

**238<sup>th</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
95928

**Wednesday, 20 October 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.46 pm on Wednesday, 20 October 1999.

**PRESENT**

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

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

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At this stage the Mayor welcomed Mr. & Mrs. Bob Neilson who was appointed as the Local Controller, State Emergency Services Sydney and South Sydney Areas. The Mayor congratulated Mr. Nelson and his volunteers for this work, particularly after the hail storm in April of this year.

### **Confirmation of Minutes**

Moved by Councillor Fowler, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 16 September 1999, be taken as read and confirmed.

Carried.

### **Apologies**

An apology for non-attendance at the meeting were received from Councillors Deftereos and Waters.

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

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

Carried.

## **MINUTE BY THE MAYOR**

12 October 1999

### **PUBLIC RELATIONS - HEART FOUNDATION - 1999 LOCAL GOVERNMENT AWARDS - SOUTH SYDNEY COUNCIL (P58-00231)**

During May 1999 Council received an invitation from the Heart Foundation of New South Wales to submit suitable applications for the 1999 Awards Program.

Subsequently, Council approved that its "Walking for Pleasure Program" be entered for this Award. On 5 October 1999 the Heart Foundation Program Manager, Therese Abbey, notified Council that its entry has received a Highly Commended Award in the "Outstanding Physical Activity Project" category.

"Walking for Pleasure" is an initiative of the Healthy Older People Program (HOPP) Committee, chaired by Cr. Fenton. It was instigated as a means of encouraging aged residents to walk on local streets, providing a safe and enjoyable means of improving confidence, mobility and health.

On behalf of Council. I wish to congratulate the staff involved and invite Mrs Anne Keeling, Healthy Older People Program Worker, to accept the Award on behalf of all involved in the "Walking for Pleasure Program".

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**

11 October 1999

### **GAY AND LESBIAN LIAISON - IDENTIFYING SOUTH SYDNEY COUNCIL AREA AS GAY AND LESBIAN FRIENDLY DURING THE 2000 OLYMPICS (2017729)**

The Olympic Coordinating Authority (OCA) has identified Oxford Street (Darlinghurst) and King Street (Newtown) as entertainment precincts in its Penguin Olympics Guide.

The Lesbian and Gay Anti Violence Project has expressed concern at this proposal, because some visitors to Sydney may not appreciate that this area is popular with the gay, lesbian and transgender community.

Council's Gay and Lesbian Liaison Officer attended a consultation on this issue conducted by the OCA. this consultation proposed a number of strategies to promote Sydney's status as one of the most gay and lesbian friendly cities in the world.

One strategy of particular merit is that a small rainbow flag symbol be included on relevant maps with the wording in the map legend saying "lesbian and gay friendly area".

The locations to be flagged would be the Oxford Street (Darlinghurst) precinct and the King Street (Newtown) precinct. Businesses in these precincts would be encouraged by Council to display the rainbow flag, which is already accepted by many as an international symbol of gay and lesbian pride. These flags are also commercially available in a multitude of forms.

Another useful addition to the above strategy would be an information booth in Taylor Square. OCA will be siting a number of temporary information booths throughout

Sydney and a booth in Taylor Square would be an ideal location to further promote useful information about gay and lesbian services and facilities, as well as general tourist and Olympics information.

**Recommendation:**

That Council writes to the Olympic Coordinating Authority requesting that:-

- (1) a rainbow flag symbol be included on relevant maps with the wording in the map legend saying "lesbian and gay friendly area". The locations to be flagged would be the Oxford Street (Darlinghurst) precinct and the King Street (Newtown) precinct;
- (2) a visitor information booth be temporarily sited in Taylor Square and for that booth to include information about lesbian and gay services and facilities in addition to general tourism and Olympics information.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE MAYOR**

20 October 1999

**PUBLIC RELATIONS - MAYORS LAWN BOWLS CHALLENGE SHIELD 1999 -  
ALEXANDRIA/ERSKINEVILLE BOWLING CLUB (2016529)**

On Sunday 28 November 1999, the annual Mayoral Lawn Bowls Challenge will be held at the Alexandria/Erskineville Bowling Club.

South Sydney Council has participated in the event over the last two years and the competition this year involves a team event comprising of approximately 40 players from both sides.

The cost for the competition is \$1,200 which includes a BBQ and refreshments for all players and supporters during the day for which funds can be made available under Section 356 Community Grants.

**RECOMMENDATION:**

That approval be given to South Sydney Council entering a team in the Mayor's Lawn Bowls Competition to be held on Sunday 28 November 1999, and the amount of \$1,200 be allocated for the event, for which funds can be made available under Section 356 Community Grants.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE MAYOR**

20 October 1999

**STREETS - "TODAY TONIGHT" - REQUEST FOR FILMING (2017178)**

Professor Tony Vinson Professor of Social Work at the University of New South Wales, will public tomorrow a study into the distribution of social disadvantage in NSW. This draws on information combined from the Australian Bureau of Statistics (ABS) and State Government Authorities.

The study seeks to raise awareness of the extent to which social disadvantage is becoming entrenched in certain neighbourhood and to identify ways in which such disadvantage can be addressed.

The ABS statistics have prompted the 7 Network's *Today Tonight* program to broadcast some segments shortly from within the South Sydney LGA. The program's producers are aware of Council's newly established Safety Committee and are seeking permission to film the Committee's proceedings.

*Today Tonight* also seeks permission to stage an outside broadcast concerning the Republic in the week prior to the referendum. Vox pop interviews will be collected during the day from locations around Sydney and the show would be broadcast in the evening from outside the Uniting Church in Paddington.

## RECOMMENDATION

- (1) That Council grant permission for outside broadcasts on road closures at either Elizabeth or Newcombe Streets, Paddington adjacent to Uniting Church property and at Redfern Town Hall;
- (2) That Council approves the filming of the proceedings of the Safety Committee provided the members give their consent;
- (3) That Council's Media Unit liaise with the Today Tonight program to facilitate their filming and negotiate appropriate fees.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Macken:-

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

At the request of Councillor Fowler, the Mayor requested that the dates for the filming taking place in Bourke Street, Darlinghurst, be circulated in the Councillors Information Services.

## MINUTE BY THE GENERAL MANAGER

18 October 1999

### ADMINISTRATION – DISCLOSURE OF INTERESTS – TABLING OF FORMS OF RETURN (P35-00005)

Part (1) of Section 450A of the Local Government Act, 1993, states:-

- (1) General Manager to keep register) The General Manager must keep a register of returns required to be lodged with the General Manager under Section 449.

Part (2) of Section 450A states:-

- (2) (When returns to be tabled) The returns required to be lodged with the General Manager under Section 449 must be tabled at a meeting of the Council.

The returns must be lodged at the first Council meeting after the return date of 30 September 1999.

I now table the returns received from Councillors and designated persons for the period 1 July 1998 to 30 June 1999.

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

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minute by the General Manager, be received and noted.

Carried.

## **PETITIONS**

1. The Mayor tabled a petition received by the General Manager with approximately 26 signatures appended from residents of Erskineville and Alexandria objecting to the proposed trading hours of the Kurrajong Hotel at No.10 Swanson Street, Erskineville.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 21 signatures appended from residents of Chippendale and Darlington requesting a reduction in street parking time limits in the vicinity of Sydney University from two hours to one hour.

Received.

3. Councillor Fowler tabled a petition with approximately 310 signatures appended from residents of Potts Point objecting to the re-location of a bus zone outside No. 55 Macleay Street, Potts Point, for the sole purpose of the proposed installation of a J.C. Decaux advertising structure.

Received.

**QUESTIONS WITHOUT NOTICE**

1.

**NEWCOMBE STREET, PADDINGTON - USE BY EASTSIDE PARISH FOR PADDINGTON MARKETS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS AS READ BY COUNCILLOR FOWLER (Y01-00246)****Question:**

I believe that the Eastside Parish that conduct the Paddington Markets have requested of Council to use Newcombe Street for market stalls during re-roofing of the Church.

The Paddington Markets and often in non-compliance of their conditions of consent are a sensitive issue to most residents in the area.

