

234th Meeting**Erskineville Town Hall
Erskineville****Wednesday, 25 August 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.39 pm on Wednesday, 25 August 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 Macken, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 11 August 1999, be taken as read and confirmed.

Carried.

Apology

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

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

23 August 1999

**DONATIONS - 'MAGIC MANIA' - NEW SOUTH WALES
SPORTS COUNCIL FOR THE DISABLED INC (2021502)**

Council has received correspondence from the New South Wales Sports Council for the Disabled Inc. asking if Council would be prepared to sponsor fifteen disadvantaged children and carers from South Sydney to attend 'Magic Mania', a fundraising event at the State Sports Centre, Homebush on Sunday 29 August, 1999.

The purpose of the day is to provide a special day for disabled and disadvantaged children from around Sydney and to raise funds for disabled athletes heading for the Games in 2000. The cost of sponsoring each participant is \$35. Most of the children will also need to be accompanied by a carer, at a cost of \$35 also.

New South Wales Sports Council for the Disabled Inc have advised that approximately one hundred and fifty people from South Sydney have expressed interest in attending, however this includes kids from RPA Hospital. They also advise that both Randwick and Botany Councils have provided some support for this year's event.

I am therefore proposing that Council approve a donation to cover the cost of fifteen children and their carers to attend the day, at a total cost of \$1,050. In return Council

would be acknowledged as a sponsor of the event, make fifteen young people very happy and also support disabled athletes participating in the Olympic Games.

RECOMMENDATION:

I recommend that Council approve a donation of \$1,050 to enable fifteen disadvantaged children from South Sydney, and their carers, to attend 'Magic Mania' at the State Sports Centre on Sunday 29 August, 1999 and that money is available in the 1999/2000 Budget (KEW77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

24 August 1999

DONATIONS - OFFICIAL OPENING OF HOME AND COMMUNITY CARE (HACC) PROGRAM CENTRE AT THE REAR OF ST SAVIOURS CHURCH, YOUNG STREET, REDFERN (5276169)

Jane Rogers from the South Sydney Community Transport Project met with myself and Council staff on Wednesday, 18 August 1999 requesting Council's assistance with the official opening of the new Home and Community Care (HACC) Program Centre at the rear of St Saviours Church in Young Street Redfern.

The official opening of the HACC Centre will take place on Friday, 12 November 1999 from 10.00 am until 3.30 pm. Invitations will be sent to users of the Centre, local residents, community groups and government agencies.

Financial support towards the costs of the official opening have been confirmed by St Saviours Church Redfern, South Sydney Community Transport (SSCT), Redfern Home Visit and Support Service (RHVSS), Inner City Home Maintenance and Modification (HM&M) and the Food Distribution Network (FDN)

Council has been asked to provide the following assistance to ensure the success of the event: luncheon for up to three hundred (300) guests (\$1,000), the hire of 150 chairs (\$340) and a street banner promoting the opening (\$400).

RECOMMENDATION:

That Council agrees to make a donation of \$1,740 under Section 356 of the Local Government Act (1993) to the South Sydney Community Transport Project towards the costs of the official opening of the new Home and Community Care (HACC) Program Centre at the rear of St Saviours Church, Young Street Redfern on Friday, 12 November 1999 from 10.00 am to 3.30 pm by providing luncheon for up to three hundred (300) guests (\$1,000), the hire of 150 chairs (\$340) and a street banner promoting the opening (\$400) and that funds be voted accordingly.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

25 August 1999

**PUBLIC RELATIONS - ANNUAL LOCAL GOVERNMENT
TOUCH FOOTBALL CARNIVAL - SATURDAY, 18 SEPTEMBER 1999 -
DALTON PARK, WOLLONGONG (C52-00112)**

On Saturday, 18 September 1999, Council will be entering teams in the Annual Local Government Touch Football Carnival to be held at Dalton Park, Wollongong, to be hosted by Wollongong Council.

South Sydney Council teams have been highly successful, winning both the Mens and Mixed Touch Football Carnivals in previous years.

Organisation of the teams will be done by Council's Touch Football Club and to assist the teams on the day, it is recommended that Council sponsor two Mens teams and a Mixed team in the amount of \$500, to cover registration fees, equipment and uniforms.

RECOMMENDATION:

That approval be given to:-

- (a) Council sponsoring two Mens teams and a Mixed team at the Carnival in the amount of \$500 to cover registration fees, equipment and uniform costs;
- (b) vehicles being made available from the Public Works and Services Department to help transport equipment to the event and to supply travel for Council staff and supporters.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE MAYOR

25 August 1999

PUBLIC RELATIONS - COMPETITIVE TENDERING OF ROAD SERVICES IN LOCAL GOVERNMENT (2010191)

The Federated Municipal and Shire Council Employee's Union of Australia, NSW Division (MEU) has written to Council raising its concerns over the Roads and Traffic Authority's proposal to require local Councils to competitively tender for future road construction and maintenance funding commencing March 2000.

The MEU have advised they are totally opposed to the competitive tendering plan on a number of grounds, including the anticipated loss of local government jobs and the resulting detrimental impact on regional and rural communities generally.

Figures obtained from the RTA indicate up to \$86,388,000 of council funding may have been lost to the local government industry, had the new tendering requirement been introduced at the commencement of the current financial year.

The potential effect on each particular council, and their local community, will of course depend on a range of factors, however the MEU is convinced local government jobs will disappear as each unsuccessful bid is announced, and the consequent effect on battling local towns will be catastrophic.

As the RTA has not given any consideration to the social implications of their plan, the MEU intends to meet that need, however the success of their efforts will depend to a large extent on the degree of cooperation received from councils.

RECOMMENDATION:

That Council:

- (1) oppose the compulsory competitive tendering of road services in local government and communicate such opposition to the Minister for Roads, the Hon. Carl Scully MP;
- (2) request the Local Government & Shires Associations to act upon the concerns expressed by local councils regarding the competitive tender of road services and urge the Government to reverse its decision to subject such services to competitive tender;
- (3) empower the General Manager to lend such support as may be reasonably necessary to any campaign conducted with the intention of overturning the decision to competitive tender road services in local government.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

QUESTIONS WITHOUT NOTICE

1.

PARK - HARRY NOBLE RESERVE - IMPROVEMENT OF LIGHTING - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2002101)**Question:**

Residents have written to me expressing concerns at the difficulty of locating their dogs' droppings, after dark, in Harry Noble Reserve, especially in the winter months. Could Council Officers investigate improving the lighting in the Reserve?

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.

2.

DEVELOPMENT - EMBARKATION PARK - REQUEST FOR NEW YEAR'S EVE PARTY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2021733)

Question:

I have been requested by the Wayside Chapel and Kings Cross Rotary together with Kings Cross Tourism for assistance in gaining Council permission for the groups to stage a New Year's Eve party in Embarkation Park. Their request would involve the securing of an area at the northern end of the Park, the erection of a marquee, an entry charge and the sale of food and wine to raise money for a charity.

Could the relevant Officers report whether this matter could be dealt with under delegation or whether a Development Application would be required?

Answer by the Mayor:

I will have a report prepared for Council's Committee.

3.

PARKS - VICTORIA PARK POOL - USE OF PARKING AREA BY UNIVERSITY STUDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021594)

Question:

Staff and patrons of the Victoria Park Pool have brought to my attention that university students are using the pool parking area for all day parking while they attend class.

