

**243rd Meeting**

**Erskineville Town Hall  
Erskineville  
99709**

**Wednesday, 23 February 2000**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.36. pm on Wednesday, 23 February 2000.

**PRESENT**

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

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

**INDEX TO MINUTES**

<b>Subject</b>	<b>Page No.</b>
Confirmation of Minutes	63
Rescission Motion – Planning Delegation - Determination of Development Matters	63
Apology	64
Minutes by the Mayor	64
Minutes by the General Manager	65
Petitions	70
Questions Without Notice	70
Report of Finance Committee	78
Report of Community Services Committee	87
Report of Planning and Development Committee	90

**GENERAL MANAGER**

### **Confirmation of Minutes**

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 9 February 2000, be taken as read and confirmed.

At this stage the Mayor indicated that a rescission motion signed by Councillors Bush, Deftereos and Fowler had been lodged in relation to a Minute by the General Manger dated 9 February 2000, "Planning Delegation – Determination of Development Matters" where appearing on pages 8 and 9 of the Minutes.

By consent the rescission motion was dealt with at this stage.

### **ADMINISTRATION – PLANNING DELEGATION – DETERMINATION OF DEVELOPMENT MATTERS. - RESCISSION MOTION**

-

Moved by Councillors, Bush, Deftereos and Fowler.

That the Resolution of Council dated 9 February 2000, as follows, namely:-

That items (1) and (2) of Council resolution of 24 November 1999, be amended to read:-

- (1) That subject to SS 377 and 379 of the Local Government Act, 1993, Council delegate to the Planning and Development Committee authority to determine applications under the Environmental Planning and Assessment Act, 1979, where those members of the Committee present at the meeting determining the application are unanimous in respect of the determination of the application;
- (2) That Council delegate to the General Manager, under Section 377 of the Local Government Act Authority to determine Development Applications and modification applications under Section 96 of the Environmental Planning and Assessment Act, 1979, where there are submissions from no more than five separate properties and provided that three or more Councillors have not, prior to determination, requested the General Manager in writing that the matter go to committee.

- be rescinded.

The rescission motion was negatived

**GENERAL MANAGER**

The minutes were then taken as read and confirmed.

Carried.

### **Apology**

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

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

### **MINUTE BY THE MAYOR**

22 February 2000

#### **PUBLIC RELATIONS - APPRECIATION FOR CARING EFFORTS BY COUNCIL GARBAGE COLLECTORS (D51-00061)**

I have received a letter dated 24 January 2000 from Mr R. Gray, Regional Commander, Leichhardt Local Area Command, bringing to Council's attention the caring efforts of three garbage collectors, Darren Sellick, Justin Wallace and David Hayden, who without their intervention, an elderly woman Minnie Schollick, who resides at 111/23 Pymont Bridge Road, Camperdown would not have received urgent assistance.

On 31 December, 1999 whilst Police were attending 23 Pymont Bridge Road Camperdown, Mr Sellick informed Constable M. Ferguson that when collecting the garbage from this building, either him, Justin or David would check on Minnie Schollick, as she is an elderly woman who lives on her own. When checking on her this day, it was ascertained that she had fallen and was unable to get up.

Without these gentlemen regularly checking on M/s Schollick she may have laid there unable to get help for some time and the outcome could have been quite different.

The Regional Commander has asked me to convey on behalf of the NSW Police Service and the Leichhardt Local Area Command, their appreciation to Darren Sellick, Justin Wallace and David Hayden.

In passing on their appreciation, I recommend that a letter be forwarded by Council to Darren Sellick, Justin Wallace and David Hayden, expressing both Council's and my

**GENERAL MANAGER**

own personal appreciation and thanks for their caring effort in looking after the welfare of Minnie Schollick.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Fowler, the Mayor directed that the General Manager instruct Council's Media Manager to prepare a press release regarding the above matter.

## **MINUTE BY THE GENERAL MANAGER**

22 February 2000

### **GREEN SQUARE - AFFORDABLE HOUSING LAND AND ENVIRONMENT COURT JUDGMENT (2021738)**

#### **1. INTRODUCTION**

As Councillors are aware, the affordable housing provisions of LEP 1998 (Amendment No. 2) - Green Square and the Green Square Affordable Housing DCP, have been the subject of two Class 4 Appeals to the Land and Environment Court (LEC). The first appeal, by Meriton Apartments P/L, was heard during 20-22 December 1999. The second appeal, by the Housing Industry Association, has been adjourned to 1 March 2000, pending the judgment on the Meriton appeal. The Minister for Urban Affairs and Planning was the first respondent and Council was the second respondent in the appeals.

The judgment on the appeal by Meriton was handed down on Friday 18 February 2000, a copy of which is available on file. This minute outlines the main points of the judgment.

**GENERAL MANAGER**

## 2. POINTS OF CLAIM BY MERITON AND COURT FINDINGS

Meriton made a number of challenges to the validity of the affordable housing provisions of the Green Square LEP and the Affordable Housing DCP. The following points identify these challenges and summarise the LEC's findings (in italics).

- (i) The LEP is invalid because it does not conform to the objectives of the Environmental Planning and Assessment Act, 1979 (the Act) (s 5) and as a consequence, the affordable housing provisions are invalid. Because of the integral relationship between the LEP and DCP, the DCP is also invalid.

*Judgment: The affordable housing scheme contained in the LEP cannot be sustained because it does not comply with the objects of s 5 of the Act. The DCP, being dependent upon the provisions of the LEP and predicated upon the validity of the LEP, is also invalid.*

- (ii) The challenged provisions are inconsistent with s 80, s 80A (which enable a consent authority to impose conditions upon a development consent) and s 94 of the Act because they seek to provide a source of power which circumvents those sections of the Act.

*Judgment: The challenged provisions require the applicant to make contributions for the purpose of achieving a social objective, namely to assist in the provision of housing for low income families, which is a purpose not contemplated by s 94. S 94 provides the exclusive power for a council to impose a contribution as a condition of development consent, and s80 cannot be utilised to circumvent the requirements of s 94. The challenged provisions are invalid.*

- (iii) The affordable housing contribution required of most development in Green Square imposes a tax inconsistent with the purposes of the Act.

*Judgment: The submission that the challenged provisions constitute a tax is rejected. The contribution required is not a compulsory extraction of money by a public authority for public purposes. The affordable housing provisions do not necessarily involve compulsion since the challenged provisions may only apply if application is made for development in Green Square. An applicant who makes the contribution satisfies a possible requirement for development consent in return for the contribution.*

- (iv) The challenged provisions are designed to satisfy the pre-existing demand for affordable housing, a demand created otherwise than by the proposed development, and do not reasonably relate to any development in Green Square.

**GENERAL MANAGER**

In the absence of compensation payable in return for affordable housing contributions, the challenged provisions constitute an unlawful interference with the private and proprietary rights of owners of land in Green Square.

Judgment: Whilst the challenged provisions do not constitute a tax, they impose a financial burden of a kind not envisaged by the Act. The Act contemplates contributions of a kind referred to in s 94, namely a quantifiable contribution confined to the amelioration of the impact of development. The challenged provisions would permit a council to require the applicant, as a condition of development consent, to surrender indefinitely its entitlement to use a portion of its property or to assign such or pay a monetary contribution without receiving any compensation. Such contribution is not required to be applied for a consequence of the development but instead is to be applied towards affordable housing, the need for which does not necessarily arise from the development. The conditions thus envisaged constitute an unauthorised interference with proprietary rights.

- (v) Issue of severability, or whether the whole or only part or the LEP is invalid.

Judgment: The challenged provisions are inextricably connected with the remainder of the LEP such that the residue of the LEP after the excision of the invalid provisions would be ineffectual for any purpose.

### **3. IMPLICATIONS OF THE COURT'S DECISION**

The implications of the Court's decision and the way forward are still being assessed by Council officers. Discussions are to take place with the Department of Urban Affairs and Planning and the South Sydney Development Corporation, as to the preparation of a new Green Square LEP and the means by which affordable housing may be achieved within Green Square.

In the meantime, the zoning of lands which were covered by the Green Square LEP, has now reverted back to the previous zoning under the environmental planning instruments which were in place prior to the gazettal of that plan. These instruments comprise LEP 114 (gazetted 19 August 1994) and the City of Sydney Planning Scheme 1971. Development on the affected lands can only proceed in accordance with these instruments, which in most part comprises industrial uses and related permissible uses.

Advice from Council's solicitors is being sought with respect to the status of certain DAs given consent under the revoked Green Square LEP and adopted Masterplans.