I request that Council inform all the residents that Eastside Parish have requested the use of Newcombe Street for a limited time say 4 weeks.

Can Council ensure that the residents and shop owners who use Newcombe Street for access to their garages leaves ample space for turning circle at all times?

**Answer by the Mayor:**

I will have a report prepared for the Councillors Information Service.

2.

**ADMINISTRATION - AMALGAMATION/BOUNDARY CHANGES - REQUEST BY RESIDENTS FOR ADDITIONAL TIME FOR SUBMISSIONS QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2021730)****Question:**

A number of residents have requested that additional time be allowed for submissions to Mr. James Woodwood re Amalgamations/Boundaries changes. The date I believe is 26 October 1999. Can the date be extended?

**Answer by the Mayor:**

No.

3.

**PUBLIC RELATIONS - UNSUNG HEROES AWARD - NOMINATION OF COMMUNITY MEMBERS BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2021979)**

Could Council's Director of Health and Community Services please investigate the Unsung Heroes Awards. I have actually come across this in a newspaper for this report with a view to finding out, include the criteria for nomination, the date of closure and the appropriateness of Council nominating Community members?

**Answer by the Mayor:**

I will have a report prepared for Committee in respect to that.

4.

**CELEBRATIONS - FUR FANG AND FEATHERS AND NATIONAL WATER WEEK - CONGRATULATIONS TO STAFF INVOLVED - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2000743 - P52-00149)****Question:**

Congratulations to staff who were involved in two events on the weekend. Fur Fang and Feathers and National Water Week down at Sydney Park. Both of them were absolutely fantastic and the response from the Community has been overwhelming and can I ask that a report on the possibility of the Fur Fang and Feathers becoming an annual event?

**Answer by the Mayor:**

I will ask the Director to firstly extend congratulations to staff from the elected members and also have a report prepared for Committee.

5.

**PROPERTIES - ERSKINEVILLE TOWN HALL - REPLACING CHAIRS IN COUNCIL CHAMBER - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2021980)****Question:**

As we take our places around the table tonight it was again necessary for Councillors to play musical chairs, as one chair was clearly unsafe to sit on, this has happened on several other occasions. I note also that the chairs coverings are very worn out. I would like to know if we could at least salvage some chairs

by cannibalising some of the chairs. I think it would be appreciated if we had chairs that we did not have to jump out of each time and then break when we sit down. Could we have some replacement chairs for this chamber?

**Answer by the Mayor:**

I will ask the General Manager to investigate that matter and look at the replacement of the current furniture.

6.

**PUBLIC RELATIONS - VICTORIA PARK POOL - SUITABLE SNACKS FOR CHILDREN USING FACILITIES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT.(2005319)**

**Question:**

On a recent visit to Victoria Park Pool I was made aware that although in general the food at the café is very good there is nothing available under about \$2, most of the food there is for adult consumers. There are a large number of local children who use the pool facility and I think it would be appropriate if there was a range of suitable snacks that were cheaper, which the local children can afford.

**Answer by the Mayor:**

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

7.

**LEGAL - ARTICLE BY LEO SCHOFIELD IN REGARDS TO SOUTH SYDNEY COUNCIL AND KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (L53-00036)**

**Question:**

One more time South Sydney Council and Kings Cross were kicked by Leo Schofields in the Sunday press - could the Mayor or the appropriate Council Officer contact Mr. Schofields with the view of endeavouring to improve his perception of our area?

**Answer by the Mayor:**

Do you really want me to waste my time?

**Answer by Councillor Fenton:**

Yes.

**Answer by the Mayor:**

What's he going to write that he screamed and shouted because he wrote a column criticising the Council. May as well write to Paddy Mc Guinness. I don't think I'll bother Councillor Fenton. I think its best if you don't read his column. He hasn't changed since he wrote for the Herald.

8.

**SIGNS - COUNCIL CODE - INVESTIGATION INTO FLASHING SIGNS IN SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (S52-00217)****Question:**

Council's signage code I understand prohibits flashing signage, as it does all its signage for brothels yet at a number of addresses this code is not enforced by Council. A brothel in Pitt Street, Redfern, in Flinders Street at Taylor Square, Cleveland Street near Bourke Street, and near Elizabeth Street. Businesses display flashing lights that I believe are contrary to Council policies. Can these matters be investigated?

**Answer by the Mayor:**

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

9.

**PARKING INVESTIGATION INTO MOTOR CYCLE PARKING AREAS IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P51-00240)****Question:**

There are very few motor cycle only parking bays in the city area, those that were provided have been reduced over the last few years particularly in the CBD. Can I have a report of the locations of all or any of these motor cycle only parking areas, in the South Sydney area Can the Director of Public Works and Services also indicate any areas adjacent to urban nodes, villages, urban centres that have been amended by the Masterplan, such as short kerb spaces near street planting etc that may be appropriate for motor cycle parking?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services in conjunction with the Director of Planning and Building to have a report prepared for the Councillor Information Services.

**10.****TRAFFIC - EAST WEST TUNNEL - MEETING BETWEEN CONSULTANTS AND PROPERTY HOLDERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (T52-00079 - T02-00172)****Question:**

I notice that consultants for the East West tunnel will be meeting with property holders on Monday evening. Has a decision been made on this project?

Has there been any investigation into the comparative advantage of the cost on such investment in private car transport versus some little more investment in public transport? Has there been any analysis of the cumulative environmental impacts of such investment in road transport and is there related car parking to the CBD which relates to new access from the tunnel?

**Answer by the Mayor:**

A decision has been made. The State/Government made that decision.

**Comment by Councillor Harcourt:**

My understanding is that the tunnel will take traffic away from CBD, not into the CBD

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to contact you in regards to that matter.

11.

**PROPERTIES - REDFERN TOWN HALL - CONGRATULATIONS ON EXHIBITION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2009732)**

**Question:**

Can congratulations be extended to those involved in the current exhibition at Redfern Town Hall . A number of residents and ratepayers in the area have commented on the refurbishment of the Hall?

**Answer by the Mayor:**

In response Councillor Fowler, can I just say that in opening the exhibition last Wednesday night, I did publicly acknowledge the support of my fellow Councillors to allow the exhibition to go ahead and it was well received and I thank you for those comments.

12.

**RECORDS - REPORT ON WORKFLOW IMAGING PROJECT QUESTION WITHOUT NOTICE BY THE MAYOR (2011928)**

**Question:**

Can the Acting Director of Corporate Services have an urgent report prepared for Committee for 3 November 1999, in relation to:-

- (a) the Workflow and Imaging Project and the report to detail the cost of entering into the contract and all other costs up to the final payment;
- (b) in respect of the Workflow Imaging Project when is it to be introduced into Council and is this part of another project.

**Comment by Councillor Bush**

Parts of your questions are part of questions I asked some months ago in which case some answers maybe in the pipeline, some of them may not be.

**Answer by the Mayor:**

We will know on the 3<sup>rd</sup> November, Councillor Bush.

**REPORT OF THE FINANCE COMMITTEE**

13 October 1999

**PRESENT****Councillor Sean Macken (Chairperson)****The Mayor, Councillor Vic Smith and Councillor Sonia Fenton**

At the commencement of business at 6.34 pm those present were:-

The Mayor, Councillor Vic Smith and Councillors - Fenton and Macken.

**Apologies:**

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

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

That the Report of the Finance Committee of its meeting of 13 October 1999, be received and the recommendations set out below for Items 1 to 10, inclusive, and 12 to 15, inclusive, be adopted. The recommendation set out below for Item 11 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**PROPERTIES - REDFERN TOWN HALL - REQUEST FOR FREE USE - REDFERN LEGAL CENTRE, 26 NOVEMBER 1999 (P56-00410)**

That approval be given to Redfern Legal Centre for the free use of Redfern Town Hall on 26 November 1999, to conduct a Volunteers End of Year party subject to Redfern Legal Centre making a contribution of \$100 towards expenses, under the provisions of Section 356, Council agrees to forgo \$540 in income.

(DCS Report 1.10.99)

Carried.

2.