Could Council consider fixing a swipe card boom gate at the entrance of the parking facility to be used by gold pass holders and Councillors.

Answer by the Mayor:

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

4.

WILLIAM STREET, NOS. 196 - 214, DARLINGHURST - REVENUE FROM SALE OF PROPERTIES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017303)

Question:

Has the revenue received from Council's recent "fire" sale of properties - such as the AVIS building - been deposited in the Property Fund or into Consolidated Revenue?

Answer by the General Manager:

The proceeds of the sale do not go into consolidated revenue, but are paid into Council's Reserves, which will hopefully offset some of the \$9,000,000 that Council will have to pay for their new accommodation at No. 280 Elizabeth Street.

5.

PARKING - REVIEW OF COUNCIL'S PARKING POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P51-00105)

Question:

I have received a letter from a Camperdown resident. Could Council review their parking Policy? Obviously what works in some areas does not work in others. For example, in Alexandria there are no shopping facilities and a very poor bus service. There is no bus service after 6.30 p.m., therefore no access to the unmanned railway station.

Answer by the Mayor:

I will ask the Director of Planning and Building in liaison with the Director of Public Works and Services to have a report prepared for Committee in relation to Council's Parking Code and its comparison in response to this letter with Marrickville.

6.

PUBLIC RELATIONS - RECOGNITION OF THE FIRST INDIGENOUS AUSTRALIANS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2015549)

Question:

On behalf of the Indigenous Australians of South Sydney, would the Mayor write to the Prime Minister congratulating him on the inclusion and recognition of the first Indigenous Australians in his amended Preamble?

Answer by the Mayor:

Not at this point in time.

7.

CELEBRATIONS - PARALYMPIC GAMES - VOLUNTARY WORK BY SOUTH SYDNEY RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017954)**Question:**

I received a phone call from Denise Beckwith requesting if there was some way Council could promote or advertise South Sydney residents participation and voluntary work for the Paralympic Games?

Answer by the Mayor:

I will ask the Director of Health and Community Services to request that our Aged and Disabilities Services Manager have a report prepared for Committee on how we can get volunteers from our community.

8.

TRAFFIC - SIGNAGE, 50KM AREA OF CITY - RATIONALISATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (T52-00167)**Question:**

Where 50km area signs have been erected, can Council's Works Officers or Inspectors examine to include these or pre-existing parking or safety notices so that total signage can be rationalised?

Answer by the Mayor:

I will ask the Director of Public Works and Services to liaise with the Roads and Traffic Authority in respect of that.

9.

DEVELOPMENT - OXFORD STREET, DARLINGHURST - DIVERSITY OF RETAIL SERVICES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2004892)**Question:**

Can Council act to protect the diversity of retail services in Oxford Street by:

- (a) prohibiting leases to be transferred to refreshment room or licenced premises from retail uses in its properties;

- (b) promoting a DCP that protects and enhances the heritage values of the street, including signage;
- (c) examining such plans to extend the retail uses into the service roads and lanes to the immediate north and south of the street?

Answer by the Mayor:

There is an interlocutory injunction proceeding at the moment. We are waiting on the Court to issue that Order. In regards to Part (c) of your question, I will ask the Director of Public Works and Services to have a report prepared for Committee.

10.

TRAFFIC - HUTCHINSON STREET, SHORT LANE AND LINDEN LANE, SURRY HILLS - REPAIR OF POTHOLES SURROUNDING THE EASTERN DISTRIBUTOR - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (T02-00172)

Question:

There are considerable pot hole dangers to pedestrians in many of the streets surrounding the Eastern Distributor - Hutchinson Street, Short Lane and Linden Lane. There should be provisions from Section 94 funds from recent developments in the immediate area or from provisions included in the contracted agreement with the constructors of the soon to be completed Eastern Distributor.

I would like an answer to where and when these works will be done and funded.

Answer by the Mayor:

I will ask the Director of Public Works and Services to have a report prepared as that will relate to the Local Area Traffic Management Scheme in respect of the completion of the Distributor.

11.

CARILLON AVENUE, NO. 90, NEWTOWN - MEDIATION PROCESS OF DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (U99-00320)

Question:

I have been contacted by the Newtown Action Group concerned that the mediation process for Multiplex/Sydney University Development Application has not commenced.

Could you please advise me if there is a reason for the delay?

Answer by the Mayor:

I received a letter yesterday dated 20 August 1999, from Multiplex and what they are saying is because of the continuous delay in the process of this application which was lodged on 1 April 1999, it is now their intention to refer the application to the Minister under Section 115J of the Environmental Protection Authority Act. I understand that under that Section of the Act, the Minister certainly will have to deal with it given that it is a Crown application.

Answer by the Director of Planning and Building:

Council's resolution was to appoint a Facilitator that we had obtained through quotes. We had a Facilitator ready to go and be appointed. The nominated sum was \$8,000, but when we received advice from Multiplex on their action, we certainly put these actions on hold as it would have been a waste of resources to appoint a Facilitator.

12.

HEALTH - REVIEW OF COUNCIL'S HEALTH AND COMMUNITY SERVICES GUIDELINES FOR BOARDING HOUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2020365)**Question:**

Arising from a discussion at the last Planning and Development Committee, it appears Council's Health and Community Services Guidelines for Boarding Houses may need to be reviewed. Please, could the Director of Health and Community Services liaise with the Director of Planning and Building to assess any necessary changes to the Guidelines and report to Council?

Answer by the Mayor:

I will have a report prepared for Council's Committee.

13.

COMMUNITY SERVICES - YOUTH CONSULTATION RESEARCH PROJECT - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2019574)**Question:**

I have received copies of the reports of the Youth Consultation Research Project undertaken by the Department of Local Government. There is a report on how Councils consult with youth and on how youth would like to be consulted, plus a checklist for Councils wishing to make a genuine commitment to youth consultation.

Could I have a report on how Council engages young people and on any proposed developments in youth consultation?

Answer by the Mayor:

I will have a report prepared for Council's Committee.

REPORT OF THE FINANCE COMMITTEE

18 August 1999

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton, Greg Waters

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

Councillors - Deftereos, Fenton, Macken and Waters

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

That the Report of the Finance Committee of its meeting of 18 August 1999, be received and the recommendations set out below for Items 1 to 8, inclusive, 10 to 19, inclusive and 21, be adopted. The recommendations set out below for Items 9 and 20 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PARKS - GREEN PARK, CORNER BURTON STREET AND VICTORIA STREET, DARLINGHURST - "BANDSTAND CAFÉ"- APPLICATION FOR RENTAL ABATEMENT (P52-00035)

That approval be given to C. J. Stott Enterprises Pty Limited being offered a rental abatement of \$2,317.50 in connection with their Lease of Council premises, "Bandstand Café" Green Park, Victoria Street, Darlinghurst, due to an inconvenience caused to the business for an 18 day period during June/ July, 1999, whilst work was being carried out to existing pathways in the Park, subject to the following conditions, namely:-

- (1) That a Form of Release being prepared by Council's Legal Officer for signature by the Lessee, prior to providing the rental abatement;

- (2) That all relevant documents are to be executed, if required, by Council's Attorney.

(DCS Report 5.8.99)

Carried.

2.