**GENERAL MANAGER**

Letters advising the outcomes of the court case are to be sent to all landowners within the Green Square area. In addition, a newspaper notice will be published in the local papers and the Sydney Morning Herald.

In light of the Court's decision it is also considered necessary to repeal DCP 1997 : Urban Design - Green Square Amendment - Stage 1, since it can only operate under the provision of the Green Square LEP. A recommendation to this effect is included below.

#### **4. RECOMMENDATION**

- (A) That Councillors receive and note the information contained in this minute.
- (B) That in accordance with Section 21 of the Environmental Planning and Assessment Regulations, a public notice be placed in the local newspapers advising of Council's intention to repeal DCP 1997: Urban Design - Green Square Amendment - Stage 1, as a consequence of the Court's decision arising from the challenge to the affordable housing provisions of the Green Square LEP.

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

Moved by Councillor Lay, seconded by Councillor Macken:-

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

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

- (C) That a briefing be held before the next Planning and Development Committee Meeting or as practically possible in order for the implication for Council now having to access any current or future Development Applications on the pre-existing LEP's.

Motion, as amended by consent, carried.

**GENERAL MANAGER**

**MINUTE BY THE GENERAL MANAGER**

3 February 2000

**PUBLIC RELATIONS - CIVIC RECEPTION - MAYORAL FAREWELL DINNER**  
**(2004235)**

(The Mayor declared an interest in the Item and did not take part in discussions or voting).

I have been asked by the Deputy Mayor, Cr Jill Lay and Councillors Bush, Deftereos, Fenton, Fowler, Harcourt, Macken and Waters to arrange a farewell dinner for the Mayor, Cr Vic Smith.

Council's standard protocol has been to mark the retirement of significant people involved in the South Sydney area including community leaders eg Margaret Barry and Loretta Dunn and heads of department eg Kevin Houlihan, Garry Brooks and Geoff Lewis. Council's only Mayor to date would ideally fit this category.

It is proposed to hold a Mayoral Farewell Dinner at Paddington Town Hall on Saturday, 3 June 2000. It is expected four hundred people will attend.

Funds for the Mayoral Farewell Dinner would need to be added to the 99/00 Forward Estimates.

**RECOMMENDATION:**

That Council approve the holding of a farewell dinner for the Mayor, Cr Vic Smith on Saturday, 3 June 2000 at Paddington Town Hall and that funds equivalent on a pro rata basis to previous farewell dinners be voted and added to the 99/00 Forward Estimates.

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

**Note:** The Deputy Mayor, Councillor Lay was in the Chair during discussion and voting on this matter.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

**GENERAL MANAGER**

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

Carried.

At the request of Councillor Deftereos, the Deputy Mayor requested that a report be submitted to the Finance Committee on the cost of the function.

## PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 12 signatures appended from residents of Springfield Avenue, objecting to the proposed development at No.10 Earl Street, Potts Point.

Received.

## QUESTIONS WITHOUT NOTICE

1. **PLANNING – BUILDING ENERGY EFFICIENCY – COMMERCIAL OFFICE SPACE – ASSESSMENT OF COUNCIL BUILDINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (P54-00140)**

### **Question:**

SEDA has recently developed a 5 star energy efficiency system for assessing commercial office space.

Can Council Officers conduct a self-assessment of all our office space, in particular, our Elizabeth Street premises? I've attached the CD ROM and guidelines.

### **Answer by the Mayor:**

I will have the Director of Health and Community Services and the Director of Planning and Building have a response prepared for the Councillors Information Service.

**GENERAL MANAGER**

2.

**DONATIONS – DONATION COMMITTEE – CHANGE OF POLICY -  
QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT  
(D53-00003)**

**Question:**

Last Year Council amended its Donation Committee Policy to ensure a fairer distribution of funds. Some applications still come in after the formal application period has closed.

In the interests of fairness and complete records, please would Officers processing late applications ask applicants to complete the usual donations application form and check the donation record of the organisation concerned?

**Answer by the Mayor:**

As that would appear to be a change of policy, can I ask the Director of Health and Community Services to have a report prepared for next week's Committee.

3.

**PARKS – CENTENNIAL AND MOORE PARK TRUST – USE OF KIPPAX  
PLAYING FIELDS FOR SPECIAL EVENTS AS CAR PARK - QUESTION  
WITHOUT NOTICE BY COUNCILLOR DEFTEREOS  
(P52-00071)**

**Question:**

Residents have raised the question why the Centennial and Moore Park Trust are continuing to use Kippax Fields (north-east section of Moore Park) as a 'special events car park' now that the Eastern Distributor has been completed.

Can Council write to the Trust once again to request that this area cease to be used as a car park for 'special events'?

**Answer by the Mayor:**

Yes. I will ask the General Manager to write to the Director of the Centennial Park and Moore Park Trust for you.

4.

**DEVELOPMENT – EXHIBITION OF DRAFT BROTHEL POLICY – ADVISE TO NEIGHBOURING COUNCILS OF THE POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (P52-00071)**

**Question:**

Can Council as a matter of urgency and courtesy write to all the adjoining neighbouring Councils advising them that Council's Brothel Policy is on exhibition for public comment?

**Answer by the Mayor:**

The Lord Mayor of Sydney already knows, but we can send it to those Councils and one to the Local Government and Shires Association.

5.

**MEETINGS – COMMUNITY CONSULTATION MEETINGS – RESCHEDULE OF NOVEMBER 1999, NORTH WARD MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2022491)**

**Question:**

The North Ward Consultative Meeting scheduled for November 1999 was canceled. Has another date been set?

**Answer by the Mayor:**

No.

6.

**ADMINISTRATION – MANAGEMENT CONTROL – REVIEW OF COUNCIL'S STRUCTURE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2009377)**

**Question:**

What is the process for communication and consultation with regards to consultants engaged to review the structure of Council? Could this information be circulated to all Councillors tomorrow?

**Answer by the Mayor:**

I will ask the General Manager to have that information circulated to all Councillors tomorrow.

7.

**CONFERENCES – COMMITTEES AND EXTERNAL MEETINGS – ATTENDANCE OF COUNCIL STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2017187)****Question:**

Could the General Manager furnish a report on what external committees or meetings are attended by Council's staff and could it explain what is the purpose of each committee or meeting?

**Answer by the Mayor:**

I will ask the General Manager to provide that information in the Councillors Information Service.

8.

**ADMINISTRATION – AMALGAMATION OF COUNCILS – EXTENSION OF AREA TO TAKE IN SYDNEY CITY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2021730)****Question:**

Could the General Manager explain the situation regarding the rumoured negotiations for a proposed amalgamation of Botany, Rockdale and South Sydney Councils, and also, I would like to know whether there has been any approach by Officers of the Sydney City Council regarding the expansion of the Sydney City through South Sydney to the east as proposed by Lord Mayor Sartor in the media?

**Answer by the Mayor:**

Don't believe everything you read in the media. The answer to both questions is no. There has been no discussion to my knowledge with Botany or Rockdale about amalgamations and certainly I'm still waiting for the call from the Lord Mayor.

**GENERAL MANAGER**

9.

**ELECTIONS – COUNCIL ELECTION 2000 – CHANGE OF DATE -  
QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2012534)****Question:**

Could Councillors be kept up to date via the Councillors Information Service of any news about the rumoured changes of 10 June date for our Council elections?

**Answer by the Mayor:**

We won't have to put it in the Councillors Information Service because when the Minister makes the announcement, I am sure it will be put in the daily press.

10.

**CLEANING – ABANDONED VEHICLES – REPORT TO COUNCIL -  
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017302)****Question:**

Can a report come to Council which investigates the tendering out of the notification and collection of dumped, unregistered cars?

**Answer by the Mayor:**

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

11.

**SPORTS FACILITIES – SKATEBOARD RAMP AT WATERLOO OVAL –  
ROBBERIES AND ASSAULT TO USERS OF RAMP - QUESTION WITHOUT  
NOTICE BY COUNCILLOR BUSH (2009999)****Question:**

Last Friday there was a devastating assault and robbery on a youth by Aboriginal teenagers at the Waterloo skateboard ramp. My enquiries have established that this is a common occurrence. The victims are reluctant to report these assaults for fear of retribution.

Can Council's Ordinance Officers put the skateboard ramps on their rounds?  
Are there other steps Council can take?

**GENERAL MANAGER**

**Answer by the Mayor:**

These matters you are raising are Police matters, not one for Council's Ordinance Inspectors. If this is occurring on a regular basis, I will discuss the matter with Superintendent Parsons, the Local Area Commander, but no doubt I will ask him to contact you for evidence of the reoccurrence of these bashings at the skateboard ramp.