**PROPERTIES - REDFERN TOWN HALL - REQUEST FOR FREE USE - REDFERN LEGAL CENTRE, 13 AND 27 NOVEMBER 1999 (P56-00410)**

That approval be given to Redfern Legal Centre for the free use of Redfern Town Hall on 13 and 27 November 1999, to conduct Volunteer Solicitors Training subject to Redfern Legal Centre making a contribution of \$30 per meeting towards expenses. Under the provisions of Section 356, Council agrees to forgo \$560 in income and meet the balance of expenses of \$40.

(DCS Report 24.9.99)

Carried.

3.

**PROPERTIES - PADDINGTON TOWN HALL - REQUEST FOR FREE USE - EASTERN SUBURBS FORUM OF THE AUSTRALIAN REPUBLICAN MOVEMENT, 25 OCTOBER 1999 (P56-00410)**

That to facilitate the process of open discussion and the dissemination of information relating to the upcoming Referendum in November, Council support the Australian Republican Movement by allowing free use of Paddington Town Hall on 25 October 1999, for the purpose of holding a public debate. Under the provisions of Section 356, Council foregoes \$4,750 in income subject to the Eastern Suburbs Forum of the Australian Republican Movement meeting the expenses of \$450.

(DCS Report 21.9.99)

Carried.

4.

**HEALTH - ANIMALS - COMPANION PET PROGRAM - REVOTING MONIES (2020384)**

That arising from a report by the Acting Director of Health and Community Services dated 27 September 1999, approved be given to the revoting of the funds from the 1998/1999 Health and Community Services Budget of the unspent \$4,850 and \$9,499 of KPA0015 and KPA0014 respectively, to the 1999/2000 Budget and these monies will be used for the implementation and launch of the program.

Carried.

5.

**PUBLIC TRANSPORT - NEW SOUTHERN RAILWAY, GREEN SQUARE STATION, SECONDARY ENTRANCE - BOTANY ROAD REALIGNMENT - ACQUISITION BY STATE RAIL AUTHORITY (P59-00012)**

That approval be given to no objection being raised to the acquisition by the State Rail Authority of part of Botany Road shown as the proposed Lot 1 on the advance copy of the survey plan accompanying the Director's report and no claim for compensation being made by Council provided that Lot 1 covers the full extent of the structure, including overhangs.

(DPWS Report 27/9/99)

Carried.

6.

**COMMUNITY FACILITIES - KINGS CROSS ACTIVITY CLUB, GREENKNOWE AVENUE, NO. 19, POTTS POINT - UPGRADE AND PROVISION OF DISABLED ACCESS (2019731)**

That approval be given to the amount of \$38,500 for the upgrading and provision of disabled access to the Kings Cross Activity Club being added to the Properties Works Program (Account Code KW99038-66EO).

(DCS Report 29.9.99)

Carried.

7.

**LICENSING - REG BARTLEY OVAL, RUSHCUTTERS BAY - REQUEST BY DUNBAR ROVERS FOOTBALL CLUB FOR A REDUCTION IN RENT (5147166)**

That approval be given to the Dunbar Rovers Football Club being offered an abatement of rent of \$437.50 in connection with their licence to use Reg Bartley Oval Rushcutters Bay during the 1999 Winter Season in which five dates were washed out and the Oval unavailable due to heavy rain, subject to the Club signing a Form of Release to be prepared by Councils Legal Officer.

(DCS Report 22.9.99)

Carried.

8.

**PUBLIC RELATIONS - AUSTRALIAN NUCLEAR FREE ZONES SECRETARIAT - COUNCIL HOSTING OF NATIONAL EXECUTIVE ANNUAL GENERAL MEETING, 26 AND 27 NOVEMBER 1999 (5262801)**

That Council host the National Executive Annual General Meeting of the Australian Nuclear Free Zone Secretariat at Erskineville Town Hall on Friday evening 26 November and on Saturday 27 November from 10.00 a.m. to 4.00 p.m. involving an expenditure of approximately \$800 for catering, for which funds are available in the 1999/2000 Estimates (EBC-7CAT).

(CAM/PO Report 1.10.99)

Carried.

9.

**PARKS - JAMES HILDER RESERVE, CNR CAMPBELL STREET AND SAMUEL STREET, SURRY HILLS - UPGRADE (2004634)**

That approval be given to accept the tender submission from Pictorial Landscapes Pty Ltd (Revised) of \$146,890 for the construction works in James Hilder Reserve including a contingency sum of (10%) \$14,700, for which there are funds available in the Parks Development 1999/2000 (FWP 9091) Works Programme of \$200,000.

(A/DPWS Report 7.10.99)

Carried.

10.

**PLANNING - GREEN SQUARE STATION PLAZA - PUBLIC DOMAIN WORKS - ALLOCATION OF FUNDS (2021796)**

That arising from consideration of a joint report by the Director of Planning and Building and the Acting Director of Public Works and Services dated 7 October 1999, it be resolved that:-

- (a) Council approve the allocation of \$150,000 from its General Revenue towards the cost of providing footpath treatment and tree planting around the periphery of Green Square Station Plaza;
- (b) the above approval be subject to a further report to Council detailing the outcomes of negotiations between relevant parties involved in the plaza landscaping design, construction and funding;
- (c) pending the outcome of Part (B), that Council resolve to amend its Section 94 Contributions Plan to enable the reimbursement of such funds (over the life of the Section 94 Contributions Plan), less any funding derived from negotiation with developers in exchange for a Floor

Space Ratio bonus (where there are insufficient identified on-site public domain improvements available).

Carried.

11.

**PROPERTIES - PADDINGTON TOWN HALL - REQUEST FOR FREE USE - DR. CHARLES PERKINS MILLENNIUM FOUNDATION ABORIGINAL BALL, 31 DECEMBER 1999 (P56-01400)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the application by Dr Charles Perkins Millennium Foundation Aboriginal Ball Committee for free use of Paddington Town Hall on 31 December 1999, to conduct a New Years Eve Celebration Ball, be refused.

Carried.

12.

**PROPERTIES - PADDINGTON TOWN HALL - REQUEST FOR FREE USE - WAVERLEY WOOLLAHRA ARTS CENTRE, 18 NOVEMBER 1999 (P56-00410)**

That the application by the Waverley Woollahra Arts Centre for free use of Paddington Town Hall on 18 November 1999, be refused.

Carried.

13.

**FINANCE - GRANTS - REGIONAL SPORTS FACILITY PROGRAM - ALLOCATION OF FUNDS TO THE 2000/2001 WORKS PROGRAM (2014792)**

That approval be given to the provision of \$300,000 being made available in the 2000/2001 Works Program Budget for the construction of a Sporting and Community Amenities building at Alan Davidson Oval, Sydney Park if the Regional Sports Facility Program Grant application is successful.

(A/DPWS Report 6/10/99)

Carried.

14.

**EMERGENCY SERVICES - STATE - LOCAL CONTROLLER - SYDNEY/  
SOUTH SYDNEY DISTRICT - APPOINTMENT (E53-00003)**

That Council advise the State Emergency Service that it supports the appointment of Mr Bob Neilson as the Local Controller for the Sydney/South Sydney District for the period 1 August 1999 to 1 August 2001.

(DPWS Report 8.10.99)

Carried.

15.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - SEPTEMBER 1999  
(2021914)**

That arising from a report by the Director of Finance dated 6 October 1999, approval be given to the confirmation of the payment of the accounts totalling \$22,129,529.06 as detailed in the Summary of Warrants for the Month of September, accompanying the report.

Carried.

The Finance Committee Meeting terminated at 6.44 p.m.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

**WEDNESDAY, 13 OCTOBER 1999 AT 6.45 PM**

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

**Apologies:**

Apologies for non-attendance were received from Councillors Deftereos and Waters.

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

Items 1 and 3 - Property Matters

Item 2 - Leasing Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 13 October 1999, be received and the recommendation set out below for Items 3,. The recommendation for Items 1 to 2 set out below having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**PROPERTIES - ERSKINEVILLE ROAD, NOS. 54 - 56, ERSKINEVILLE - PROPOSED SALE (5226651)**

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 14 October 1999, in respect of the proposed sale of Nos. 54 - 56 Erskineville Road, Erskineville, be approved and adopted.