FINANCE - FEES AND CHARGES - COMPANION ANIMALS ACT, 1998 (2021534)

That approval be given for the following fees and charges being made under the Companion Animals Act, 1998, for persons in receipt of a pension benefit or allowance under the Social Security Act, 1991, of the Commonwealth and that the fees be included in Council's Fees and Charges 1999/2000:

Entire (not desexed)	- First animal	Free
	- Each additional animal	\$10
Desexed animal	- First animal	Free
	- Each additional animal	\$5

(DHCS Report 2.8.99)

Carried.

3.

HEALTH - PROTECTION OF THE ENVIRONMENT OPERATIONS ACT - AMENDMENT TO COUNCIL'S FEES AND CHARGES, 1999 (2009535)

That arising from consideration of a report by the Director of Health and Community Services dated 3 August 1999, approval be given to:-

- (1) Council's Fees and Charges for the year 1999/2000 being amended to include a fee of \$320 for the service of Clean-up and Prevention Notices served under the Protection of the Environment Operations Act, 1997, which are not invalidated by the Land and Environment Court;
- (2) Council charge all reasonable costs in connection with:
- monitoring action under these Notices
 - ensuring that the Notices are complied with
 - any other associated matters

Carried.

4.

DONATIONS - REDFERN LEGAL CENTRE - REDFERN TOWN HALL - REQUEST FOR FREE USE, 29 JULY AND 3 AUGUST 1999 (5209308)

That Council grant confirmatory approval to Redfern Legal Centre by foregoing \$470 in income, subject to the organisation meeting the expenses of \$100, this approval will confirm Redfern Legal Centre's free use of Redfern Town Hall on 29 July and 3 August 1999, to conduct a Volunteer's Workshop.

(DCS Report 27.7.99)

Carried.

5.

CONFERENCES - PARKS AND LEISURE AUSTRALIA - NATIONAL CONFERENCE, ADELAIDE, SOUTH AUSTRALIA, 27 - 30 SEPTEMBER, 1999 - ATTENDANCE OF COUNCIL REPRESENTATIVES (2013513)

That arising from consideration of a joint report by the Director of Public Works and Services and the Director Health and Community Services dated 6 August 1999, approval being given to the attendance of the Director of Public Works and Services, Parks Branch Manager, Community Resources Coordinator and any interested Councillors at the Parks and Leisure Australia National Conference, 27-30 September 1999, in Adelaide, South Australia, and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling being borne by Council, for which funds are available in the 1999/2000 Budget. (Director PW&S – CGV.77R0), (Parks Manager – FAD.77R0), (Community Resources Coordinator – KAA.77R0.)

Carried.

6.

ALCOHOL FREE ZONE - WOOLLOOMOOLOO - RE-ESTABLISHMENT (S56-01983)

That arising from a report by the Director of Corporate Services dated 12 August 1999, Council confirms:-

- (1) that all aspects of the proposed re-establishment of the Woolloomooloo Alcohol-Free Zone conform with relevant provisions of the Local Government Act, 1993, and therefore decides to publish notification in one newspaper circulating in the area its provisional intention to re-establish the existing Woolloomooloo Alcohol-Free Zone covering the region bounded by Corfu Street, Talbot Place, Cross Lane, Burrahpore Lane and Cathedral Street between Bourke and Forbes Streets Woolloomooloo;

- (2) That the Anti-Discrimination Board be advised of this decision and invited to comment;
- (3) That all liquor licensees within and adjacent to the affected area be also advised of this decision and invited to comment.

Carried.

7.

LICENSING - SWANSON STREET, NO. 108, ERSKINEVILLE - PROPOSED FOOTWAY LICENCE (2017754)

That approval be given to:-

- (1) amending the current footway licence agreement with Graeme and Kathryn Thompson to increase the area to 5.2 square metres of the footway of Swanson Street adjacent to Kurrajong Hotel at No. 108 Swanson Street, Erskineville, as shown stippled on Plan No S4-130/695C and subject to the conditions in the schedule accompanying the Director's report;
- (2) the execution of the amended footway licence agreement by Council's Attorney and the licensee;
- (3) the Licensee paying Council's legal costs and disbursements incidental to the preparation and execution of the amendments to the current licence agreement;
- (4) the Licensee maintaining the adjacent planter bed in a satisfactory manner;
- (5) the Licensee place a suitable sign adjacent to the dining area on the footpath, requesting patrons to be considerate of the neighbouring residents in relation to noise generated by dining on the footpath.

(DPWS Report 6/8/99)

Carried.

8.

LICENSING - OXFORD STREET, SHOP 1, NOS. 1-11, PADDINGTON - PROPOSED FOOTWAY LICENCE (2019966)

That approval be given to:-

- (1) the granting of a licence to Bodiam Pty Ltd (ACN 001 240 679) over an area of 6 square metres of the footway of South Dowling Street adjacent to Fat Duck Restaurant at Shop 1, Nos. 1-11 Oxford Street, Paddington

as shown stippled on Plan No. S4-130/726 and subject to the conditions in the schedule accompanying the Director's report;

- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions (7) and (8) in the Schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions (7) and (8) in the Schedule accompanying the Director's report, or failed to execute the licence agreement.

(DPWS Report 12/8/99)

Carried.

9.

COMMUNITY SERVICES - SOCIAL PLAN - GAY AND LESBIAN COMMUNITIES (W51-00086)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That arising from consideration of a joint report by the Director of Health and Community Services and Civic Affairs Manager/Public Officer dated 27 July 1999, Council resolve not to allocate funds for the preparation of a separate Gay and Lesbian Demographic Profile on the basis that until the Social Planning Unit has completed its preparation of Community Profiles, the Desk Research Project and target group Issues Papers, and an evaluation has been undertaken of the information gathered, it is not possible to assess whether any additional research or documents are required.
- (B) That the Social Plan identifies women, and the Gay and Lesbian Communities as separate target groups for research and profiling in the Plan. Also that 'homelessness' is researched as an issue of special

relevance in South Sydney. 'Women' and the 'Gay and Lesbian Communities' should be clearly nominated and identified as target groups within the Executive Summary of the Social Plan when it is submitted to the Department.

Carried.

10.

FINANCE - SUMMARY OF ADDITIONS TO THE ADOPTED BUDGET 1999/2000 (2021566)

That the report by the Director of Finance dated 13 August 1999, regarding the summary of additions to the Adopted Budget 1999/2000, be received and noted.

Carried.

11.

LEASING - ELIZABETH BAY ROAD, NOS. 1-7, KINGS CROSS - KINGS CROSS POLICE STATION - LEASE TO THE NSW POLICE SERVICE - (2010528)

That approval be given to the NSW Police Service being offered a 10 year lease with a 10 year option of Council premises, Kings Cross Police Station, at a commencing rental of \$380,000 per annum nett, commencing on 1 July, 1999, subject to the following conditions, namely:-

- (1) That the rental be reviewed annually by 4%. That the Option period, if exercised, be Reviewed to Market;
- (2) That the requirement for a Bank Guarantee and Personal Guarantees be waived on this occasion;
- (3) That any proposed alterations or Development Applications for the leased premises, including refurbishment's, fit-outs, etc by the Lessee during the term of the Lease period, must first be submitted to the Property Branch Manager prior to any submissions of plans, etc to Council's Planning and Building Department for Statutory approvals;
- (4) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of Ten Million Dollars indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease;
- (5) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer, are to be borne by the Lessee;

(6) That all relevant documents are to be executed by Council's Attorney.

(DCS Report 12.8.99)

Carried.

12.

