
Accessibility And Transport	\$ 686	2E97006.BGY0
Management	\$ 2,853	2E97007.BGY0
Multi-Function Administration Centre	\$ 51,363	2E97008.BGY0
<b>Total</b>	<b>\$301,459</b>	

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

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the March Quarter 97/98 (Amend as applicable)

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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.

- (11) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the controls and guidelines on pages E30 and E54 of South Sydney Development Control Plan 1997;
- (12) That all units shall provide private open space in accordance with the requirements of DCP 1997 and that this shall be detailed in any subsequent applications;
- (13) That all garbage disposal units shall be moved to the Chalmers Street frontage;
- (14) That a dilapidation study shall be carried out and submitted with the construction certificate application;
- (15) That the applicant provide not less than 70 off-street parking spaces on-site during construction;

- (16) That as far as possible all construction traffic shall access the site from Chalmers Street;
- (17) That the driveway shall not be closer than 9m from the existing zebra crossing;
- (18) That a drop off point shall be provided for patrons in 2 car spaces clear of passing traffic and clear of the marked crossing at the foyer;
- (19) That equitable access into the club and residential building shall be provided in accordance with HREOC notes;
- (20) That the height clearance for the servicing and delivery area shall be 4.5m high as set out in 4.7.4 of DCP 11;
- (21) That the developer shall lodge a bank guarantee for \$15,000 prior to the construction certificate being issued. The money is to cover the costs for signal modification and lines and signs associated with a right hand turn from Redfern into Chalmers Street;
- (22) That the developer shall arrange for its traffic consultant to undertake a traffic study and prepare a plan to the Roads and Traffic Authority's requirement for the modified signals permitting the right hand turn from Redfern Street into Chalmers Street. The study shall also consider the issue of speed humps or other traffic inhibitors at Phillip/Elizabeth Street and Redfern/Chalmers Street entryways to cope with increased traffic;
- (23) That the scheme shown in the consultant's traffic signal plan shall be submitted to the Roads and Traffic Authority for approval and the Traffic Committee for concurrence to the plan and approval to signs and markings;
- (24) That the developer shall meet the fees of the traffic consultant;
- (25) That the developer shall pay all costs associated with the modification of traffic signals, any necessary roadworks, signposting and line marking and advertisement;
- (26) The car park being ventilated in accordance with Australian Standard 1668.1, Section 7 and Australian Standard 1668.2, Section 4;
- (27) That the developer shall provide a construction management plan with the building application detailing how construction materials will be delivered to the site and how noise, dust, vibration, waste, demolition, excavation, construction worker parking and the like will be managed and co-ordinated to minimise the impact on

existing residents to the satisfaction of the Directors of Public Works and Services, Health and Community Services and Planning and Building;

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

- (a) all proposed mechanical ventilation systems;
- (b) the garbage room;
- (c) the recycling storage area;

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

(29) That a landscape plan and specification for the site shall be prepared by a qualified Landscape Architect or designer and shall be submitted to the Director of Public Works and Services for approval with the Building Application. The plan shall nominate hard works and soft works 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) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;

(30) That a survey of the existing site shall indicate all existing trees, their species, height, caliper and their status i.e. to be retained or to be removed. (A tree is classified as any plant taller than 3.4m). This plan shall also include any street trees adjoining the site;

(31) That under Council's Tree Preservation Order an application shall be submitted to the Director of Public Works and Services for approval before any existing tree on site is lopped, relocated, or removed. A letter of application is to accompany the Development Application marked to the attention of the Tree Preservation Officer;

(32) That all existing trees on site covered by Council's Tree Preservation Order shall be preserved and protected during construction and the methods of protection shall be submitted for approval with the Building Application to the satisfaction of the Director of Public Works and Services;

- (33) That the Developer shall provide street trees (new and infill) in accordance with the council's Street Tree Masterplan (1996). Trees shall be sized and planted according to Appendix C of the Street Tree Master Plan. That street tree species be selected as per Council's Street Tree Master Plan which in this case indicates Jacarandas (*Jacaranda mimosifolia*);
- (34) That the Developer shall aerial bundle overhead wires. This work is to be carried out in conjunction with Energy Australia;
- (35) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (36) That construction details accompany the landscape plan and include details of any subsoil drainage where landscaping is provided on slab. Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (37) That the Developer arrange with the Parks Development Branch for a final inspection of the landscape works and that the works are constructed in accordance with the plans approved with the Building Application;
- (38) That there shall be a dedication of a 2.5m splay at the intersection of Chalmers and Turner Streets;
- (39) That all relevant sections of the BCA shall be complied with;
- (40) That a Building Application together with plans and specifications incorporating the requirements of conditions contained in this consent shall be lodged with Council and no building (including any demolition) work shall be commenced until that application and plans have been approved. It should be noted that the Building Application will be assessed under the provisions of the Building Code of Australia and the Local Government (approvals) Regulation;
- (41) That the number of club parking spaces shall be limited to 191;
- (42) That discharge ducts for the car park shall be provided adjacent to the enclosure of the existing fire stair closest to Chalmers Street;
- (43) That the fire stair walls and doors facing Douglas Street shall be treated to a height of at least 3m with a product which facilitates the removal of graffiti;

and the following standard adopted conditions:

- (44) 3001 - Resident Parking Access
- (45) 3002 - Parking Spaces/Layout
- (46) 3001 - Intercom for Visitors

NOTE 1:

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

NOTE 2:

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

NOTE 3:

That details relating to the residential garbage and recycling facilities should be referred to Council's Waste Services Section, Public Works and Services Department, for approval of the location and type of storage containers.

NOTE 4:

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

The applicant's attention is drawn to the HREOC Guidelines in relation to equitable access to premises. The Human Rights and Equal Opportunities Commission (HREOC) sets out advisory notes on equitable access to premises. Equitable access into the club and the residential building from the car park foyer and street level requires particular attention. Irrespective of any requirements, or conditions imposed by Council, it remains the responsibility of the developer to investigate their possible liability and attempt compliance with the Disability Discrimination Act. A conservative best practice approach such as adherence to the HREOC guidelines is advocated until an accepted industry standard is available.

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.

The Planning and Development Committee Meeting terminated at 9.05 p.m.

The Council Meeting terminated at 7.45 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....1999

**CHAIRPERSON**

**GENERAL MANAGER**