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of the words "on a Private Treaty basis" where appearing in condition (3) of the recommendation and the insertion in lieu thereof of the following words, namely, "sale by Public Auction".

Motion, as amended by consent, carried.

2.

**LEASING - ELIZABETH STREET, NO. 280 , SURRY HILLS - COUNCIL'S NEW ADMINISTRATION BUILDING - PROPOSED VARIATION OF LEASE (2020751)**

(A) That the recommendation as contained in the report by the Director of Corporate Services dated 8 September 1999, in respect of the variation of the lease at Council's new Administration Building, No. 280 Elizabeth Street, Surry Hills, be approved and adopted.

At the request of Councillor Macken, and by consent, the motion was amended by the addition of a clause (B), namely:-

(B) That the use of the current number of car spaces allocated in the existing lease is extended and documented to cover the additional one year term.

Motion, as amended by consent, carried.

3.

**PROPERTIES - DIBBS STREET, NO. 9, ALEXANDRIA - PROPOSED SALE (5064952)**

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 14 October 1999, regarding the sale of No. 9 Dibbs Street, Alexandria, be approved and adopted.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 6.51 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

13 October 1999

**PRESENT**

**Councillor Sonia Fenton (Chairperson)**

**The Mayor, Councillor Vic Smith and Councillor Sean Macken**

At the commencement of business at 6.52 pm those present were -

The Mayor, Councillor Vic Smith and Councillors:- Fenton and Macken

**Apologies:**

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

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

That the Report of the Community Services Committee of its meeting of 13 October 1999, be received and the recommendations set out below for Items 1, 2, 4, 6, and 9 to 11, inclusive, be adopted. The recommendations set

out below for Items 3, 5, 7 and 8 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**CELEBRATIONS - AGED & DISABILITY SERVICES - VOLUNTEERS - PARALYMPICS (2017954)**

That the report by the Acting Director of Health and Community Services dated 21 September 1999, concerning the recruitment of volunteers for the Paralympics, be received and noted.

Carried.

2.

**COMMITTEES - GAY AND LESBIAN COMMUNITY ADVISORY COMMITTEE - MINUTES OF MEETING - 14 SEPTEMBER 1999 (2017729)**

That the report by the Civic Affairs Manager/Public Officer dated 15 September 1999, and the accompanying minutes of the Gay and Lesbian Community Advisory Committee Meeting held on 14 September 1999, be received and noted.

Carried.

3.

**COMMUNITY SERVICES - ACTIVE AUSTRALIA DAY CELEBRATION (2020942)**

That for the reasons set out in the reports by the Director of Health and Community Services dated 6 and 15 October 1999, confirmatory approval be given by Council to support for the Active Australia Day Event held at Redfern Oval on 10 October 1999.

At the request of Councillor Macken, and by consent, the motion was amended by the addition of the words "and the in-kind costs of \$150 be absorbed into the 1999/2000 Public Works and Services Department's budget, as outlined in the beforementioned reports".

Motion, as amended by consent, carried.

4.

**PUBLIC RELATIONS - SURRY HILLS RESIDENT - PROPOSED RECOGNITION (2021908)**

That the report by the Director of Health and Community Services dated 7 October 1999, in respect of the recognition of a Surry Hills resident, be received and noted.

Carried.

5.

**WELFARE - COUNCIL'S SOCIAL PLAN - REPORT ON PROGRESS (W51-00086)**

That the report by the Director of Health and Community Services dated 7 October 1999, outlining the progress and revised timeframes for the South Sydney City Council Social Planning Project, be received and noted.

At the request of Councillor Macken, and by consent, the motion was amended by the timeframes being changed for the finalisation of the different Issue Papers, namely:-

- City wide Issue Paper to Committee - 1 December 1999;
- Culturally and Linguistically Diverse Community Issue Paper - to first Committee in 2000;
- Older persons, Children and Families and people with a Disability Issue Papers - to first Committee in 2000;
- Women and the Gay, Lesbian and Transgender Community Issue Papers - to first Committee in February 2000;
- Community Information, Art and Culture and Sports and Recreation Issue Papers - to first Committee in April 2000.

Motion, as amended by consent, carried.

6.

**COMMUNITY FACILITIES - CHILD CARE CENTRES AND OTHER FACILITIES - 1999-2000 CLOSURE DATES FOR DIRECT SERVICES (2013319)**

That for the reasons set out in the report by the Director of Health and Community Services dated 8 October 1999, approval be given to the closure of the following Child Care Centres and other facilities on the nominated days during the 1999/2000 year:-

- Alexandria Child Care Centre - from 12.30pm on 17 December 1999, from 25 December 1999 to 4 January 2000 inclusive, 26 January 2000 and 10 March 2000.
- Children's (5-12's), Youth and Arts programs - from 12.30pm on 17 December 1999, from 25 December 1999 to 3 January 2000 inclusive, 26 January 2000 and 10 March 2000.
- South Sydney Family Day Care - from 12.30pm on 17 December 1999, 26 January 2000 and 10 March 2000.

Carried.

7.

**WELFARE - SOCIAL PLAN - CONSULTATIONS WITH YOUNG PEOPLE IN SOUTH SYDNEY (W1-00086)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

That the matter be deferred to the Community Services Committee Meeting to be held 1 December 1999.

Carried.

8.

**CONFERENCES - 1999 LOCAL GOVERNMENT MULTICULTURAL FORUM, 25 OCTOBER 1999, SYDNEY, NSW - ATTENDANCE BY COUNCIL REPRESENTATIVE (2010964)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fenton:-

That approval be given to the following representatives of Council to attend the 1999 Local Government Multicultural Forum, namely:-

Councillor Jill Lay; Council's Multicultural Development Officer; a representative from the LEAPS Committee; a representative from the Planning & Building Department; the Special Events Officer and a representative from the Mayor's Unit,

-with funds to cover the registration cost being available in 1999/2000 Budget KCB009 – 77FO.

Carried.

9.

**DONATIONS - WATERLOO - REDFERN COMMUNITY DEVELOPMENT PROJECT RETURN OF FUNDS AND WATERLOO GIRLS CENTRE - REQUEST FOR DONATION (2020340/D53-00366)**

That arising from a report by the Director of Health and Community Services dated 28 September 1999, approval be given to:-

- (1) the return of a donations cheque from the UNSW Waterloo-Redfern Community Development Project for \$7,000 and the reissue of a cheque for \$2,480 to reflect a reduced donation of \$2,480 towards the project;
- (2) a donation of \$2,650 to the Waterloo Girls Centre towards art supplies, with funds to cover this expenditure to be allocated from Council's 1999/2000 Section 356 Budget.

Carried.

10.

**HEALTH - DRAFT COMPANION ANIMALS MANAGEMENT PLAN - EXHIBITION (2020384)**

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

- (1) the Draft Companion Animal Management Plan, being received and noted by Council;
- (2) the draft document be advertised and displayed for Community Consultation for 28 days.

Carried.

11.

**COMMITTEES - COMMUNITY SAFETY COMMITTEE - MINUTES OF MEETING OF 20 SEPTEMBER 1999 (2017729)**

That the report by the Civic Affairs Manager/Public Officer dated 21 September 1999, and the accompanying minutes of the Community Safety Committee held on 20 September 1999, be received and that the undermentioned recommendations of the Committee, be adopted, namely:-

- (1) That Council endorse the Committee's adoption of an edited and abridged version of the strategy section of South Sydney Safer Design Draft

Policy (copy in the relevant file) as the working document from which to develop an action plan for approval by Council;

- (2) That the Gay and Lesbian Liaison Officer be requested to comment within 10 Days on BA and DA applications referred from the Planning & Building Department to identify community safety issues;
- (3) That the Committee will develop policy regarding community safety for submission to Council. The Committee may conduct audits of buildings in the South Sydney Local Government Area after construction to assess community safety outcomes;
- (4) That the Committee review page. 97 (Safer Design) of the current DCP to consider broadening the range of strategies beyond passive surveillance, for example, link the DCP to relevant policy (Sex Ind. Policy), terrain reinforcement, real and symbolic access control, and maintaining district character.