PROPERTIES - LITTLE RILEY STREET, NOS. 27 - 27A, SURRY HILLS - PROPOSED DEMOLITION OF EXISTING STRUCTURE (P06-00064)

That approval being given for the Properties Branch, Corporate Services Department to draw an additional \$25,000 from Property Reserves to complete the demolition of the structures at Nos. 27 - 27A Little Riley Street, Surry Hills.

(DCS Report 8.8.99)

Carried.

13.

INSURANCES - ASSOCIATION OF RISK AND INSURANCE MANAGERS OF AUSTRALASIA (ARIMA) 23rd NATIONAL CONFERENCE - HOBART, TASMANIA - 14-17 NOVEMBER 1999 - ATTENDANCE OF COUNCIL REPRESENTATIVES (2005237)

(A) That approval be given for the Director of Corporate Services, Ms Susan Browne, or her nominee, to attend the ARIMA 23rd National Conference at Hobart, Tasmania, from 14-17 November, 1999, and all registration fees, accommodation, travel, sustenance and out-of-pocket expenses in the sum of approximately \$2,500 being borne by Council (AAA.77M3;77M4 and 77RO).

(B) That the Administration Services Manager, Mr A Rolls, Council's Risk Manager, Mr C Maher and any interested Councillors, be nominated to attend the Conference.

Carried.

14.

CONFERENCE - EASTERN REGION ABORIGINAL AND TORRES STRAIT ISLANDERS FORUM - EMPLOYMENT OF PART TIME TEMPORARY CO-ORDINATOR (2018350)

That arising from a report by the Director of Health and Community Services dated 12 August, 1999, South Sydney City Council provides a financial

contribution of \$2,500 to Randwick Council to contribute towards the employment of a part time Co-ordinator for the Eastern Region for 12 months, with funds to cover this expenditure to be added to the 1999/2000 Budget and allocated under Section 356 of the Local Government Act, 1993.

Carried.

15.

STREETS - FOOTWAYS - 1999-2000 FOOTWAY RECONSTRUCTION PROGRAMME (2010337)

That the Footway Reconstruction Programme, as detailed in the report by the Director of Public Works and Services dated 16 August 1999, be approved and adopted.

Carried.

16.

STREETS - 1999/2000 ENGINEERING WORKS PROGRAMME - PROPOSED TRAFFIC WORKS - WEST PADDINGTON LATM, STAGE 2 (2010337)

That Council adopts an interim Traffic and Parking Works Programme to include Stage 2 West Paddington LATM at a cost of \$250,000 and votes the necessary funds from the Traffic and Parking Works component of the 1999/2000 Engineering Works Programme Budget.

(DPWS Report 16.8.99)

Carried.

17.

FINANCE - ESTIMATES - REVOTE OF EXPENDITURE 1998/1999 TO 1999/2000 (2020958)

That arising from consideration of a report by the Director of Finance dated 16 August 1999, approval being given to an amount of \$1,638,830 being revoted, adding an amount of \$668,579 to the 1999/2000 Budget deficit.

Carried.

18.

FINANCE - GRANTS - STORMWATER QUALITY IMPROVEMENT AND REUSE TREATMENT SCHEME (SQIRTS), GROSS POLLUTANT TRAP - CONSTRUCTION - ACCEPTANCE OF TENDER (2017114)

That Council accept the tender price submitted by Envirocivil NSW P/L for the amount of \$296,055 to design and construct the Gross Pollutant Trap for SQIRTS at Solander Park, Erskineville, for which funds are available in the 1999/2000 Engineering Works Program under EPA Stormwater Trust Grants, Solander Park drainage (CWM 2805).

(DPWS Report 16.8.99)

Carried.

19.

PROPERTIES - ALEXANDRIA TOWN HALL, NO. 73 GARDEN STREET, ALEXANDRIA - REFURBISHMENT - ACCEPTANCE OF TENDER - (P56-00374)

- (1) That approval being given to engage Barker Construction Services Pty. Ltd. for the sum of \$1,048,290 to refurbish Alexandria Town Hall;
- (2) That funds of \$209,658 (20% of the Contract Value) be allocated as a contingency for variations;
- (3) That additional funds of \$379,098 be made available from the Property Reserve and allocated to Account Code BWP.7061 Alexandria Town Hall, to cover the shortfall between the revised project cost and the funds previously approved.

(DCS Report 16.8.99)

Carried.

20.

LEASING - REDFERN OVAL, RENEWAL OF LEASE (L02-00085)

That the matter be deferred to 15 October 1999, and the lease continue under the present lease arrangements until the matter is resolved.

Carried.

21.

ADMINISTRATION - CODE OF CONDUCT - REVIEW (5076501)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the matter be deferred to the next Finance Committee Meeting for a report on the inclusion of that part of their Policy of:-

- (1) Hurstville Council relating to gifts and benefits;
- (2) Marrickville Council in relation to mobile phones.

Carried.

The Finance Committee Meeting terminated at 7.17 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY, 18 AUGUST 1999 AT 7.18 PM

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matter) during consideration of the undermentioned Item, and further, access to correspondence and reports 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.

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 Fenton:-

That the Report of the Finance Committee (Confidential Matter) of its meeting of 18 August 1999, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

PERSONNEL - PLANNING AND BUILDING DEPARTMENT - REVIEW OF STRUCTURE (D51-00037)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

That the recommendation as contained in the report by the Director of Planning and Building dated 12 August 1999, be approved and adopted.

Carried.

The Finance Committee (Confidential Matter) Meeting terminated at 7.19 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

18 August 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken, Greg Waters

At the commencement of business at 7.20 pm those present were -

Councillors:- Deftereos, Fenton, Macken and Waters

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

That the Report of the Community Services Committee of its meeting of 18 August 1999, be received and the recommendations set out below for Items 1, 2, 4 and 5, be adopted. The recommendations set out below for Items 3, 6 and 7 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES - HEALTHY OLDER PEOPLE PROGRAM (HOPP) - MINUTES OF MEETING - 27 JULY 1999 (2018510)

That minutes of its HOPP Committee meeting held on 27 July 1999, accompanying the report by the Director of Health and Community Services dated 4 August 1999, be received and noted.

Carried.

2.

GRANTS - SECTION 12 DIRECTIVE - STORMWATER MANAGEMENT PLANS - CATCHMENTS OF PORT JACKSON SOUTH, MILL POND CREEK AND COOKS RIVER (2016955)

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 13 August 1999, approval be given to:-

- (1) receive and note the above report;
- (2) Council giving commitment in principle to the objectives of the Stormwater Management Plans;
- (3) a further report being forwarded to Council in regard to Council's resource and financial commitment for implementing the Action Plans for the three catchments within the area of Council's responsibilities, with intention of their commitments being incorporated into the Council's financial year 2000/2001 and future year's Management Plans;
- (4) forming a multi disciplinary team consisting of officers from the Health and Community Services, Planning and Building and Public Works and Services Departments to ensure a consistent Council approach across the three stormwater catchments;
- (5) sending a statement of commitment to the EPA indicating South Sydney City Council's commitment in principle to the implementation and ongoing review of the Cooks River, Mill Pond Creek and Port Jackson South Stormwater Management Plans.

Carried.

3.