12.

**PROPERTIES – WATERLOO SKATEBOARD RAMP – SIGNAGE RE PROTECTIVE GEAR - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2018931)****Question:**

Signs indicating the need for protective head and limb equipment should be erected at the Waterloo Skateboard ramp.

**Answer by the Mayor:**

I will ask the Acting Director of Public Works and Services to raise this matter with the Co-ordinator of the South Sydney Youth Services.

13.

**PLANNING – GREEN SQUARE MASTER PLAN – SPOT REZONING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016145)****Question:**

Can the Director of Planning and Building investigate the option of spot rezoning being considered of land in the Green Square Master Plan area and Council's former L.E.P. and the Green Square L.E.P. where land owners are prepared to indicate they will accept the Section 94 affordable housing policies, or as an alternative, prepare a L.E.P. for Green Square excluding the former A.C.I. site?

**Answer by the Director of Planning and Building:**

I will take that on notice and give some consideration to it and have some discussions with the Department of Urban Affairs and Planning.

14.

**ELECTIONS – GAZZETTAL OF COUNCIL ELECTION DATE BY MINISTER FOR LOCAL GOVERNMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2012534)**

**Question:**

Does the date of the Council Election require gazettal by the Minister for Local Government or will it be notified otherwise?

**Answer by the Mayor:**

I think it will be notified in the press the day of the announcement, I don't know that it would have to be gazetted. I will ask the General Manager to speak to the Director General of the Department to ascertain the response to your question.

15.

**CLEANSING – MARSHALL STREET AND SOUTH DOWLING STREET, SURRY HILLS – FLUSHING OF STREET DUE TO DOG FOULING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (C56-00003)**

**Question:**

There are continuing concerns of dogs fouling the streets between Marshall Street and South Dowling Street, Surry Hills. Can Council's Cleansing staff use the new small sweeping machines and possible flushing of these streets to placate residents' concerns of public health?

**Comment by Councillor Harcourt:**

There is a problem with that because most of the droppings are around the base of trees. I don't think using a machine would really help the matter at all.

**Comment by Councillor Lay:**

I would be concerned if we were looking at flushing dog faeces because there is a huge problem with Sydney's storm water as it is.

**Answer by the Mayor:**

I will ask the Director of Health and Community Services to prepare a response for you in the Councillors Information Service.

**GENERAL MANAGER**

16.

**CONFERENCES – SOUTH SYDNEY TRAFFIC COMMITTEE – AGENDA ITEMS BE SENT TO PLANNING AND DEVELOPMENT COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2017554)**

**Question:**

There are a number of items on the Traffic Committee that have been noted by residents and others that directly affect planning such as the continued use of Moore Park as a parking area or changes to the hourly rates. While I have great faith in the professionalism and discretion of Council Officers, as the Traffic Committee is Wednesday morning, would it not be more appropriate for some of these items, at the discretion of Council Officers, to come to the Planning and Development Committee?

Therefore, I would like to take a letter to Council from the Local State Member (for Bligh) regarding these matters, as well as those noted by Councillor Deftereos.

**Answer by Councillor Lay:**

In terms of changing to precinct parking, there are no changes to that parking without consultation with the residents in terms of resident parking schemes going in and modification to hours of parking. It never occurs without a letter drop and the responses coming back. I am happy to sit down to discuss types of items that you bring forward. The Local Member has a competent and diligent representative on that Committee who is aware of every item.

**Answer by the Mayor:**

Can I ask that this letter be referred to the Traffic Committee because the Local Member has concerns about the apparent lack of community consultation over several proposals before the Traffic Committee and urge it to ensure appropriate consultation as a vital component of all traffic changes.

17.

**TRAFFIC – SOUTH SYDNEY TRAFFIC COMMITTEE – AGENDA CIRCULATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2017554)**

**Question:**

Can the agenda for the Traffic Committee be circulated prior to its meeting?

**Answer by the Mayor:**

I thought they were, but we will have them circulated.

**GENERAL MANAGER**

## REPORT OF THE FINANCE COMMITTEE

16 February 2000

### PRESENT

**Councillor Sean Macken (Chairperson)**

**Councillors – Margaret Deftereos, Sonia Fenton, Greg Waters**

At the commencement of business at 6.31 pm those present were:-

Councillors – Deftereos, Fenton, Macken and Waters

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

That the Report of the Finance Committee of its meeting of 16 February 2000, be received and the recommendations set out below for Items 1 and 2, 4 to 8, inclusive, 10 to 16 inclusive be adopted. The recommendations set out below for Items 3,9,17 and 18 having been dealt with as shown immediately following such Items.

Carried.

**Note: The Deputy Mayor Councillor Jill Lay was in the chair during discussion and voting on Item No.9.**

The Committee **recommended** the following:-

1.

#### **FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 31 DECEMBER 1999 (A52-00240)**

That the report by the Acting Director of Finance dated 24 January 2000, certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

**GENERAL MANAGER**

## 2.

**WELFARE – COUNCIL'S SOCIAL PLANNING DOCUMENTS - FEES FOR SALE - ESTABLISHMENT (W51-00086)**

That arising from the report by the Director of Health and Community Services dated 1 February 2000 Council adopt the following fees for social planning documents produced in 1999 and 2000:

- (1) 1986-1996 South Sydney Community Profile:

\$50.00 for non-resident and for-profit organisations

\$25.00 for residents and non-profit organisations

- (2) 1996 Profile of Culturally and Linguistically Diverse Communities in South Sydney;

\$20.00 for non-residents and for-profit organisations

\$10.00 for residents and non-profit organisations

- (3) The South Sydney Social Issues Paper 1999;

\$20.00 for non-residents and for-profit organisations

\$10.00 for residents and non-profit organisations

- (4) The South Sydney Youth Issues Paper 1999 and other subsequent Social Issues Papers: Children and Families, Older Persons, People with Disabilities, Gay, Lesbian and Transgender Communities, Aboriginal and Torres Strait Islander Communities, Women, Social Housing, Art and Culture, Sport and Recreation and Community Information:

\$50.00 for non-resident and for-profit organisations

\$25.00 for residents and non-profit organisations

**Note: Summary versions of these papers will be made available free of charge.**

- (5) 1999 Consultations with the South Sydney Aboriginal Community:

\$10.00 for residents and non-profit organisations

\$20.00 for non-residents and profit organisations

- (6) 1999 Consultations with Culturally and Linguistically Diverse Communities in South Sydney:

\$10.00 for residents and non-profit organisations

\$20.00 for non-residents and profit organisations

**GENERAL MANAGER**

-and that the proposed fees and charges be advertised in the local press and placed on public exhibition, prior to inclusion in Council's current fees and charges.

Carried.

**3.**

**ADMINISTRATION – PARKING METER MECHANIC – APPOINTMENT  
(206514)**

- (1) That approval be given for the appointment of a Parking Meter Mechanic following notification of the (Supervising Parking Meter Mechanics imminent retirement) (Grade 7 Entry) and an that amount of \$10,000 be added to the 1999/2000 Budget.

(A/DCS Report 1.2.00)

At the request of Councillor Macken, and by consent, the motion was amended by the addition of a clause (2) to the recommendation, namely:-

- (2) That the position be advertised within Council and externally of Council's Services.

Motion, as amended by consent, carried.

**4.**

**PUBLICATIONS – COUNCIL'S NEW COMMUNITY INFORMATION  
DATABASE - FEES FOR SALE - ESTABLISHMENT (P58-00113)**

That arising from a report by the Director of Health and Community Services dated 1 February 2000 Council adopt the following fees for disks and mailing lists prepared from the LINC System:-

- Disk Product: \$20.00 per disk for residents and non-profit organisations \$100.00 per disk for non-residents and for profit organisations
- Mailing Lists: \$800.00 for a full listing  
\$600.00 for a partial or customised version

-and that these fees be advertised in the local press, and placed on public

**GENERAL MANAGER**

exhibition prior to inclusion in Council's current fees and charges.

Carried.

5.

**PROPERTIES - KING STREET, NOS. 218 – 222, NEWTOWN - BURLAND HALL - REFURBISHMENT - CONTRACT WORKS - REFUNDING OF CONTRACTOR (2016931)**

That approval be given to revote \$30,000 from previously unexpended funds, Property Reserve (Account Code BWP 6021,66 EO) for final payments due to the Contractor responsible for refurbishment of Burland Hall, Nos. 218-222, King Street, Newtown.

(A/DCS Report 4.2.00)

Carried.

6.