Carried.

The Community Services Committee Meeting terminated at 7.02 p.m.

## **REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

13 October 1999

### **PRESENT**

**The Deputy Mayor, Councillor Jill Lay (Acting Chairperson)**

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

At the commencement of business at 6.36 pm, those present were -

The Deputy Mayor and Councillors - Bush, Fowler and Harcourt

### **Apology:**

An apology for non-attendance at the meeting was received from the Mayor, Councillor Vic Smith.

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 13 October 1999, be received and the recommendations set out below for

Items 1 to 3 inclusive, 6,8,12,14 and 15 be adopted. The recommendations for Items 4,5,7,10,11 and 13. having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**LITTLE DOWLING STREET, NO. 3, PADDINGTON - DEVELOPMENT APPLICATION (U98-00333)**

That the report by the Acting Director of Public Works and Services dated 28 September 1999, detailing the current situation regarding the improvement of lighting and access way through the reserve at No. 3 Little Dowling Street, Paddington, together with other related work, be received and noted.

Carried.

2.

**PLANNING - CONTROLS - DRAFT LEP & DCP FOR EXEMPT AND COMPLYING DEVELOPMENT (2015554)**

That Council resolve to:-

- (1) prepare a Draft Local Environmental Plan and Development Control Plan for Exempt and Complying Development and notify the Director General of its decision;
- (2) pending certification, exhibit the Draft Local Environmental Plan and Development Control Plan in accordance with the requirements of the Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation.

(DPB Report 13.10.99)

Carried.

3.

**PLANNING - SOUTH SYDNEY DRAFT HERITAGE CONSERVATION LOCAL ENVIRONMENTAL PLAN - SUPPLEMENTARY INFORMATION (2018117)**

(A) That Council:-

- (1) adopt the South Sydney Heritage Study;
- (2) adopt the South Sydney Draft Heritage Conservation Local Environmental Plan, subject to those amendments quoted in Part

5 of this minute and refer the document to the Secretary of Department of Urban Affairs and Planning pursuant to the section 68(4) of the Environmental Planning and Assessment Act 1979, with a request to process the plan expeditiously;

- (3) advise those persons that made submissions of Council's decision;
  - (4) resolve to prepare an Amending Heritage Local Environmental Plan in order to formally consider the incorporation of items nominated in submissions to the Draft Local Environmental Plan and those identified in recent heritage studies;
  - (5) notify the Department of Urban Affairs and Planning of Council's decision to prepare an Amending Heritage Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act.
- (B) That Little Cleveland Street and Chelsea Street, Redfern, be included in the review of the Heritage Local Environmental Plan.

(DPB Report 4.10.99)

Carried.

#### 4.

#### **OXFORD STREET, NOS. 1 - 11, PADDINGTON - PROPOSAL - EXTENSION OF SUNDAY TRADING TO 3.00 A.M. - DEVELOPMENT APPLICATION (U99-00429)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Four Pty Ltd for permission to extend Sunday trading, subject to the following conditions, namely:-
  - (1) That the hours of operation shall be restricted to between 8.00am to 3.00am Mondays to Saturdays and to between 8.00am to 1.00am on Sundays;
  - (2) That the extension of hours beyond midnight Sunday until 1.00am Monday shall be commenced within 6 months of the date of this consent and shall cease after a period of 12 months from the date of commencement. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed use(it should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period);
  - (3) That this consent shall be read in conjunction with consent U96-00508 issued on 22 January 1997 for permission to continue to

use part of the first floor as a licensed restaurant, including entertainment.

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

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

- (B) That the persons who made submissions in respect of this application be notified of Council's decision.

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

That the matter be deferred to the next Planning and Development Committee meeting to be held on 3 November 1999.

Carried.

5.

**BROADWAY, NOS. 185 - 211, ULTIMO - ERECT ADVERTISING/  
COMMERCIAL SIGNAGE - DEVELOPMENT APPLICATION (U99-00664)**

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Transcity Investment Limited, with the authority of the owners Strata Plan 54026, for permission to erect a 12.7 x 4.5 metre internally illuminated rooftop advertising sign to the eastern elevation of the building , for the following reasons, namely:-
- (1) That the proposal would cause significant adverse impacts to the Item of Environmental Heritage upon which it is proposed to be located;
  - (2) That the proposal fails to comply with the requirements of the South Sydney Development Control Plan No 7 - Guidelines for Outdoor Advertising in respect of the maximum permissible size of roof top advertising signs in the mixed use precinct;
  - (3) That the proposed signage does not relate to the building upon which it is proposed to be located and therefore fails to comply with the requirements of the South Sydney Development Control Plan No 7 - Guidelines for outdoor advertising, in respect of the requirements for signage on Items of Environmental Heritage;
  - (4) That the proposal is inappropriate in relation to the architectural character and geometry of the building upon which it is proposed

to be located;

- (5) That the proposal would fail to rationalise or reduce the number of existing signs and would contribute to visual clutter;
  - (6) 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.

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

That the matter be deferred to the next Planning and Development Committee meeting to be held on 3 November 1999.

Carried.

**6.**

**MOREHEAD STREET, NO. 7, REDFERN - ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL TERRACE - DEVELOPMENT APPLICATION (U99-00526)**

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the Development Application (including Construction Certificate approval to authorise the proposed building work) submitted by Mark Nixon and Fiona Haig (Joint Owners) for permission to make alterations and additions to the above residential terrace dwelling including attic conversion, excavation for the purposes of a new bathroom laundry, juliet balcony, off-street car space, carport and covered pergola, 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 \$140 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 the plans labelled "1500/BA1/C", dated 23 September 1999, stamped approved, and held in Council's file U99-00526, except as conditioned below;
- (4) That the door to be rehung on the existing opening at the front of the property shall be a timber framed French door;
- (5) That the carport shall be no higher 2.5 metres when measured from the paved area to the underside of the polycarbonate sheeting;
- (6) That design, installation, operation and performance of the new and alterations to existing mechanical ventilation systems shall -
  - (a) provide to each enclosure ventilated by mechanical means indoor air quality suitable for the health and safety of occupants therein;

-and the following adopted standard conditions:

- (7) Alignment Levels<sup>1016</sup>
- (8) Road Opening Permit<sup>3025</sup>
- (9) Footway Crossing<sup>3028</sup>
- (10) Obstruction of Public Way<sup>3029</sup>
- (11) Stormwater Standard<sup>4001</sup>
- (12) Clean Water Discharge<sup>4002</sup>
- (13) Details of Health Aspects<sup>7017</sup>
- (14) Ventilation<sup>7023</sup>
- (15) Noise and Vibration<sup>7026</sup>
- (16) Soil and Sediment Prosecution Note<sup>7069</sup>
- (17) Residential Building Work<sup>8503</sup>
- (18) Support for Neighbouring Buildings<sup>8506</sup>

- (19) Survey Certificate at Completion<sup>9002</sup>
- (20) Stormwater Certificate at Completion<sup>9017</sup>
- (21) Comply With BCA<sup>9104</sup>
- (22) Construction Hours<sup>9151</sup>
- (23) Works Within Boundary<sup>9152</sup>
- (24) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (25) Excavating Below Base of Footings<sup>9158</sup>
- (26) Demolition to Comply With Aust Standard<sup>9163</sup>
- (27) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (28) Commencement of Structural Works<sup>9202</sup>
- (29) Protection from Termites<sup>9204</sup>
- (30) Protection of External Walls<sup>9323</sup>
- (31) Sarking Material Flammability Index<sup>9325</sup>
- (32) Glazing Provisions<sup>9330</sup>
- (33) Stairs and Balustrades<sup>9419</sup>
- (34) Smoke alarms<sup>9523</sup>
- (35) Protection of walls and floors in wet areas<sup>9602</sup>
- (36) Clothes washing, drying and cooking facilities<sup>9604</sup>
- (37) Damp and weather proofing<sup>9605</sup>
- (38) Ceiling heights of rooms<sup>9611</sup>
- (39) Natural light and ventilation<sup>9613</sup>
- (40) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>
- (41) Sound transmission classes of walls<sup>9620</sup>
- (42) Construction of External Walls for Dampness<sup>9624</sup>

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

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

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

Carried.