**DEPARTMENTS - HEALTH AND COMMUNITY SERVICES DEPARTMENT -
CONFERENCES - 1999 FEDERATION OF ETHNIC COMMUNITIES
COUNCIL'S NATIONAL CONFERENCE, DARWIN, NORTHERN
TERRITORY, 23 - 26 SEPTEMBER 1999 - ATTENDANCE OF COUNCIL
REPRESENTATIVES (D51-00136)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

- (A) That arising from a report by the Director of Health and Community Services dated 12 August 1999, approval being given for Council's Multicultural Development Officer to attend the Federation of Ethnic Communities Council's Conference from 23-26 September, 1999 in Darwin, and that any registration fees, accommodation and out-of-pocket expenses be borne by Council, for which funds are available in the 1999/2000 Revenue Estimates (KAA 77RO).
- (B) That any interested Councillors wishing to attend the Conference nominate themselves.

Carried.

4.

**ADMINISTRATION - HEALTH AND COMMUNITY SERVICES DEPARTMENT
- NEW PLAYGROUP FOR ERSKINEVILLE RESIDENTS (2013980)**

That the report by the Director of Health and Community Services dated 12 August 1999, regarding the development of a playgroup at the Joseph Sargeant Centre, Erskineville, be received and noted.

Carried.

5.

**DEPARTMENTS - HEALTH AND COMMUNITY SERVICES DEPARTMENT,
COMMUNITY SERVICES SECTION - PROGRESS REPORT, AUGUST 1999
(2014945)**

That the report by the Director of Health and Community Services dated 16 August 1999, and the accompanying Progress Report for the Community Services Section, be received and noted.

Carried.

6.

COMMITTEES - GAY AND LESBIAN ADVISORY COMMITTEE - REACTIVATION - APPOINTMENT OF COUNCILLOR WATERS AND COUNCILLOR HARCOURT TO COMMITTEE (2017729)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 9 August 1999, it be resolved that:-

- (a) Council approves the reactivating of the Gay and Lesbian Community Advisory Committee;
- (b) Council approves the General Manager's Unit to auspicing the Committee;
- (c) Council approves the proposed membership of the Committee as detailed in the beforementioned report;
- (d) Council nominate Councillor Greg Waters to Chair the Committee. And also Councillor Christine Harcourt be a member of the Committee.
- (e) Council approves the nomination of the Gay and Lesbian Liaison Officer as the Coordinator of the Committee.

Carried.

7.

COMMITTEES - COMMUNITY SAFETY COMMITTEE - ESTABLISHMENT - APPOINTMENT OF COUNCILLOR GREG WATERS AND COUNCILLOR JILL LAY TO THE COMMITTEE (2021553)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 9 August 1999, approval be given to the establishment in respect of the undermentioned and that:-

- (1) the name of the Committee be the "Community Safety Committee";
- (2) Council approves the proposed membership of the Safety Committee as detailed in the beforementioned report;
- (3) Council nominate Councillor Greg Waters to Chair the Community Safety Committee and also Councillor Jill Lay be a member of the

Committee;

- (4) Council approves the use of Erskineville Town Hall as the place for meetings of the Committee;
- (5) Council approves the nomination of the Gay and Lesbian Liaison Officer as the Coordinator of the Committee;
- (6) Representatives from the Planning and Building Department and the Community Safety Officers from all Police Local Area Commands in the South Sydney Local Government Area.

Carried.

The Community Services Committee Meeting terminated at 7.28 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

18 August 1999

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

At the commencement of business at 6.45 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 18 August 1999, be received and the recommendations set out below for Items 1 to 8, inclusive, 10 and 14, be adopted. The recommendations for Items 9 and 11 to 13, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

HARCOURT PARADE, NO. 118, ROSEBERY - INSTALL INGROUND SWIMMING POOL - DEVELOPMENT APPLICATION (U99-00371)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Mr H Krassas (owner) for permission to install an inground concrete pool in the rear yard of the dwelling house, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the submitted plans numbered 9951 and 9951/1 dated 25 March 1999;
 - (2) That the proposed garage shown on plan No.9951/1 shall not be taken to be part of this approval and shall not be erected without separate approval from Council;
 - (3) That the filtration pumps and associated equipment shall be housed in a sound minimising enclosure, which shall be installed and maintained at all times to ensure that adjacent residential properties are not subject to nuisance caused by noise;
 - (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$367 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;

NOTE: 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.

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;

- (5) That warning notices in accordance with Section 17 of the Swimming Pool Regulation (No 2) 1992 shall be erected. These notices can be purchased from Council;
- (6) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (7) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (8) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place;

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (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 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;
- (11) 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;
- (12) That an adequate means of draining the pool in a manner which will not cause illness to people or affect other property, shall be provided in accordance with P2.2.4 of the BCA;
- (13) That compliance shall be given to the Swimming Pools Act and the Swimming Pools Regulation. Details shall be submitted for approval prior to the approval of the Construction Certificate.

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

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

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

Carried.

2.

PRINCESS AVENUE, NO. 58, ROSEBERY - GROUND AND FIRST FLOOR ALTERATIONS - DEVELOPMENT APPLICATION (U99-00563)

- (A) That the Council as the responsible authority grants its consent to the application submitted by John Spiteri, with the authority of Luke Paul Borg (Sr) and Anita Borg, for permission to carry out alterations and additions to the existing semi-detached dwelling subject to the following conditions, namely:-
 - (1) That the proposal is generally in accordance with plans reference 99.151 Issue B, 1 to 4 inclusive and date stamped 13 July 1999 as amended by the following conditions;
 - (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 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 \$200, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the proposed first floor level is set back from the front a sufficient distance to allow the ground level roof to match with that of the other dwelling in the semi-detached pair, with the first floor roof to be amended so that it does match in this way;
- (5) That the proposed window-seat feature to the proposed front gable be deleted from the proposal;
- (6) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;

-this does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);

- (7) 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;

- (8) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place;

- (9) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place;

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

- (10) That all relevant sections of the BCA shall be complied with;
- (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (12) That the requirements of the Work Cover Authority shall be complied with;
- (13) 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;
- (14) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (15) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;

- (16) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (17) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (18) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (19) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (20) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (21) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (22) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (23) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (24) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (25) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (26) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (27) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (28) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the

provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;

- (29) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (30) 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;
- (31) 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;
- (32) 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;
- (33) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (34) 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;
- (35) 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;
- (36) 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);
- (37) 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);
- (38) That all proposed work shall be wholly within the boundaries of the site;

- (39) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;

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.

3.

NEWMAN STREET, NO. 7, NEWTOWN - FIRST FLOOR ALTERATIONS AND ADDITIONS TO RESIDENCE - DEVELOPMENT APPLICATION (U99-00709)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr S Geona, with the authority of Mr A Blinder & Ms G Rooney, for permission to undertake alterations and additions to a residence, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit

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

- (2) That the development shall generally be in accordance with plans numbered 99015/DA01, 99015/DA02 and date stamped 5 July 1999 and 99015/DA03 date stamped 30 July, 1999;
- (3) That the proposed bathroom window shall be an obscure glass, top hung hopper window restricted to a maximum opening angle of 20°;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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);
- (8) That all proposed work shall be wholly within the boundaries of the site;
- (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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (11) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (12) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (13) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (14) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (15) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (16) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA.

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.

4.

RESERVOIR STREET, NO. 157, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE - SECTION 96 - AMENDMENT (U97-0464)

(A) That the Council having considered an application pursuant to Section 96 of the Environmental Planning and Assessment Act by Phillip Diment to vary the development consent granted on 22 August 1997, for a rear extension to an existing terrace house, approves by the deletion of the following condition, namely:-

(1) That the development shall be generally in accordance with plans 971601 dated May 1997;

and the substitution of the following new condition:

(1) That the development shall be generally in accordance with plan 9822 C.01 amendment B dated 30 March 1999.