**PARKING - METERS – INCOME SHORTFALL (2012954)**

That the report by the Acting Director of Corporate Services dated 8 February 2000, and the analysis of the Parking Meter Income Shortfall, be received and noted.

Carried.

7.

**PROPERTIES - ELIZABETH BAY ROAD, NOS. 1-7, KINGS CROSS - KINGS CROSS POLICE STATION - REFURBISHMENT – REVOTING OF ADDITIONAL FUNDS (2020389)**

That approval be given to revote an additional \$347,739 from previously unexpended funds of \$706,597 in the Property Reserve (Account Code BW98003, 66EO), for final payments due to the Contractor responsible for refurbishment of Kings Cross Police Station, Nos. 1-7 Elizabeth Bay, Road, Kings Cross.

(A/DCS Report 9.2.00)

Carried.

8.

**FINANCE - ACCOUNTS – SCHEDULE OF PAYMENTS – JANUARY 2000  
(2022601)**

That arising from a report by the Director of Finance dated 1 February 2000, approval be given to the confirmation of the payment of the accounts totalling \$16,781,045.09 as detailed in the summary of Warrants for the month of January, accompanying the report.

Carried.

9.

**PROFESSIONAL SERVICES – COUNCIL'S MEDICAL OFFICER -  
CONTRACT OF EMPLOYMENT – VARIATION (2002087)**

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

That arising from a report by the Director of Organisational Development dated 9 February 2000, approval be given to the creation of a new 5 year performance based contract for Council's Medical Officer.

It was moved by Councillor Lay, seconded by Councillor Macken, that the motion be 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 of the contract variation to Council's Medical Officer be deferred until the review of Council's structure, which is currently taking place, is finalised.

Amendment carried.

It was moved by Councillor Bush, seconded by Councillor Deftereos that the matter be approved as recommended in the report by the Director of Organisational Development.

Amendment negatived.

Motion, as amended by Councillor Lay, carried.

10.

**DONATIONS – DEPARTMENT FOR WOMEN – INTERNATIONAL WOMEN’S DAY - PICNIC IN THE PARK, ALEXANDRIA PARK, 10 MARCH 2000 (2012703)**

That arising from the report by the Director of Health and Community Services dated 10 February 2000, approval be given to a donation of \$420 (the Development Application fees) towards the Department of Women’s “Picnic in the Park” to be held at Alexandria Park on Friday 10 March 2000 in celebration of International Women’s Day, with funds to cover this expenditure to be allocated from the 1999/2000 Budget, Section 356 of the Local Government Act 1993.

Carried.

11.

**MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT – OCTOBER TO DECEMBER 1999 (M56-00008)**

That arising from a report by the Director of Health and Community Services dated 10 February 2000, confirmatory approval be given to the motor vehicles’ use costs as listed in the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act (1993).

Carried.

12.

**PARKS – SYDNEY PARK - UPGRADING - LAKES - STAGE 1 - CONSTRUCTION - ACCEPTANCE OF TENDER (2018140)**

(1) That arising from consideration of a report by the Director of Public Works and Services dated 10 February 2000, approval be given to accept the tender submission from Haslin Construction Pty Ltd for \$1,733,905 to construct Sydney Park - Lakes- Stage 1 and in addition to the contract sum allow a contingency sum of 15% \$260,000.

(2) Funds for this work can be provided on the following basis;

(a) 1999/2000 Works program FWP 9051 – Sydney Park – Lakes – Stage 1 \$1,000,000 (this expenditure will occur in 1999/2000)

(b) 2000/2001 Draft Works Programme - 90% Section 94 contributions - \$1,000,000 (Sydney Park- Lakes)

Carried.

**GENERAL MANAGER**

13.

**LEASING – THOMSON LANE, REAR OF NOS. 217 – 253 FORBES STREET AND NOS. 2-40 THOMSON STREET, DARLINGHURST –PROPOSED LEASE OF PART (2021782)**

That the matter be deferred for three months to allow for a further submission from the residents in respect of the retention of the gates at Thomson Lane, Darlinghurst.

Carried.

14.

**FINANCE – ACCOUNTS – INVESTMENTS – MONTHLY REPORT – PERIOD ENDING 28 JANUARY 2000 (2015594)**

That the Investment Report by the Director of Finance dated 10 February 2000, be received and noted.

Carried.

15.

**PERSONNEL - TRAINING - SPECIAL TRAINER TRAINING - CIVIL CONSTRUCTION CERTIFICATE III – ADELAIDE, SOUTH AUSTRALIA – ATTENDANCE BY COUNCIL'S REPRESENTATIVE (2021150)**

That arising from consideration of a joint report by the Director of Public Works and Services and the Director of Organisational Development dated 11 February, 2000, approval be given to:-

- (a) Mr Michael Huskell (Road Opening Inspector, Maintenance Branch, Public Works and Services Department) to attend the Civil Skills Centre's training program, the Civil Construction Certificate 111, in Adelaide, for a two-week period on dates to be fixed at a cost of \$2,200 for air fares and accommodation and \$50 per day subsistence costs;
- (b) Mr Huskell being granted paid leave of absence for the period of the training. Funds for the training are available from the

Organisational Development Departmental Budget, under Account Code HTA66AO.

Carried.

**GENERAL MANAGER**

16.

**FINANCE - SOLANDER PARK, ERSKINEVILLE - DESIGN AND CONSTRUCTION OF STORMWATER RETENTION, REUSE AND IRRIGATION SYSTEM - SQIRTS - ACCEPTANCE OF TENDER (2017114)**

That Council accept the Tender price submitted by Envirocivil NSW Pty Ltd. for the amount of \$289,105 to design and construct the Retention, Reuse and Irrigation System for SQIRTS at Solander Park, Erskineville. Funds are available in the 1999/2000 Engineering Works Program under EPA Stormwater Trust Grants: Solander Park drainage (CWM 2805).

(DPWS Report 11.2.00)

Carried.

17.

**CONFERENCES - WASTE EDUCATE 2000, NATIONAL CONFERENCE, MELBOURNE, VICTORIA, 1-3 MARCH 2000 - ATTENDANCE BY COUNCIL REPRESENTATIVES (2013513)**

- (1) That approval be given to the attendance of the Community Gardens (Waste Education) Officer at the Waste Educate 2000 Conference in Melbourne from 1-3 March, 2000 and that registration fees, airfare, accommodation and out of pocket expenses for conveyance and subsistence in travelling estimated at \$936 (includes discounted airfare) be borne by Council, for which funds are available in the 1999/2000 Budget. (DHB 77WO).

(DPWS Report 15.2.00)

At the request of Councillor Lay, and by consent the motion, was amended by the addition of a Clause (2) to the recommendation namely:-

- (2) That approval be given to any interested Councillors attending the above conference

Motion, as amended by consent, carried.

18.

**STREETS - FURNITURE - AUTOMATIC PUBLIC TOILETS - INSTALLATION - PROPOSED LOCATIONS OF (2014501)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

**GENERAL MANAGER**

That arising from consideration of a report by the Director of Planning and Building dated 6 October 1999, and its adjoining report by Council's Consultant Planner (Item No. 3 of Planning and Building Committee of 3 November 1999), the Council as the responsible authority:-

- (1) Refuses its consent to the following public toilet locations shown on the unnumbered, undated drawings titled 'APT 3008 & APT 4'.
  - (a) Darlinghurst - on the footway at the intersection of Darlinghurst Road, Victoria, Craigend and William Streets;
  - (b) Darlinghurst/Taylor Square - on the footway at the NE corner of Bourke and Oxford Street, and
- (2) Grant consent to the following public toilets locations shown on the unnumbered, undated drawings titled 'APT No. 1 APT 3':
  - (a) Potts Point/Kings Cross - on the footway at the SE corner of Darlinghurst Road and Roslyn Street;
  - (b) Woolloomooloo - on the footway of the NE corner of William and Forbes Street, subject to positioning at and parallel to William Street boundary line.
- (3) Subject to availability of underground services re-exhibit and re advertise for public comments on Automatic Public Toilets new sites at the following possible sites:
  - Victoria Street outside Kings Cross Railway Station
  - Riley Street and Burton Street
  - Brown Street and King Street, Newtown with the provision of footway widening (Blister)
  - In the vicinity of Bourke Street or Forbes Street (as the master plan being prepared for Taylor Square intends to reduce the street clutter created by such structure)
  - William Street (South side) at Riley Street closure
  - Oxford Street (South side) at Elizabeth or Newcombe Street
  - Victoria Park opposite Cleveland Street.
  - Shannon Reserve
  - In any other site that is considered suitable
- (4) An automatic Public Toilet for Springfield Mall to be considered as part of the community consultation process being undertaken in March – May 2000 for the redevelopment of Springfield Mall and surrounding pedestrian precinct.