7.

**MITCHELL ROAD, NOS. 2 - 16, ALEXANDRIA - UNAUTHORISED SOUND STUDIO - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00811)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay seconded by Councillor Macken:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by BIS Investments Pty Ltd for permission to refurbish the existing warehouse building including sound proofing to be used as a recording studio, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans dated 30 June 1999 numbered A02b-A06b;
  - (2) That no more than 20 people including staff shall be working on site at any one time;
  - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1000 or first installment (as applicable), can be paid to the Council;
  - (4) That the proposed hours of operation shall be limited to between 9am-5pm Monday to Friday and 9am to 3pm Saturdays;
  - (5) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 6,952	2E97003.BGY0
Open Space: New Parks	\$ 2,382	2E97009.BGY0
Accessibility And Transport	\$ 44	2E97006.BGY0
Management	<u>\$ 220</u>	2E97007.BGY0
Total	\$ 9,598	

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment;  
 and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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

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

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

#### Part B

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

To support the case for carrying out works, Council requires the submission, for formal approval, of complete construction

documentation and detailed cost estimates of the works based on established industry standards.

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

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

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

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

- (6) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (7) That all proposed work shall be wholly within the boundaries of the site;
- (8) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
  - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;

- (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (9) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (10) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (11) That 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);
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (13) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (14) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (15) That a garbage room or garbage receptacle storage area shall be constructed in accordance with the requirements of Council's Code for the construction of garbage Handling Systems;
- (16) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (17) That the proposed development shall be acoustically designed so that the noise levels are at or below 40 dB(A) during the day and 30db(A) at night;
- (18) That plans and specifications showing details of:-
  - (i) all required mechanical ventilation systems;
  - (ii) the garbage room;

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

- (19) That the developer shall be responsible for the removal of the Mitchell Road gutter crossings and reinstatement of the kerb and footpath;
- (20) 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;
- (21) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (22) That a building or part of a building shall not be occupied until a Occupation Certificate has been issued in respect of the building or part;
- (23) That all relevant sections of the BCA shall be complied with;
- (24) 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);
- (25) 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;
- (26) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (27) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;

- (28) 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;
- (29) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (30) That no structural work shall be commenced until the Construction Certificate is issued by the certifying authority;
- (31) That all internal areas shall be provided with mechanical ventilation in accordance with requirements of F4.5 of the BCA and Council's Ventilation Code;
- (32) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (33) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (34) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (35) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (36) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (37) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (38) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

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

ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

- (B) That the Council write to the applicant advising that any further building works or development carried out without first obtaining the necessary approvals of Council may result in Council commencing prosecution proceedings.
- (C) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

**8.**

**CHALMERS STREET, NOS. 168 - 180, SURRY HILLS - OFFICE FITOUT, SIGNAGE AND EXTENDED HOURS - DEVELOPMENT APPLICATION (U99-00744)**

- (A) That Council as the responsible authority grants its consent to the application submitted by the Presbyterian Church (New South Wales) Property Trust to fit out and partition the ground and upper ground floors of Nos. 168-180 Chalmers Street, Surry Hills for use as Offices and meeting rooms including external signage, subject to the following conditions, namely:-
  - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 986, and ensure that the plans are suitably endorsed. The levy, to the value of \$300, or first installment (as applicable), can be paid to the Council;
  - (3) That the development shall be generally in accordance with plans numbered BA 100 Rev A, BA 101 Rev A, WD-12 dated 6 October 1998;
  - (4) That the office use shall remain the predominate use with any other functions being ancillary to this main use;

- (5) That hours of use of the office shall be limited to 7.30am to 6.00pm Monday to Friday;
- (6) That the hours of use of the meeting rooms shall not exceed 8.30am to 9.00pm Monday to Thursday, 8.30am to 10.30pm Friday, 8.30am to 9.30pm Saturday and Sunday;
- (7) That only the meeting rooms shall be used outside the office hours stated above and the maximum number of persons on the premises at these times shall be limited to 60;

-and the following adopted standard conditions:-

- (8) 7028 - Noise
- (9) 7023 - Ventilation
- (10) 7017 - Details of Health Aspects
- (11) 2002 - Lighting on Signs
- (12) 2005 - Limits on Signage
- (13) 3029 - Obstruction of Public Way
- (14) 3032 - Delivery of Construction Materials
- (15) 6002 - Refuse Skips
- (16) 9151 - Construction Hours
- (17) 9152 - Works within Boundary

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 with respect to the proposal be advised of Council's decision.

Carried.

9.

**BOURKE STREET, NO. 484, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING TERRACE - DEVELOPMENT APPLICATION (U99-00781)**

(A) That the Council as the responsible authority grants its consent to the application submitted by D.J. and R.E Potts, for permission to reconstruct the rear balcony and awning, reinstate the front balcony, and install skylights, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the plans dated 22/7/99 and stamped "approved", except as amended by the following conditions;
- (2) That the skylight at the rear of the property shall be either removed, replaced by a non-combustible material and non-openable, or relocated to be 900mm from any property boundary prior to the issuing of a Construction Certificate;
- (3) That the original balustrade of the rear first floor balcony shall be retained;
- (4) That the front first floor balcony shall be reinstated;
- (5) That where possible, existing balustrading shall be retained;
- (6) That the replacement of any missing elements such as balustrading shall match the original detailing;

-and the following adopted standard conditions:-

- (7) 8501- Compliance with the Building Code of Australia
- (8) 9006- Structural Design Certificate
- (9) 9156- Building/ Demolition Noise Control
- (10) 9157- Maintain Existing Building in a Stable Condition
- (11) 9151- Construction Hours
- (12) 9101- Issue of Occupation Certificate
- (13) 3029- Obstruction of Public Way
- (14) 3032- Delivery of Construction Materials
- (15) 9152- Works Within Boundary
- (16) 9155- Construction Certificate Required

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 applicant be advised that the front skylight does not have development approval.
- (C) That the matter be referred to the Building Section for further action with respect to the unauthorised works.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

**BALFOUR STREET, NOS. 30 - 44, CHIPPENDALE - CONVERT WAREHOUSE TO 17 UNITS AND ERECT 8 TERRACE STYLE TOWN HOUSES (U99-00562)**

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 Kentgreen Balfour Pty Ltd for permission to construct 8 terrace style houses in the existing car park area at 30-44 Balfour Street Chippendale 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 \$18,600 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 \$8,400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$4634	2E97001.BGY0
Open Space/Townscape/Public Domain	\$23287	2E97002.BGY0
Accessibility And Transport	\$139	2E97006.BGY0
Management	<u>\$384</u>	2E97007.BGY0
Total	\$28444	
	=====	

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 98/99 (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.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried

out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

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

- (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$6924	2E97008.BGY0

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

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

where:

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

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

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

- (5) That the proposed changes to the existing warehouse building and use for residential purposes shall be deleted from the application;
- (6) That the development shall occur generally in accordance with plans numbered DA 0201A; 0301A; 0302A; 1201C; 1202C; 1203C;

1204C; 1205C; 1206A; 2201A; 2202A; 2601A; 2602A; 4601A; 0503A; 0502A; 0501A except that reference to the warehouse building shall be deleted;