(B) That the objectors be advised of the Council's decision.

Carried.

5.

WELLS STREET, NO. 27, REDFERN - ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING INTERNAL ALTERATIONS, GROUND FLOOR LEVEL REAR EXTENSION AND FIRST FLOOR LEVEL REAR EXTENSION - DEVELOPMENT APPLICATION (U99-00550)

(A) That the Council as the responsible authority, refuses the application submitted by Kim Strong, with the authority of Kim Strong and Scott Polkinghorne, to undertake alterations and additions to the existing dwelling, involving internal alterations, ground floor level rear extension and first floor level rear extension, for the following reasons, namely:-

(1) That the proposal exceeds the maximum permissible floor space ratio requirements of the South Sydney Development Control Plan 1997 and this non-compliance has not be justified in the circumstances of the case;

(2) That the proposal would cause significant adverse impacts to the Draft Item of Environmental Heritage under the provisions of the Draft Local Environmental Plan 1996;

(3) That the proposal would set an adverse precedent for to the rear of the terrace row of which it is part;

(4) That the proposal would cause significant adverse bulk-related impacts to the adjoining dwellings to the west of the site;

- (5) That approval of the proposal would not be in the public interest in the circumstances of the case.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

6.

ABERCROMBIE STREET, NOS. 58-64, CHIPPENDALE - SIGNAGE AND INTERNAL FITOUT - DEVELOPMENT APPLICATION (U99-006520)

- (A) That Council as the responsible authority grants its consent to the application submitted by Ino and Leigh Maquiring with the authority of Broven Properties P/L for permission to use the first floor of the premises as a karate centre with associated signage subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans submitted on 24 June and subsequent details in relation to the sign location on 11 August 1999;
 - (2) That the hours of operation shall be restricted to between 6.00 p.m. to 9.00 p.m. Mondays to Fridays and 10.00 a.m. to 3.00 p.m. Saturdays only;
 - (3) That the floodlight over the sign shall be turned off at 9.00 p.m. daily;
 - (4) That the flush wall sign conform with Council's policy in relation to grid analysis contained within DCP No. 7 - Guidelines for Outdoor Advertising;
 - (5) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
 - (6) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
 - (7) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
 - (8) That the intensity, colour, period of intermittency and/or hours of illumination of the sign shall be varied if, at any time in the opinion

of the Council, injury is being caused to the amenity of the area;

- (9) That the proposed signage shall:
- (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
 - (e) not carry a message(s) which is offensive;
- (10) That a maximum of 8 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;
- (11) That the use of the premises shall not give rise to:
- (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content;
 - (c) 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);
- (12) That this approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building;

- (13) That all relevant sections of the BCA shall be complied with;
- (14) 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);
- (15) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (16) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (17) 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;
- (18) That all proposed work shall be wholly within the boundaries of the site;
- (19) 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;
- (20) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (21) That the basement car park shall be ventilated by an approved air handling system in accordance with Australian Standards 1668.1 - 1998 and Australian Standards 1668.2 - 1991;
- (22) That the storage and handling of garbage shall comply with the requirements of Council's "Waste/Minimisation Fact Sheets";
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a construction or

occupation certificate;

- (a) all proposed mechanical ventilation systems.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

**BOURKE STREET, NOS. 782-822, WATERLOO - ERECTION OF
TEMPORARY SIGN - DEVELOPMENT APPLICATION (U99-00219)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Meriton Apartments Pty Ltd, (owner) for permission to erect an advertising structure at Nos. 782-822 Bourke Street (corner of Crescent and Bourke Streets), Waterloo, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans and details submitted with DA U99-00219, except where amended by conditions of consent;
 - (2) That this consent shall lapse after a period of twelve months from the date this consent becomes effective. A further development application may be lodged before the expiration of the 12 month period for Council's consideration;
 - (3) That the proposed sign shall be located 3.5m from the Crescent Street boundary of the site and no closer than 7.5m to the Bourke Street boundary of the site;
 - (4) That the proposed sign shall be erected such that it has a maximum height of 5m;
 - (5) That all relevant sections of the BCA shall be complied with;
 - (6) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council.

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

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

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

Carried.

8.

CROWN STREET, NO. 256, DARLINGHURST - USE SHOP 5 AS A MUSIC STORE - DEVELOPMENT APPLICATION (U99-00577)

- (A) That the Council as the responsible authority grant its consent to the application submitted by Pamela Hubbuck, with the authority of G. Hastie and S. Danesi, for permission to occupy shop 5 for the purpose of a music store, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans submitted 8 June 1999;
 - (2) That the hours of operation shall be restricted to between 10.00 a.m. and 9.00 p.m. Mondays to Wednesdays and Fridays; 10.00 a.m. and 11.00 p.m. Thursdays; 10.00 a.m. and 8.00 p.m. Saturdays; and 10.00 a.m. and 7.00 p.m. Sundays;
 - (3) That no live entertainment shall be provided on the premises;
 - (4) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
 - (5) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
 - (6) That at no time shall any signs, amplification equipment, goods or the like be placed near or on public areas or the footpath adjacent or near the premises;
 - (7) That the proposed signage shall:
 - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);

- (d) not cover any architectural features or windows;
 - (e) not carry a message(s) which is offensive;
- (8) 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;
- (9) That the use of the premises shall not give rise to:
- (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A).
The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
 - (c) 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).
- (10) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets.

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 Council resolve not to take action with respect to the unauthorised erection of the illuminated flush mounted and projecting wall signs and the internal partitioning.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

BURREN STREET, NO. 27, ERSKINEVILLE - DEMOLITION AND RECONSTRUCTION OF REAR WING - DEVELOPMENT APPLICATION (U99-00365)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mike Dowsett, with the authority of Mr D Hirsch and Ms N O' Leary, for permission to erect a rear wing extension to number 27 Burren Street Erskineville, 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 \$160, 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 DA02 and dated 29 March 1999;
 - (4) That the roof of the first floor rear annex extension shall be a mono skillion;
 - (5) That the height from the floor level of the first floor to the highest point on the annex roof shall be no higher than 3.4 metres;
 - (6) That the ground floor of the rear annex have a floor to ceiling height no greater than 3 metres;
 - (7) That the slope of the mono skillion roof shall be 10 degrees;
 - (8) That the mono skillion roof be made of metal;

- (9) That the first floor deck extend no further than 30 cm from the wall to which it is attached and that the following standard conditions apply;
- (10) That all relevant sections of the BCA shall be complied with;
- (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (12) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (13) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (14) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (15) That 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;
- (16) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (17) 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);
- (18) 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);

- (19) That all proposed work shall be wholly within the boundaries of the site;
- (20) 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;
- (21) 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;
- (22) 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.

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

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

NOTE: 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.

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

Carried.

10.