**GENERAL MANAGER**

(DPWS Report 16.2.00)

Carried.

The Finance Committee Meeting terminated at 7.10 p.m.

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

16 February 2000

### **PRESENT**

**Councillor Sonia Fenton (Chairperson)**

**Councillors – Margaret Deftereos, Sean Macken, and Greg Waters**

At the commencement of business at 7.12 pm those present were -

Councillors:- Deftereos, Fenton, Macken and Waters

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

That the Report of the Community Services Committee of its meeting of 16 February 2000, be received and the recommendations set out below for Items 1, 4 and 5, be adopted. The recommendations set out below for Items 2 and 3 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

**1.**

### **PUBLIC RELATIONS - GREENHOUSE EFFECT POLICY STATEMENT – REVIEW – FUTURE DIRECTIONS (5256737)**

That arising from a report by the Director of Health and Community Services dated 9 February 2000, approval be given to:-

**GENERAL MANAGER**

- (1) the report being received and noted;
- (2) retiring the greenhouse effect policy statement as an active strategy;
- (3) submitting a further report to Council detailing the most appropriate strategy to reduce greenhouse gas emissions.

Carried.

2.

**COMMUNITY SERVICES – NON ENGLISH SPEAKING BACKGROUND  
COMMUNITY PARTICIPATION PROJECT – WORKSHOPS – ENGAGEMENT  
OF CONSULTANT (2022568)**

That arising from a report by the Director of Health and Community Services, dated 11 February 2000, approval be given to run the NESB Participation Project which will provide education about Local Government and the forthcoming local government elections with five groups from different culturally and linguistically diverse backgrounds, through a series of half-day workshops at Erskineville Town Hall, with funds to cover this expenditure available in 1999/2000 Budget KW99128.

It was moved as an amendment by Councillor Bush, seconded by Councillor Deftereos, that the matter be deferred for a further report to be submitted excluding political references in the literature.

After discussion on the matter, it was moved by Councillor Macken, seconded by Councillor Lay, that the motion be put.

Motion be put, carried

Amendment negatived.

At the request of Councillor Deftereos, and by consent the motion be amended by the addition of the amount of \$4,500, which is the cost of the workshops, to the recommendation.

Motion, as amended by consent, carried.

3.

**PROPERTIES - WILSON BROTHERS AND YELLOWMUNDEE PARK SITE – R.A.I.A. 2000 INTERNATIONAL CONVENTION LEGACY PROJECT - NOMINATION (2019739)**

That arising from a joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 8 February 2000, it be resolved that:-

- (1) Council submit a proposal to the Royal Australian Institute of Architects to participate in the Institute's Sydney Convention 2000 Legacy Projects, nominating the Wilson Brothers/Yellowmundee Park site;
- (2) \$15,000 for this project be allocated from the 1999/2000 Budget FWP 2006;
- (3) Project management and staff resource allocation is provided by the Health and Community Services Department and the Public Works and Services Department.

It was moved by the Mayor, seconded by Councillor Bush, that a clause (4) be added to the recommendation, namely:-

- (4) That the General Manager submit a report for the Councillors Information Service regarding the Consultants who are working with the Aboriginal Housing Company and on the Wilson Brothers and Yellowmundee site as to whether there is a conflict of interest.

Motion, as amended by consent, carried.

4.

**FINANCE – GRANTS – ALEXANDRA CANAL CATCHMENT LIAISON OFFICER PROJECT – OFFER OF GRANT – CONTINUANCE OF PROJECT (2013717)**

That arising from a report by the Director of Health and Community Services dated 11 February 2000, approval be given to the continuance of the Alexandra Canal Catchment Liaison Officer Project and commitment of an amount of \$55,811.95 in the 2000/2001 Budget as Council's contribution to the program as required under the terms of the 1998/1999 Grant offer.

Carried.

**GENERAL MANAGER**

5.

**PUBLIC RELATIONS - LIBRARIES MANAGEMENT PLAN - LIBRARY OPENING HOURS - EXTENSION (2006604)**

That arising from consideration of a report by the Director of Health and Community Services dated 10 February 2000, approval be given to extend the library opening hours by 18 hours per week by utilising casual staff as a short-term solution, and to provide funds of \$45,972 per annum to meet the cost of employing casuals to staff the extra hours.

Carried.

At the request of Councillor Fenton, the Mayor directed that all Council staff be congratulated on the recommendations in respect of Items 3, 4 and 5 of this Committee.

The Community Services Committee Meeting terminated at 7.29 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

16 February 2000

**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:-

**GENERAL MANAGER**

That the Report of the Planning and Development Committee of its meeting of 16 February 2000, be received and the recommendations set out below for Items 1 to 6 inclusive, 11 and 17 inclusive, be adopted. The recommendations for Items 7 to 10 inclusive, 12 to 16 inclusive, 18 to 19 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

**1.  
WILSON STREET, NO.452, DARLINGTON – DEMOLISH CARPORT AND  
ERECT TWO STOREY TERRACE WITH ATTIC – DEVELOPMENT  
APPLICATION (U99-00705)**

**NOTE:** That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation subject to the conditions in the report of the Director of Planning and Building dated 9 February 2000.

Carried.

**2.**

**LOUIS STREET, NOS. 28-54, HUGO STREET, NOS. 29 – 53 CAROLINE  
STREET, NOS. 12 – 36, REDFERN – WILSON BROTHERS SITE –  
DEMOLITION OF EXISTING BUILDINGS FOR PROVISION OF OPEN  
SPACE – DEVELOPMENT APPLICATION (U98-00119)**

(A) That the Council as the responsible authority grants its consent to the application submitted by South Sydney Council for permission to part demolish the existing buildings on the Wilson Brothers Site, located at 29-53 Hugo Street, 28-54 Louis Street and 12-36 Caroline Streets as shown on demolition plans DA01 and DA02 dated 8 February, 2000 and to reinstate the site with turf to create public open space, subject to the following conditions, namely:-

- (1) That Council shall liaise directly with all adjoining property owners regarding the demolition process and act to mitigate any impact it may have on their buildings or rear yards both during and after the construction process;
- (2) That Council shall put in place measures to address issues of safety, security and surveillance for the park to be implemented once the demolition of the building and turfing of the area has occurred;

**GENERAL MANAGER**

- (3) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with Occupational Health and Safety (Hazardous Substances) Regulation 1966;
- (4) That effective measures shall be taken to control offensive noise and odours and to prevent discharge of polluted waters or the emission or escape of dust and waste materials;
- (5) That the excavated material, construction supplies and on site debris shall be stockpiled within the property and not encroach upon the footpath, nature strip or road;
- (6) That an Environmental Site Assessment (land contamination assessment) shall be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No.55 (SEPP 55). The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. The environmental site assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

Note: this condition relates to the use of land for recreational purposes and does not relate to the demolition activities on the site.

- (7) That fencing shall be erected to secure the site until the park is completed;
- (8) 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;
- (9) That the breakdown of demolition materials shall not occur on site except as necessary to remove the materials from the site;
- (10) That noise from construction/demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
  - (a) Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

- (b) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: the above noise levels are applicable for construction hours of:

- (i) Mondays to Fridays, 7.00am to 5.00pm;
- (ii) Saturdays, 7.00am to 3.00pm;

No construction work outside of the above hours is permissible without the prior approval of Council.

- (11) That the applicant and/or builder shall prior to the commencement of work, install and maintain suitable measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. The applicant and/or builder is advised that it is an offence to allow, permit or cause materials to pollute or be placed in a position that they may pollute waters;
- (12) That the applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include:
  - (a) Siltation fencing;
  - (b) Protection of the public stormwater system;
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (13) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to

**GENERAL MANAGER**

maintain them free from sediment. Matter is not to be washed down into the drainage system;

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

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

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

- (B) That provision shall be made for the site to be included in the Council's next revision of the "South Sydney Section 94 Contributions Plan" in the light of the works and uses identified for the site in the Plan of Management.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

**PYRMONT BRIDGE ROAD, NOS. 2-50 – CAMPERDOWN CHILDRENS HOSPITAL – PROPOSAL TO CONSTRUCT RESIDENTIAL FLAT BUILDING CONTAINING 110 UNITS AND 12 TERRACE HOUSES FRONTING BUSH ROAD - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-01307)**

**NOTE:** That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation subject to the conditions in the report of the Director of Planning and Building dated 11 February 2000.

Carried.