- (7) That the southern wall of the warehouse building shall be retained as existing;
- (8) That a maximum of 9 parking spaces shall be provided for the overall development including one visitor space near the entrance
- (9) That any use within ground floor studio areas which falls outside the definition of home occupation shall require development consent;
- (10) That the second floor north facing balconies shall be deleted;
- (11) That planter boxes minimum of 600mm deep shall be placed along the northern edge of the north facing balconies on the third floor;
- (12) The developer shall include with the Application for a Construction Certificate, a plan detailing the Building Alignment Levels as approved by the DPWS. The developer shall apply and pay the fees for us to consider these levels;
- (13) The developer to submit with the Application for a Construction Certificate, the required fees and certified drainage plans to be considered by the DPWS. If the DPWS accepts the plans, they shall form part of any Construction Certificate.
- (14) That the storage and handling of garbage shall comply with the requirements of Council's "Waste Minimisation Fact Sheets";
- (15) That the car park being ventilated in accordance with Australian Standard 1668.1-1998 and Australian Standard 1668.2-1991;
- (16) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the BCA;
- (17) That smoke hazard management shall comply fully with the requirements of Part E.2.2 of the BCA;
- (18) That the carpark shall be separated from the residential portion of the building in accordance with the requirement of Part C of the BCA;
- (19) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the

control and guidelines on pages E30 and ES4 of South Sydney DCP 1997;

and the following standard conditions:-

- (20) 9151 - Construction Hours
- (21) 3025 - Road Opening Permit
- (22) 3028 - Footway Crossing
- (23) 1008 - Building Hoarding Permit
- (24) 3029 - Obstruction of Public Way
- (25) 3026 - Cost of Signposting
- (26) 9152 - Works within Boundary
- (27) 3027 - Consequential Roadworks
- (28) 4003 - On Site Detention - Stormwater
- (29) 7023 - Ventilation
- (30) 7018 - Contamination Assessment
- (31) 7016 - Sanitary Facilities
- (32) 7017 - Details of Health Aspects (I), (ii), (vii)
- (33) 7028 - Noise
- (34) 7069 - Soil and Sediment Prosecution Note
- (35) 9104 - Comply with BCA
- (36) 9155 - Construction Certificate Required
- (37) 9105 - Comply with the WorkCover Authority
- (38) 9001 - Survey Certificate at Set out Stage
- (39) 9006 - Structural Design Certificate
- (40) 9002 - Survey Certificate at Completion
- (41) 9013 - Drainage Details with Construction Certificate
- (42) 9016 - Stormwater Certificate on Completion

- (43) 9151 - Construction Hours
- (44) 9152 - Works within Boundary
- (45) 9156 - Building/Demolition Noise Control
- (46) 9157 - Maintain Existing Building in a Stable Condition
- (47) 9163 - Demolition to Comply with Aust Standard
- (48) 9201 - Timber Framing to Comply with Aust Standard or Certified
- (49) 9202 - Commencement of Structural Works
- (50) 9203 - Protection from Termites
- (51) 9330 - Glazing Provisions
- (52) 9307 - Protection of Openings
- (53) 9319 - Type of Construction - Type A (3)
- (54) 9311 - Doorways in fire Isolated Stairways
- (55) 9314 - Protection of Openings in Lift Shafts
- (56) 9315 - Fire Doors to Sole Occupancy Units
- (57) 9421 - Exit Doors Installed in a Path of Travel to an Exit
- (58) 9418 - Width of Stairs and Vertical Clearance
- (59) 9420 - Private Stairs and Balustrade Requirements
- (60) 9318 - Services Passing Through a Floor
- (61) 9329 - Wall and Floor Penetration Protection
- (62) 9603 - Clothes washing and drying facilities
- (63) 9606 - Damp and weather proofing
- (64) 9612 - Ceiling heights of rooms or spaces
- (65) 9616 - Mechanical ventilation to internal bathrooms and laundries
- (66) 9617 - Sound transmission classes of walls

- (67) 9619 - Sound transmission classes of floors
- (68) 9804 - Heat and Smoke Release Vents
- (69) 9615 - Mechanical Ventilation
- (70) 9501 - Portable Fire Extinguishers be Installed
- (71) 9506 - Hose Reels be Installed
- (72) 9507 - Hydrants be Installed
- (73) 9518 - Emergency Lighting
- (74) 9519 - Exit Signs
- (75) 9810 - Fire Alarms Bells
- (76) 1002 - Works on Public Way Cost
- (77) 1006 - Alteration of Public Services
- (78) 1008 - Builders Hoarding Permit
- (79) 1009 - Dedication of Roads/Splay (A 2.5 metre splay at the N/E Part of Balfour Street and Queen Street)
- (80) 1016 - Alignment Levels
- (81) 3001 - Resident Parking Access
- (82) 3025 - Road Opening Permit
- (83) 3026 - Cost of signposting
- (84) 3027 - Consequential Roadworks
- (85) 3028 - Footway Crossing
- (86) 3029 - Obstruction of Public Way
- (87) 3032 - Delivery of Construction Materials
- (88) 4001 - Stormwater Standard
- (89) 4002 - Clean Water Discharge
- (90) 4005 - Connection to council's Stormwater System
- (91) 6002 - Refuse Skips

(92) 9001 - Survey Certificate at Set Out Stage

(93) 9152 - Works Within Boundary

(94) 9154 - Work on Public Way

(95) 9156 - Building/Demolition Noise Control

(96) 5005 - Tree Preservation Order

(97) 5007 - Moving Trees

(98) 5008 - Street Trees

(99) 5010 - Aerial Bunding of Wires

(100) 5014 - Maintenance of Landscaping

(101) 5015 - Final Inspection

(102) 5001 - Landscape Plan

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

Carried.

## 11.

### **DEVELOPMENT - INSTALLATION OF AUTOMATIC PUBLIC TOILETS - DEVELOPMENT APPLICATION (U98-00295)**

That the matter be deferred for a briefing to be held on Wednesday 20 October 1999, at 5.30 p.m. at Erskineville Town Hall.

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

That the matter be deferred to the next meeting of the Planning and Development Committee to be held on 3 November 1999.

Carried.

12.

**BOTANY ROAD, NO.376, BEACONSFIELD - MOTOR CYCLE RETAIL SHOWROOM AND MOTOR CYCLE MECHANICAL REPAIRS - DEVELOPMENT APPLICATION (U99-00810)**

(A) That the Council as the responsible authority grants its consent to the Development Application submitted by Laurie and Phillip Prouting-Smith with the authority of Andrew Argyrou (owner), for permission to use the premises at No. 376 Botany Road, Beaconsfield as a motor cycle showroom and motor cycle mechanical repair workshop with operating hours 8.00a.m to 6.00p.m Mondays to Fridays and 9.00a.m to 1.00p.m Saturdays, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the submitted plan numbered DRWG No. 01 and dated July 1999;
- (2) That the hours of operation shall be 8.00a.m to 6.00p.m Monday to Friday and 9.00a.m to 1.00p.m Saturday;
- (3) That no spray painting occur without further development consent;
- (4) That the ramp in the workshop area shall be kept clear for loading and unloading;
- (5) That the area surrounding the doorway from the workshop to the showroom shall be kept clear at all times;
- (6) That no motor cycles or associated goods shall be displayed on the public footway;
- (7) That there is no testing of motor cycles in Beaconsfield Lane;
- (8) That the roller door is closed when testing or revving motor cycle engines;
- (9) That a wicket gate shall be installed in each roller door facing Beaconsfield Lane in accordance with D1.6 of the BCA;
- (10) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;

and the following adopted standard conditions:-

- (11) 7028 – Noise
- (12) 7004 - Emissions
- (13) 2001 – Separate application for signs
- (14) 3014 – Loading within site

- (15) 3015 – Loading via Beaconsfield Lane
  - (16) 3016 – Loading/Parking kept clear
  - (17) 3018 – Articulated vehicles
  - (18) 3020 – Vehicles enter/leave in forward direction
  - (19) 3023 – Vehicles awaiting repair
  - (20) 9155 – Construction Certificate required
  - (21) 9422 – Altering exit door in the direction
  - (22) 9519 – Exit signs
  - (23) 9518 – Emergency lighting
  - (24) 9505 – Portable fire extinguishers during construction
  - (25) 9506 – Hose reels be installed
  - (26) 9508 – Design of hydrants
  - (27) 7023 – Ventilation
  - (28) 7017 (ii) – Details of Health Aspects
  - (29) 7016 – Sanitary Facilities
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**13.**

**WARATAH STREET, NO.27, RUSHCUTTERS BAY - INSTALL AIR CONDITIONING UNITS ON ROOF - SECTION 96 MODIFICATION (U95-00455)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council as the responsible authority refuses the application to modify the consent granted by Council on 3 May 1996, for the erection of a five storey residential flat building to permit installation of rooftop air conditioning ducting and plant for the following reasons, namely:-
- (1) That the proposal will be visually obtrusive when viewed from surrounding apartment buildings.