ELIZABETH STREET, NO. 573, REDFERN - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U99-00397)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Key Wed Pty Ltd to establish a brothel at 573 Elizabeth Street, Redfern for the following reasons, namely:-
- (1) That the proposal is contrary to the provisions of Clause 37 of LEP 1998 and Council cannot grant consent to the proposal;
 - (2) That the proposal does not comply with the requirements, aims and objections of South Sydney Council's Draft Sex Industry Policy on the grounds of cumulative impact and amenity;
 - (3) That the proposed development would result in cumulative impacts when taking into consideration other existing brothels and related sex industry premises in the vicinity and that it would have an adverse impact upon the character and identity of the neighbouring area through reinforcing a perceived "red light district";
 - (4) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale and hours of operation;
 - (5) That the proposal lacks a comprehensive Management Plan as required by the Draft Sex Industry Policy.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

ROSE STREET, NOS. 241-277, DARLINGTON - DEMOLITION OF 2 TERRACE HOUSES AND ERECTION OF A 5 STOREY ECONOMICS FACILITY BUILDING (U98-00936)

(At the Committee Meeting and Council Meeting, Councillor Lay declared an interest and did not take part in discussion or voting on the item)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by the University of Sydney (owner) for permission to demolish the existing dwelling houses at No. 269 and No. 271 Rose Street, Darlington and to erect a new Facility of Economics building of up to 5 stories in height, 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 \$25,740. 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 \$26,492, 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 97001 DA00 to 08 inclusive dated August 1998 as amended by revised Section detail of 2 February, 1999;
 - (4) That, in accordance with the existing agreement between the Council and the University of Sydney to provide transport-related infrastructure in lieu of car parking, the developer shall contribute a subsidy of \$20,000 per year to Sydney Buses for a period of 3 years from the date of commencement of the consent to enable night and weekend services of the Route 370 service to operate. The contribution may be reduced at the discretion of Sydney Buses when and if the service nears commercial viability and will cease before the 3 years if viability is achieved. The first payment of \$20,000 shall be made before the issue of the Construction Certificate and subsequent payments shall be made at annual intervals thereafter or by arrangement with Sydney Buses;
- Note: Council will prepare a letter to Sydney Buses to confirm these arrangements and provide the developer with appropriate contact details;
- (5) That the developer shall construct footpath embellishments in Codrington Street between Rose Street and Butlin Avenue at no cost to Council, generally as shown in the submitted Site/ Location Plan and floor plan reference 97001 DA01 and DA02 before the issue of the Occupation Certificate or such alternative timeframe as is agreed with Council;

Note: Such works are required to be designed in detail in consultation with Council, receive formal approval under the

Roads Act and be constructed in accordance with Council's standards;

- (6) That prior to the demolition of the existing buildings they shall be recorded in accordance with the guidelines in "How to Prepare Archival Records of Heritage Items" (Second Edition February 1995) produced by the Department of Urban Affairs and Planning and the NSW Heritage Council and a report submitted to Council for its records within one month of the demolition;
- (7) That shower facilities shall be provided within the building for use by cyclists who work in the building;
- (8) That secure bicycle storage facilities designed in accordance with AS 2890.3 Bicycle Parking Facilities for short and long term bicycle parking shall be provided in convenient, well lit and survivable locations within the site on the basis of a minimum of 1 facility per 20 staff and students - details to be included in the Construction Certificate;
- (9) That the owner/developer shall dedicate to the Council, free of cost to the Council a 1.7m splay at the intersections of Codrington Street with Rose Street and a 2.5m splay at the intersection of Carrington Street and Darlington Lane - limited if so desired in height and/or depth to 5m above and/or 2m below the adjacent footway level, to be detailed in a plan for consolidation of the land, to be approved by the Director of Public Works and Services, prior to issuing an Occupation Certificate;
- (10) That construction details for all components of the landscape proposal shall accompany the landscape plan and include details of subsoil drainage where landscaping is provided on slab or rooftop planterboxes - minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass including 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (11) That the Developer shall provide street trees (new and infill) along the property frontage in accordance with the Council's Street Tree Masterplan (1996) with the planting to be completed prior to the issuing of an Occupation Certificate - trees shall be 75 litre-container size, 2.5 metres high, 75mm calliper and planted at maximum 10 metre centres;

Street	Tree species	Common name	Min. No. of trees to be provided
Codrington Street	Eucalyptus sideroxylon	Pink Flowered Ironbark	2

- (12) That any security fencing shall generally be open form, allowing surveillance of the site, and shall provide for planting in front of the fence in selected locations around the perimeter of the site. Details shall be submitted in the construction certificate;
- (13) That any existing tree to be retained on the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;
- (14) 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;
 - (i) all proposed mechanical ventilation systems;
 - (ii) the garbage room;
 - (iii) the recycling storage area;

and the following adopted standard conditions:

- (15) Glazing Reflectivity less than 20%¹¹⁸
- (16) Consolidate Lots¹²²
- (17) Display Street Number¹²⁴
- (18) Works on Public Way Cost¹⁰⁰²
- (19) Paving¹⁰⁰³
- (20) Level of Colonnade/Plaza¹⁰⁰⁴
- (21) Alteration of Public Services¹⁰⁰⁶
- (22) Builders Hoarding Permit¹⁰⁰⁸
- (23) Shoring¹⁰¹²
- (24) Alignment Levels¹⁰¹⁶
- (25) Loading Within Site³⁰¹⁴
- (26) Disabled Entry³⁰²⁴
- (27) Consequential Roadworks³⁰²⁷
- (28) Footway Crossing³⁰²⁸

- (29) Delivery of Construction Materials³⁰³²
- (30) Clean Water Discharge⁴⁰⁰²
- (31) On Site Detention –Stormwater⁴⁰⁰³
- (32) Connection to Council's Stormwater System⁴⁰⁰⁵
- (33) Landscape Plan⁵⁰⁰¹
- (34) Tree Preservation Order⁵⁰⁰⁵
- (35) Maintenance of Landscaping⁵⁰¹⁴
- (36) Refuse Skips⁶⁰⁰²
- (37) Recycling⁶⁰⁰⁷
- (38) Storage/Garbage⁶⁰⁰⁹
- (39) Garbage Room⁶⁰¹¹
- (40) Emissions⁷⁰⁰⁴
- (41) Intruder Alarm⁷⁰⁰⁶
- (42) Construction Noise⁷⁰⁰⁸
- (43) Vehicle Cleansing⁷⁰⁰⁹
- (44) Sanitary Facilities⁷⁰¹⁶
- (45) Contamination Assessment⁷⁰¹⁸
- (46) Ventilation⁷⁰²³
- (47) Noise⁷⁰²⁸
- (48) Soil and Sediment Control/Stockpiles⁷⁰⁷²
- (49) Dedication for Substation⁸⁰⁰³
- (50) Sewer Discharge⁸⁰⁰⁴
- (51) Comply With BCA⁹¹⁰⁴
- (52) Works Within Boundary⁹¹⁵²
- (53) Hours of Work and Use of Cranes⁹¹⁵³

(54) Construction Certificate Required⁹¹⁵⁵

(55) Building/Demolition Noise Control⁹¹⁵⁶

NOTE: 1: 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.

NOTE 2: The applicant is advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations.

NOTE 3: The developer is advised that an application should be made to Sydney Water for the issue of a compliance (Section 73) Certificate.

- (B) That the developer is advised that the Council has waived its normal requirements for Section 94 Contribution for a development by the University of Sydney, in this instance duly, on the basis that there will be no substantive nett increase in staff/student numbers as a result of this development.
- (C) That the persons who made representation regarding the proposal including the Roads and Traffic Authority be notified of Council's determination.

Carried.

12.