**GENERAL MANAGER**

## 4.

**HENDERSON ROAD, NO.122, ALEXANDRIA – UNAUTHORISED EXTENSION (2016840)**

- (A) That in relation to the unauthorised work at the abovementioned premises consisting of a new eastern boundary wall and extension at rear, Council as the responsible authority issue an order pursuant to Section 121B of the Environmental Planning and Assessment Act 1979 on the owner of the premises to:-
- (1) Provide an FRL of not less than 60/60/60 to any external wall less than 900mm from the side boundary of the premises in accordance with Part 3.7.1.5(a) of the BCA;
  - (2) Provide ventilation and natural lighting to the building in accordance with Parts 3.8.4 and 3.8.5 of the BCA;
  - (3) Remove polycarbonate sheeting and demolish non-fire rated external wall which is blocking natural light and ventilation to existing bedroom and dining room, and create a courtyard. Provide adequate drainage system for side courtyard floor, in accordance with AS 3500;
  - (4) Provide structural certification from a registered structural engineer with South Sydney City Council, that all works have been carried out in accordance with the relevant Australian Standards;
  - (5) Provide stormwater certification from a licensed builder or architect that drainage system for all the works has been installed in accordance with AS 3500.
- (B) That Council write to the owners of the premises warning them that if works are carried out in future without first obtaining approval, Council will enforce its full powers given under the relevant legislation.
- (C) That subject to "A" above, Council take no further action with regards to the unauthorised work.
- (D) That the persons who made representations in respect of the unauthorised work be advised of Council's decision.

Carried.

**GENERAL MANAGER**

5.

**PLANNING – ENERGY EFFICIENCY – SEDA POLICY REQUIREMENTS AND ASSESSMENT SUPPORT (534490)**

That Council:-

- (1) endorse the requirement for a NatHERS assessment certificate prepared by an accredited energy assessor with all development applications for new residential development or substantial additions, where the floor area of the building is to be increased by 50 per cent or more of the existing floor surface;
- (2) require as a condition of consent to development approvals that any clothes dryers installed in medium/high density residential development conform with a minimum Greenhouse Score of 3.5 stars;
- (3) accept SEDA's offer and arrange to engage at no cost to Council the services of a Council Support Manager to aid in the implementation of the Energy Smart Homes Program within Council.

Carried.

6.

**VICTORIA STREET, NO. 144, POTTS POINT – USE GROUND FLOOR BACKPACKERS AS A CAFÉ – DEVELOPMENT APPLICATION (U99-01134)**

- (A) That the Council as the responsible authority and pursuant to Clause 80(3) of the Environmental Planning and Assessment Act, grants deferred commencement approval to the development application submitted by with the authority of Troy Hunter (owner) for permission to use the ground floor as a café, including interior work and the erection of signage subject to the following conditions, namely:-
  - (1) That this consent shall not become specific until plans demonstrating compliance with conditions (2) and (3) below are submitted to Council. These plans shall be submitted within 3 months of the date of this consent;
  - (2) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council:
    - all proposed mechanical ventilation systems
    - the garbage room
    - the recycling storage area

**GENERAL MANAGER**

- (3) That the proposed café area shall be fire separated from the passageway of the residential portion by fire resisting construction of at least one hour and any openings shall be fitted with self closing one hour fire doors which shall open into the café area;
- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (5) That the development shall be generally in accordance with plans numbered 1+2, submitted 7 October 1999 and as amended to comply with the requirements of condition 1 of this consent;
- (6) That the hours of operation shall be restricted to between 7.00am to 12 midnight, seven days a week, for a trial period of 12 months;
- (7) That the sale of alcohol is prohibited;
- (8) That plans and specifications demonstrating compliance with the nominated standards and requirements for the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finished to all food preparation and storage areas shall be submitted to Council;
- (9) That the proposed sign be scaled to fit between the windows of the terrace and not obscure any architectural detailing of the terrace. Details to be provided prior to the release of the Construction Certificate;
- (10) That any outdoor seating associated with the café shall be the subject of a separate application for a footway license to Council's Public Works and Services Department;
- (11) That the seating within the café shall not impede access/egress to the entrance of the premises;
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 16881 and 2;

- (13) That the storage and handling of garbage shall comply with the requirements of Council's "Waste Minimisation Fact Sheets"
- (14) That storage cupboards under required non-fire isolated stairs shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (15) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgment of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. The certificate of performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of ventilation.

and the following standard adopted conditions:

- (16) Commercial Garbage Contract<sup>6003</sup>
- (17) Fitout of Food Premises<sup>7020</sup>
- (18) Air Handling - Food<sup>7022</sup>
- (19) Sanitary Facilities<sup>7016</sup>
- (20) Trade Waste (Daily Removal)<sup>7064</sup>
- (21) Sewer Discharge<sup>8004</sup>
- (22) Exit Doors Installed in a Path of Travel to an Exit<sup>9421</sup>
- (23) Glazing Provisions<sup>9330</sup>

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993 for a breach of an approved condition, or under the *Protection of the Environment Operations Act, 1997*, if sediment, including soil, excavated material, building materials or other materials to fall, descend, percolate, be pumped, washed, or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater

system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

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

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

Carried.

**7.  
MALLETT STREET, NO.130, CAMPERDOWN – ERECTION OF  
UNAUTHORISED DECK (Q92-00237)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That with regard to the unauthorised work at the abovementioned premises consisting of the deck at first floor level, the Council, as the responsible authority, issue an order pursuant to Section 121B of the Environmental Planning and Assessment Act, 1979 on the owner of the premises to:
- (1) Provide a glass brick privacy screen on top of the existing brick wall (facing No. 132 Mallett Street) to a height of 1.8m above the floor level of the deck;
- within 3 months from the date of the order.
- (B) That Council write to the owners of the premises warning them that if works are carried out in future without first obtaining approval, Council will enforce its full powers given under the Environmental Planning and Assessment Act, 1979 as amended 1999.
- (C) That subject to compliance with (A) above, Council takes no further action with regards to the unauthorised work.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

**GENERAL MANAGER**

Carried.

8.

**JENNINGS STREET, NO.46, ALEXANDRIA – PROPOSED DEMOLITION OF DWELLING AND ERECTION OF NEW DWELLING – DEVELOPMENT APPLICATION (U99-00719)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

That the Council, as the responsible authority, refuses the application submitted by Kim Knuckey, Peter Talmacs & Michel Dejean (owners) to demolish the existing dwelling and erect a new two-storey plus attic level dwelling with a garage to rear having a bedroom at first floor level above, for the following reasons, namely:-

- (1) That the proposal would fail to comply with the solar access requirements of the South Sydney Development Control Plan 1997;
- (2) That the proposal would cause significant adverse amenity impacts to the premises to the south-east and would therefore be unacceptable in relation to clause 28(c) of the South Sydney Local Environmental Plan, 1998;
- (3) That the screening to the proposed walkway and balcony would create significant bulk-related impacts to the adjoining dwelling and the proposed walkway and balcony would cause significant adverse privacy impacts in the absence of such screening;
- (4) That the proposal fails to comply with the minimum separation distance between rear lane development and the main part of the dwelling required by the South Sydney Development Control Plan 1997;
- (5) That the height of the proposed rear lane development exceeds the maximum permissible height for rear lane development outlined in the South Sydney Development Control Plan 1997;
- (6) That approval of the proposal would not be in the public interest in the circumstances of the case.

Carried.

9.

**GENERAL MANAGER**

**WILSON STREET, NO.212A, NEWTOWN – GROUND FLOOR – ALTERATIONS AND FIRST FLOOR ADDITION TO AN EXISTING TERRACE IN A CONSERVATION AREA – DEVELOPMENT APPLICATION (U99-01101)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken

- (A) That Council as the responsible authority grant its consent to the application submitted by Tony Beattie, with the authority of George Thomas (owner), for the permission to make ground and first floor alterations and additions to an existing single storey terrace house, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1500.00 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 certificate's 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 levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200.00, or first installment (as applicable), can be paid to the Council;
  - (3) That the development shall be generally in accordance with plans numbered O1A by Council and date stamped 1 October 1999;
  - (4) That the front triple light window is to be retained in its current form;
  - (5) That details of the colour and profile of the proposed metal cladding to the first floor shall be provided to the satisfaction of Council's Heritage Planner prior to the issue of a Construction Certificate;
  - (6) That the colour of the metal cladding is to be recessive and compliment the character of the building and streetscape;
  - (7) That the existing street tree in Queen Street, required to be removed to accommodate the vehicle crossing shall be replaced with a Golden Rain Tree (*Koelrevertaria paniculata*), of a minimum 100 litre container size. The location of the replanting to be as

**GENERAL MANAGER**

specified by the Director of Public Works and Services. The tree shall also be planted prior to the commencement of works;

- (8) That the proposed roller door fronting Queen Street shall be replaced with bi-fold gates of timber or wrought iron, which shall not encroach onto the public way when operated. Details to be shown on the application for a Construction Certificate;
- (9) 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;
- (10) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (11) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (12) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (13) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (14) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (15) That all proposed work shall be wholly within the boundaries of

the site;

- (16) That all relevant sections of the BCA shall be complied with;
- (17) 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;
- (18) That the requirements of the Work Cover Authority shall be complied with;
- (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 details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (21) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (22) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (23) That all proposed work shall be wholly within the boundaries of the site;
- (24) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (25) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (26) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part

**GENERAL MANAGER**

3.7.1.5(a) of the Building Code of Australia;

- (27) 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;
- (28) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (29) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
  - (a) Physical barriers in accordance with AS 1694
  - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (30) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (31) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (32) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;

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

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

Granting unconditional consent would be likely to adversely affect

**GENERAL MANAGER**

the amenity of the neighbourhood and would not be in the public interest.

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

Carried.

10.

**WILLIAM STREET, NOS. 191-201, DARLINGHURST – ERECTION OF RESIDENTIAL AND COMMERCIAL BUILDING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-01244)**

- (A) That the Council as the responsible authority grants its consent to an application by Baker Associates Architects with the authority of Kentex Investments Pty Ltd for the erection of a building containing commercial premises and a backpackers hostel, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$17,700 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing 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 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$7,800 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) 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.

**GENERAL MANAGER**

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$ 98,333	2E97001.BGY0
Open Space/Townscape /Public Domain	\$ 489,512	2E97002.BGY0
Accessibility And Transport	\$ 2,919	2E97006.BGY0
Management	\$ 8,002	2E97007.BGY0
<b>Total</b>	<b>\$598,766</b>	

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

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the March Quarter 97/98 (Amend as applicable)

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

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

**GENERAL MANAGER**

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;

NOTE: This contribution is calculated on the basis of 486 residents and 26 employees, with credit given for 8 one bedroom units, two four bedroom units and 20 employees;

- (4) That the development shall be generally in accordance with plans numbered A01a to 16a and plan A03x, dated January 1999;
- (5) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 4.25:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;
- (6) That the number of beds in the hostel shall be 486. It is noted that any increase in the number of beds would require a recalculation of the Section 94 Contribution;
- (7) That a through site link be dedicated as public right of way between William Street and Premier Lane as shown on the approved plan, the right of way to include the whole of the landing area to permit by agreement between the Council and the owners of the site the placing of an item of public art. The dedication is to take place prior to occupation of the building;
- (8) That the Council accept a contribution of \$23,500 towards public streetscape improvement in William Street to be paid prior to approval of any construction certificate;
- (9) That screening be provided to a height of not less than 1.5m from floor level on the two most western windows on the south elevation at the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> levels;
- (10) That the roof above the roof top air conditioning unit, the caretaker's flat and shower rooms be non-trafficable to prevent overlooking of the Horizon courtyard from the roof of the building;
- (11) That the area of the roof top recreation area shall only be available for use between 7.00 am (or 6.00am during daylight saving) and 10.30pm on any day with the exception of New Year's Eve when the roof top area shall be vacated by 1.00am on New Years Day;

- (12) That the entry to the backpackers hostel from Premier Lane shall be closed between 11.00 pm and 7.00 am, so that all access to the hostel between those hours is from William Street;
- (13) That the Premier Lane car park ventilation louvres be redesigned to be vertically proportioned;
- (14) That the large eastward facing general advertising sign be deleted;
- (15) That the large general advertising sign facing William Street be deleted and the car parking level facade treatment be redesigned to blend with the remainder of the facade. The Council may consider an application for an identification sign to be located in this area;
- (16) That the westward facing general advertising sign shall have an area of not more than 32.5sqm be set into the elevation of the building to prevent lightspill to nearby properties and any signage shall not be illuminated with flashing lights. All structures shall be within the boundaries of the site;
- (17) That the ground and first floors be redesigned so that access is available from each commercial tenancy to the loading bay;
- (18) That all windows facing Premier Lane be sealed;
- (19) That the gutter crossings be removed on William Street at the cost of the developer;
- (20) That the balconies not be used for clothes drying;
- (21) That a separate development application shall be lodged for the specific use of the commercial premises;
- (22) That the hours of operation of the restaurant shall not extend beyond 7.00am to midnight on any day;
- (23) That colour finishes of the building shall be in accordance with the schedule provided;
- (24) That the consent is granted on the basis that landscaping and paving works will be carried out on public land at the eastern end of the site in accordance with the public domain improvements detailed in the development application at the cost of the developer prior to occupation of the building. Such works shall be carried in consultation with the Council's public Works and Services;

**GENERAL MANAGER**

- (25) That a solar hot water system be installed in conjunction with the hostel use;
- (26) That a maximum of 25 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (27) That the parking spaces shall be allocated on the basis of 15 spaces for the backpacker's hostel and ten spaces for the use of commercial tenancies, to be so distributed that no tenancy has less than one car space;
- (28) That a clearly marked space of dimensions 5.5m by 3m near to the lift shall be set aside for use as a loading bay and shall be shown as common property in any strata subdivision;
- (29) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgment of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. The certificate of performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of ventilation and acoustics;
- (30) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
- (a) all proposed mechanical ventilation systems;
  - (b) all required mechanical ventilation systems;
  - (c) all proposed mechanical ventilation systems and associated fire precaution features;
  - (d) the garbage room;
  - (e) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;

and the following adopted standard conditions:

**GENERAL MANAGER**

- (31) One Television Aerial<sup>114</sup>
- (32) Glazing Reflectivity less than 20%<sup>118</sup>
- (33) Consolidate Lots<sup>122</sup>
- (34) Street Number Application<sup>123</sup>
- (35) Display Street Number<sup>124</sup>
- (36) Works on Public Way Cost<sup>1002</sup>
- (37) Paving<sup>1003</sup>
- (38) Level of Colonnade/Plaza<sup>1004</sup>
- (39) Alteration of Public Services<sup>1006</sup>
- (40) Builders Hoarding Permit<sup>1008</sup>
- (41) Alignment Levels<sup>1016</sup>
- (42) Resident Parking Access<sup>3001</sup>
- (43) Disabled Entry<sup>3024</sup>
- (44) Cost of Signposting<sup>3026</sup>
- (45) Consequential Roadworks<sup>3027</sup>
- (46) Footway Crossing<sup>3028</sup>
- (47) Obstruction of Public Way<sup>3029</sup>
- (48) Construction Traffic<sup>3030</sup>
- (49) Delivery of Construction Materials<sup>3032</sup>
- (50) Stormwater Standard<sup>4001</sup>
- (51) Clean Water Discharge<sup>4002</sup>
- (52) Connection to Council's Stormwater System<sup>4005</sup>
- (53) Refuse Skips<sup>6002</sup>

- (54) Construction Hours<sup>9151</sup>
- (55) Work on Public Way<sup>9154</sup>
- (56) Building/Demolition Noise Control<sup>9156</sup>
- (57) Commercial Garbage Storage<sup>6004</sup>
- (58) Containers for Garbage<sup>6006</sup>
- (59) Storage/Garbage<sup>6009</sup>
- (60) Garbage/Recycable Material Room<sup>6010</sup>
- (61) Loading Within Site<sup>3014</sup>
- (62) Loading/Parking kept clear<sup>3016</sup>
- (63) Vehicles Enter/Leave in Forward Direction<sup>3020</sup>
- (64) Vehicular Crossing<sup>3021</sup>
- (65) Signs at Egress<sup>3022</sup>
- (66) Contamination Assessment<sup>7018</sup>
- (67) Ventilation<sup>7023</sup>
- (68) Car Park Ventilation<sup>7029</sup>
- (69) Sanitary Facilities<sup>7016</sup>
- (70) Fitout of Food Premises<sup>7020</sup>
- (71) Commercial Garbage Storage<sup>6004</sup>
- (72) Position of Garbage Area<sup>6005</sup>
- (73) Commercial Garbage Contract<sup>6003</sup>
- (74) Noise<sup>7028</sup>
- (75) Construction Noise<sup>7008</sup>
- (76) Emissions<sup>7004</sup>

(77) Shared Accommodation<sup>7010</sup>

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

Following discussions on the matter, it was moved by Councillor Macken, seconded by Councillor Lay, that the motion be put to the vote.

Carried that the motion be put.

Motion carried.

(Councillor Fenton requested that her name be recorded as voting against the foregoing motion.)

11.

**BOURKE STREET, NO.482, SURRY HILLS – CHANGE OF USE FOR HAIR-DRESSING SALON (U99-01190)**

**NOTE:** That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report of the Director of Planning and Building dated 11 February 2000.

Carried.

12.

**JOYNTON AVENUE, NOS. 52-112, ZETLAND – ERECT TEMPORARY SIGNS – DEVELOPMENT APPLICATION (U99-01333)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Cardy and Co Pty Ltd, with the authority of the NSW Land and Housing Corporation, for permission to erect 4 signs with associated pylons subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered Project No.2049, DA001-005;
- (2) That the signs shall be removed 18 months from the date of this consent;
- (3) That no general advertising signs shall be permitted on the signage structures;

**GENERAL MANAGER**

- (4) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
- (5) That the intensity, colour, period of intermittency and/or hours of illumination of the sign shall be varied if, at any time in the opinion of the Council, injury is being caused to the amenity of the area;
- (6) That the proposed signage shall:
  - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
  - (b) not have attached apparatus to provide any sound;
  - (c) not carry a message(s) which is offensive;
- (7) That the requirements of the Work Cover Authority shall be complied with;
- (8) 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);
- (9) 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;
- (10) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

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

**GENERAL MANAGER**

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.

Following discussions on the matter, it was moved by Councillor Lay, seconded by Councillor Macken, that the motion be put.

Carried that the motion be put.

Motion carried.

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

13.

**ROSE STREET, NO.83, CHIPPENDALE – DEMOLISH EXISTING GARAGE AND ERECT NEW GARAGE WITH FIRST FLOOR STUDIO – DEVELOPMENT APPLICATION (U99-01328)**

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment (Amendment) Act 1997, to the development application submitted by Philip Brown (owner) for permission to demolish the existing garage and construct a new garage with first floor studio on the subject site, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matter, which shall be submitted within three months of the date of this deferred commencement consent and shall be to the satisfaction of, and approved in writing by, the Director of Planning and Building prior to approval of a Construction Certificate:
    - (a) Plans showing proposed amendments to reduce the ridge line of the studio to a maximum height of 6.1m measured from natural ground level.
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$375 in the form of Cash or non expiry

**GENERAL MANAGER**

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

- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$50 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the development shall be generally in accordance with the plans numbered 0359/99 sheets 1, 2 and 3 Issue A dated 21 October 1999;
- (5) That the studio shall be used in conjunction with the existing dwelling and not be in separate occupation;
- (6) That the dormer window be opaque or stained glass;
- (7) That the root system of the gum tree (*Eucalyptus sideroxylon*) at 85 Rose Street remains intact;
- (8) That the applicant shall design footings to accommodate the root system of the tree at 85 Rose Street by bridging the roots, piered footings etc;
- (9) That stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (10) That approval for the connection of the stormwater shall be obtained from Councils Public Works and Services Department prior to the work being carried out;
- (11) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (12) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**GENERAL MANAGER**

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

- (13) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is,

**GENERAL MANAGER**

for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

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

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

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

- (15) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (16) 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;
- (17) 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;

**GENERAL MANAGER**

- (18) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (19) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (20) 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;
- (21) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (22) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (23) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (24) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (25) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (26) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (27) 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;

**GENERAL MANAGER**

- (28) 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;
- (29) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (30) 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);
- (31) That all proposed work shall be wholly within the boundaries of the site.

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

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

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

**GENERAL MANAGER**

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

Carried.

14.

**BORONIA STREET, NO. 55, REDFERN – ALTERATIONS TO REAR OF DWELLING (U99-01290)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by Designings, with the authority of Mr Raymond Good for alterations to the rear of the property to create two storey void area with staircase and kitchen for the following reasons, namely:-
- (1) That the proposal will have an unacceptable impact on the draft Conservation Area and the streetscape;
  - (2) That the proposal is contrary to the intent and provisions of Part 4 of the Heritage Conservation DCP;
  - (3) That the proposal will result in the loss of the consistent rear form of the highly intact terrace group;
  - (4) That the cumulative impact of approving similar developments would adversely impact on the draft Conservation Area;
  - (5) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of the Council's decision.

Carried.

15.

**PLANNING – PUBLIC ART AND WATER FEATURES POLICY FOR GREEN SQUARE (2021993)**

That arising from the joint report dated 11 February 2000, from the Director of Health and Community Services and the Director of Planning and Building that approval be given to engage a consultant to develop a Public Art Policy for Green Square, utilising funds from the 1999/2000 budget as outlined in the report above.

**GENERAL MANAGER**

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

- (B) That the Public Art and Water Features Policy for Green Square be advertised for exhibition.

Motion, as amended by consent, carried.

16.

**DUNNING AVENUE, NOS. 50-86, ROSEBERY – ERECT MEZZANINE STORAGE/OFFICES FOR KITCHEN MANUFACTURING – DEVELOPMENT APPLICATION (U99-01436)**

**NOTE:** That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation subject to the conditions in the report of the Director of Planning and Building dated 11 February 2000.

Carried.

17.

**PLANNING - RETENTION OF LOW COST ACCOMMODATION - CHANGES TO SEPP 10 (20000000)**

That arising from the joint report dated 11 February 2000 by the Director of Health and Community Services and the Director of Planning and Building, it be resolved that:-

the above joint report in relation to changes to SEPP 10 be received and noted;

a further report be submitted to Council detailing the changes and recommending appropriate action.

Carried.

18.

**SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 (AMENDMENT NO.5) - DRAFT EXEMPT AND COMPLYING DEVELOPMENT LEP & DCP - RECOMMENDED ADOPTION**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

**GENERAL MANAGER**

- (1) That Council adopt South Sydney Local Environmental Plan 1998 (Amendment No.5) – Draft Exempt and Complying Development LEP & DCP as amended on 23 February 2000;
- (2) Refer the documents to the Secretary of the Department of Urban Affairs and Planning pursuant to 68(4) of the Environmental Planning and Assessment Act 1979 with a request that the Plan be made;
- (3) That the persons who made submissions in respect of the Draft LEP and Draft DCP be advised of Council's decision;
- (4) Upon gazettal of the LEP, give public notice of the commencement of the DCP in accordance with the requirements of the Environmental Planning and Assessment Regulation.

(DPB Report 22.2.2000)

Carried.

**19.**

**STREETS FURNITURE – INSTALLATION OF AUTOMATIC PUBLIC TOILETS (2014501)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

That arising from consideration of a report by the Director of Planning and Building dated 6 October 1999, and its adjoining report by Council's Consultant Planner (Item No. 3 of Planning and Building Committee of 3 November 1999), the Council as the responsible authority:-

- (1) Refuses its consent to the following public toilet locations shown on the unnumbered, undated drawings titled 'APT 3008 & APT 4'.
  - (a) Darlinghurst - on the footway at the intersection of Darlinghurst Road, Victoria, Craigend and William Streets;
  - (c) Darlinghurst/Taylor Square - on the footway at the NE corner of Bourke and Oxford Street, and
- (3) Grant consent to the following public toilets locations shown on the unnumbered, undated drawings titled 'APT No. 1 APT 3':

**GENERAL MANAGER**

- (a) Potts Point/Kings Cross - on the footway at the SE corner of Darlinghurst Road and Roslyn Street;
- (c) Woolloomooloo - on the footway of the NE corner of William and Forbes Street, subject to positioning at and parallel to William Street boundary line.
- (3) Subject to availability of underground services re-exhibit and re advertise for public comments on Automatic Public Toilets new sites at the following possible sites:
- Victoria Street outside Kings Cross Railway Station
  - Riley Street and Burton Street
  - Brown Street and King Street, Newtown with the provision of footway widening (Blister)
  - In the vicinity of Bourke Street or Forbes Street (as the master plan being prepared for Taylor Square intends to reduce the street clutter created by such structure)
  - William Street (South side) at Riley Street closure
  - Oxford Street (South side) at Elizabeth or Newcombe Street
  - Victoria Park opposite Cleveland Street.
  - Shannon Reserve
  - In any other site that is considered suitable
- (4) An automatic Public Toilet for Springfield Mall to be considered as part of the community consultation process being undertaken in March – May 2000 for the redevelopment of Springfield Mall and surrounding pedestrian precinct.

(DPWS Report 16.2.00)

Carried.

The Planning and Development Committee Meeting terminated at 8.10 p.m.

The Council Meeting terminated at 7.50 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2000

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**