- (2) That the proposal will unreasonably impact on views from No.29 Waratah Street.
  - (3) That the alternative means are available to reduce heat build up in the two top floor units or alternative air conditioning that would overcome items 1 and 2 and therefore the proposal is not in the public interest.
- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

**14.**

**CHARLES STREET, NO.13, ERSKINEVILLE - ADDITIONS TO DWELLING INCLUDING DEMOLITION - DEVELOPMENT APPLICATION (U99-00089)**

- (A) That Council, as the responsible authority, grants its deferred commencement consent pursuant to Section 80(3) of the NSW Environmental Planning and Assessment (Amendment) Act, 1997, to the Development Application submitted by Ms E M Jensen (owner) to undertake alterations and additions to the existing semi-detached dwelling, involving a first floor level rear extension, subject to the following conditions namely:-
- (1) That this consent shall not operate unless the matters listed (a) to (c) below have been addressed to the satisfaction of the Director of Planning and Building within 3 months of the date of this deferred commencement consent, namely:-
    - (a) That the proposal does not exceed a floor space ratio of 1:1;
    - (b) That the proposal does not result in direct overlooking to dwellings facing Albert Street;
    - (c) That the proposal is amended so that the front and rear building lines of the proposed first floor level match those of the adjoining dwelling to the south, being the other dwelling in the semi-detached dwelling of which the site of the proposal is part;
  - (2) That the proposed front facing window at first floor level is deleted from the proposal;
  - (3) 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;

- (4) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$800, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the proposal is generally in accordance with the approved plans unmarked, dated July 12 1999 and submitted to Council on 26 July 1999;
- (6) That stormwater generated from the proposed dwelling drains directly to Council's stormwater system;
- (7) That the proposed room at first floor level marked as 'storage' and the proposed alterations to the roof at ground floor level are deleted from the proposal;
- (8) That the proposed rear facing balcony at first floor level is amended so that the north facing edge of this balcony is set back one metre from the north facing wall at first floor level and so that screening is provided to this edge of 1.8 metres in height;
- (9) 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;
- (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 natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (12) 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;

- (13) 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;
- (14) 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;
- (15) 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);
- (16) That all proposed work shall be wholly within the boundaries of the site;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) That all 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 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;
- (20) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:-
  - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
  - (b) the name and permit number of the owner-builder who intends to do the work;

and the certifying authority shall be immediately informed in writing if:-

- (c) a contract is entered into for the work to be done by a different licensee; or
  - (d) arrangements for the doing of the work are otherwise changed;
- (21) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
  - (22) 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;
  - (23) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;
  - (24) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
  - (25) 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;
  - (26) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
  - (27) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
  - (28) That flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
  - (29) 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;
  - (30) That a Certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";

- (31) 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;
- (32) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA.

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

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

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

Carried.

15.

**BUCKLAND STREET, NOS. 92-94, ALEXANDRIA - INSTALL SPRAYBOOTH AND WELDING VENTILATION INCLUDING CHIMNEY - DEVELOPMENT APPLICATION (U99-00808)**

- (A) That the Council refuses to grant its consent under the NSW Environmental Planning and Assessment Act to the Development Application for the installation of spraybooth and welding ventilation submitted by Street Furniture International Pty Ltd (owners) for the following reason, namely:-
  - (1) That Council can not legally approve retrospective development.
- (B) That Council resolve to take no further action on this matter subject to the applicant being required to submit to Council within one month of the date of this resolution the following: -
  - (1) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system certifying its design and performance;
  - (2) That a statement from an accredited Environmental Consultant qualitatively describing all emissions from the development and assessing their impact on the Environment. This statement shall

demonstrate that the ventilation systems are able to comply with the following requirements:-

- (a) 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;
  - (b) That the use of the premises shall not give rise to:-
    - (i) transmission of 'offensive noise' to any place of different occupancy, or
    - (ii) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of 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.
    - (iii) 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).
  - (c) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an air handling system shall be installed providing positive capture and removal of the effluents. The effluent shall be discharged to an atmosphere at a point that will not create a nuisance;
  - (d) 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;
- (C) That the applicant be advised that failure to produce the information required above within the one month period will result in Council taking action to have the unauthorised ventilation shafts removed.

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

Carried.

16.

**LIVERPOOL STREET, NO.431, DARLINGHURST - PROPOSED - CHANGE OF USE FROM REAL ESTATE AGENCY TO RESTAURANT - DEVELOPMENT APPLICATION (U99-00921)**

That the Council as the responsible authority grants its consent to the application submitted by J A Pickens for permission to use the abovementioned premises as a restaurant, 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 \$525 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing a Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 986, and ensure that the plans are suitably endorsed. The levy, to the value of \$70, or first installment (as applicable), can be paid to the Council.;
- (3) 101 – Approved Plans (numbered 1,2 and 3, dated 23 August 1999);
- (4) That the hours of operation of the restaurant shall be restricted to between 7.30am to 11.00pm Mondays to Saturdays and that patrons shall be required to leave the premises no later than 10.30pm;
- (5) That deliveries to and / or waste collection from the premises shall be restricted to between 7.30am to 9.00pm Mondays to Saturdays;
- (6) That no trading shall take place on Sundays;
- (7) That patron access and egress to the restaurant shall occur via the corner doorway only and that public entry and exit via the doorway on Little West Street shall be prohibited;

- (8) That no live entertainment shall be permitted on the premises at any time;
- (9) That the restaurant shall provide not more than a maximum of 30 seats and that all seating shall be contained to the ground floor level;
- (10) That the restaurant use shall be confined to the ground floor only with ancillary restaurant use permitted on the first floor level;
- (11) That a separate application shall be submitted for any proposed signage;
- (12) That all existing signage along the awning shall be removed or painted over to match the colour scheme of the terrace;
- (13) That all existing window and door openings shall remain intact and that no additional openings are permitted to be provided within the existing facades of the terrace building;

-and the following adopted standard conditions:

- (14) 7064 – Trade Waste
- (15) 8501 – Compliance with Building Code of Australia
- (16) 9101 – Issue of Occupation Certificate
- (17) 9151 – Construction Hours
- (18) 9152 – Works within Boundaries
- (19) 9156 – Building/Demolition Noise Control
- (20) 9157 – Maintain Existing Building in a Stable Condition
- (21) 9501 – Portable Fire Extinguishers be Installed
- (22) 9502 – Portable Fire Extinguishers be Installed (cooking)
- (23) 9503 – Fire Blanket be Installed
- (24) 9518 – Emergency Lighting
- (25) 9519 – Exit Signs
- (26) 9520 – Directional Signs
- (27) 9601 – Protection of walls and floors in wet areas

- (28) 9606 – Sanitary and clothes washing facilities
- (29) 9615 – Mechanical ventilation
- (30) 9421 – Exit doors installed in a path of travel to an Exit
- (31) 7023 – Ventilation
- (32) 7020 – Fitout of Food Premises
- (33) 6011 – Garbage Room / Receptacle
- (34) 6004 – Commercial Garbage Storage
- (35) 6003 – Commercial Garbage Contract
- (36) 7017(i)(vii)(xix) – Details of Health Aspects
- (37) 7028 – Noise
- (38) That the doors opening out over the boundary shall be recessed so they do not open out over the public footway or shall be redesigned to open inward only;
- (39) That the fire place shall comply with part G2 of the BCA.

**Note:** That the applicant be advised that any requirements of Sydney Water for grease arrestors are to be complied with.

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

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

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

Carried.

At this stage the Mayor acknowledged the presence of Mr. Andrew Johnston, Manager Waste Services Branch who is leaving the Council after nine years of service. The Mayor on behalf of Council thanked him for his work for the Community and wished him well in his future job.

The Planning and Development Committee Meeting terminated at 8.00p.m.

The Council Meeting terminated at 7.16 p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**