WILSON STREET, NOS. 49-51, NEWTOWN - DEMOLISH EXISTING BUILDING AND ERECT TWO TERRACE HOUSES AND A REAR LANE DEVELOPMENT - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01291)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Tony Olding to demolish the existing residence and erect two 3 bedroom terraces over two levels 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 \$4,800 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to the collection of the approved plans and specifications, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the *Building and Construction Industry Long Service Payments Act 1986*, and ensure that the plans are suitably endorsed. The levy, to the value of \$640, or first installment (as applicable), can be paid to the Council;
- (3) That the development shall be generally in accordance with amended plans sheets 1-5, dated 7 April, 1999;
- (4) 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	\$3,490	2E97001.BGY0
Accessibility And Transport	\$ 17	2E97006.BGY0
Management	\$ 48	2E97007.BGY0
Civic Centre	\$ 866	2E97008.BGY0
Total	\$4,421	

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

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

where:

C is the original contribution amount as shown above;

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

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

- (5) That the proposed rear lane development shall be deleted;
- (6) That the existing timber fence along both sides boundaries shall be retained or re-instated after construction;
- (7) That the balustrading at the first floor facing Wilson Street shall match that of the adjoining terraces to the west;
- (8) That all building work shall take place within the boundaries at the site;
- (9) That the site shall be adequately secured during and outside construction hours;

- (10) That the applicant shall install a solar hot water system or heat pump in accordance with the provisions on page 108 of DCP 1997;
- (11) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (12) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (13) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (14) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (15) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (16) 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;
- (17) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered

stormwater certifier prior to the approval of the construction certificate;

- (18) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (19) That 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);
- (20) That all relevant sections of the BCA shall be complied with;
- (21) 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;
- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) That all proposed work shall be wholly within the boundaries of the site;
- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (25) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (26) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (27) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;

- (28) That the demolition work shall comply with Australian Standard 2601-1991;
- (29) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulations;
- (30) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (31) 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;
- (32) 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;
- (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 storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (35) 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.

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.

13.

SOUTH DOWLING STREET, NO. 296, PADDINGTON - USE AS BOARDING HOUSE INCLUDING ALTERATIONS AND ADDITIONS AT REAR - DEVELOPMENT APPLICATION (U99-00498)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council as the responsible authority refuses its consent to the application submitted by Diana Prowse with the authority of James Michelmores and Johnson Pty Ltd (Owner) for permission to Change the Use of the existing dwelling to a boarding house for up to 12 lodgers including alterations and additions at rear for the following reasons, namely:-
- (1) That the proposed use is an over intense form of development will adversely affect the amenity of adjoining residents by reason of noise, disturbance and loss of privacy associated with up to 12 unrelated persons occupying the premises. These issues are exacerbated given the building form of numbers 296 and 294 with a shared lightwell;
 - (2) That the proposed use provides inadequate amenities for the number of residents proposed specifically:
 - (a) a lack of general internal storage space
 - (b) no provision for the storage of garbage
 - (c) no provision of communal laundry facilities separate to bathroom facilities.
 - (d) inadequate bathroom facilities.
 - (e) a lack of secure storage for other possessions e.g. bicycles.
 - (3) That the enclosed front balcony has not been restored as part of this application and is therefore unacceptable on heritage conservation grounds;
 - (4) That the applicant has failed to satisfy Council as to the measures to be employed to ensure that the accommodation is used as a

boarding house and not transient accommodation such as a backpackers, as well as the means for dealing with any subsequent neighbourhood complaints;

- (5) That given the circumstances of the case the proposal is not in the public interest.
- (B) That the applicant be advised that a new development application for a less intense use of the site could be acceptable. The following advice is provided. The number of bedrooms should not exceed 5 with a maximum number of persons being seven, there should be a minimum of two internal bathrooms and the other issues outlined in the reasons for refusal would have to be satisfactorily addressed.
- (C) That the matter of unauthorised building works be referred to Council's solicitors to investigate the possibility of pursuing prosecution action.
- (D) That persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

ROSEBERY AVENUE, NO. 63, ROSEBERY - REAR ADDITIONS TO DWELLING AT GROUND AND ATTIC LEVEL - DEVELOPMENT APPLICATION (U99-00645)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Design Drafting Services, with the authority of Mr J and Mrs K Mc Donald, for permission to demolish the rear section of the existing dwelling and to erect a new rear section containing a garage, laundry, kitchen, study and living/dining room on the ground floor and two rooms and a bathroom above located predominantly within the roof space and to carry out associated alterations, 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 a 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 \$100, or the first instalment (as applicable), can be paid to the Council;

- (3) That the development shall be generally in accordance with Drawing 9904A-1 and 2 dated 13 July, 1999;
- (4) That the bottom of the front section of the tiled roof to the bedroom on the northern side of the upper level shall be lowered to align with the bottom of the front section of the roof of the proposed bathroom on the southern side of the upper level;
- (5) That the premises shall be used as a single dwelling only;
- (6) That the proposed new brickwork shall match the existing brickwork;
- (7) That, if practicable, a solar hot water system or heat pump shall be installed with any external fittings on the roof being behind the side roof extensions;

and the following adopted standard conditions:

- (8) Obstruction of Public Way³⁰²⁹
- (9) Delivery of Construction Materials³⁰³²
- (10) Stormwater Standard⁴⁰⁰¹
- (11) Refuse Skips⁶⁰⁰²
- (12) Ventilation⁷⁰²³
- (13) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (14) Compliance with Building Code of Australia⁸⁵⁰¹
- (15) Residential Building Work⁸⁵⁰³
- (16) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (17) Toilet Facilities⁸⁵⁰⁹
- (18) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (19) Survey Certificate at Completion⁹⁰⁰²
- (20) Structural Design Certificate⁹⁰⁰⁶
- (21) Drainage Details with Construction Certificate⁹⁰¹³

- (22) Comply With BCA⁹¹⁰⁴
- (23) Comply With the WorkCover Authority⁹¹⁰⁵
- (24) Construction Hours⁹¹⁵¹
- (25) Works Within Boundary⁹¹⁵²
- (26) Construction Certificate Required⁹¹⁵⁵
- (27) Building/Demolition Noise Control⁹¹⁵⁶
- (28) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (29) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (30) Commencement of Structural Works⁹²⁰²
- (31) Protection from Termites⁹²⁰³
- (32) Protection of External Walls⁹³²³
- (33) Glazing Provisions⁹³³⁰
- (34) Smoke alarms⁹⁵²³
- (35) Ceiling heights of rooms⁹⁶¹¹
- (36) Natural light and ventilation⁹⁶¹³
- (37) Protection of walls and floors in wet areas⁹⁶⁰²
- (38) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (39) Damp and weather proofing⁹⁶⁰⁵
- (40) Construction of External Walls for Dampness⁹⁶²⁴

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

Carried.

The Planning and Development Committee Meeting terminated at 8.03 p.m.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

12 August 1999

Business commenced at 5.55 p.m. Those in attendance were:

The Mayor, Vic Smith and Councillors Bush, Fenton Deftereos, Bush, Harcourt, Lay and Macken

Apologies were received from Councillors Fowler, and Waters.

Those present recommended the following:-

ADMINISTRATION - MANAGEMENT PLAN 1998/2001 - REPORT FOR 12 MONTHS ENDING 30 JUNE 1999 (2017703)

Council receives and notes the report on the Management Plan 1998/2001 for the 12 months ended 30 June, 1999.

(GM Minute 9.8.99)

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That the minute by the General Manager dated 9 August 1999, be received and noted.

Carried.

The Council Meeting terminated at 8.14 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER