

**245<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
100705

**Wednesday, 22 March 2000**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.40 pm on Wednesday, 22 March 2000.

**PRESENT**

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

Councillors - John Bush, Margaret Deftereos, Sonia Fenton, John Fowler,  
Christine Harcourt, Jill Lay, Greg Waters.

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**GENERAL MANAGER**

## **Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 8 March 2000, be taken as read and confirmed.

At the request of the Mayor, and by consent, the minutes were amended:-

- (1) on page 125 under the heading "Confirmation of Minutes" by the addition of the words "At the Council Meeting, the Mayor declared an interest in the Item and did not take part in discussions or voting" prior to the amendment by Councillor Deftereos.
- (2) on page 132 in relation to Question without Notice Item No. 10, by the deletion of the answer by the Mayor and the insertion in lieu thereof of an answer by the Director of Planning and Building, namely:-

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

I am more than happy to provide details of the critical dates associated in the last Development Application in the Councillors Information Service.

Motion, as amended by consent, carried.

The minutes were then taken as read and confirmed.

Carried.

## **Apology**

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

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

## MINUTE BY THE MAYOR

8 March 2000

### **TRAFFIC - EASTERN DISTRIBUTOR LAIP - IMPLEMENTATION - TRAFFIC CONDITIONS IN THE MOORE PARK AND SOUTH PADDINGTON AREA (T02-00172)**

Part of the Local Area Improvement Plan (LAIP) included the Moore Park Road/South Paddington area. The treatments proposed for that area were the result of comprehensive community consultation extending over the period from October 1997 to May 1999. One measure that was eventually adopted was a trial of a half road closure on the northern arm of Oatley Road at Renny Street, Paddington, to prevent northbound through traffic movement from Moore Park Road to Oxford Street. This facility was installed on Thursday 16 March 2000 and immediately generated much protest within the Paddington community. Motorists who persisted in using Oatley Road, despite numerous signs diverted into the heart of South Paddington. This situation was particularly prevalent until the weekend of 18/19 March. Later observation by Council and RTA officers have clearly indicated the initial problems have greatly subsided.

Attached is a detailed summary of the process of developing and implementing the LAIP for the Eastern Distributor, and the Moore Park Road area in particular.

I understand on advice, that the Member for Bligh, Ms Clover Moore, was closely associated with the process leading to the adopted scheme but is now advocating the immediate removal of the trial half road closure and is promoting the stance via a community meeting tomorrow evening (Thursday 23 March).

I am further advised that the RTA has already made effective changes to signal operations at Centennial Square which have significantly reduced congestion on Moore Park Road. This in turn has helped ease problems within South Paddington. Furthermore, the RTA expects to commission new signals at Moore Park Road and Regent Street before the end of March (weather permitting).

Considering the extent of public consultation which preceded the installation of the Oatley Road half closure and given a clear easing of the initial problems, I propose the following recommendation.

#### **RECOMMENDATION:**

- (a) That Council receive and note this interim report about current traffic conditions in the Moore Park Road and South Paddington areas.

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- (b) That Council support the continuation of the trial of the half closure of Oatley Road on the northern arm of the intersection for at least another 2 weeks, in order to give the trial a reasonable period of test.
- (c) That Council staff continue to liaise closely with staff of the RTA and the NSW Police Service to achieve further improvement to amenity and safety on local streets in South Paddington.

Councillor Vic Smith (SGD)

**Mayor**

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

## **MINUTE BY THE MAYOR**

8 March 2000

### **COMMITTEES - FREE USE OF REDFERN PARK AND OTHER COUNCIL SPONSORSHIP FOR LESBIAN AND GAY ANTI VIOLENCE PROJECT YOUTH EVENT - STOMP OUT (HOMOPHOBIA) (2021553)**

Council has received correspondence from the Lesbian and Gay Anti Violence Project seeking Council support for a youth event to take place in Redfern Park on Sunday 21 May 2000. The event is called STOMP OUT (Homophobia). This event will consist of an undercover dance area in the park with guest DJ's playing through out the afternoon. It will be an alcohol free event for the local community.

Council has provided on-going support to the Lesbian and Gay Anti-Violence Project.

The Anti-Violence Project seeks the following support:

- Free use of Redfern Park on Sunday 21 May
- A Councillor to launch the event
- A marquee with dance floor
- Sound system (including turn tables and mixer)
- 3 Council banners promoting the event
- Permission for community food stalls and a drink and ice cream stall.

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The cost to Council is estimated at \$5,400.

**RECOMMENDATION:**

That Council approves the sponsorship sought by the Lesbian and Gay Anti Violence project for the Stomp Out (homophobia) event as detailed in my minute involving an expenditure of \$5,400 and that such funds be added to the 1999/2000 Revenue Estimates.

Councillor Vic Smith (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

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

- (B) That the Director of Health and Community Services write to the Lesbian and Gay Anti Violence Project advising the organisation that they still must submit an application to the Annual Community Grants Program for any future donation.

Motion, as amended by consent, carried.

**MINUTE BY THE GENERAL MANAGER**

20 March 2000

**STREETS - BROWN STREET, CAMPERDOWN -  
CLOSURE AND SALE (2013990)**

I refer to the resolution of Council of 24 September 1997, which gave approval for the closure and sale of Brown Street, Camperdown.

The report to Council recommended further negotiation on the sale price but suggested approval be granted to at least \$500,000.

Council's Properties Section negotiated further and accepted an offer by Bay Developments Pty Limited of \$625,000 on 8 April 1998.

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The exchange of correspondence confirmed the final purchase price but this has not been approved by Council.

Council's Acting Director of Corporate Services who holds Power of Attorney for Council to sign contracts of sale can only sign for amounts approved by Council.

Therefore to allow contracts to be signed approval is required to be given to accepting the negotiated sale price of \$625,000.

**RECOMMENDATION:**

That approval be given to the acceptance of the offer by Bay Developments Pty. Limited of \$625,000 for the sale price of part of Brown Street, Camperdown as shown on Plan No. S6-326/276.

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

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

**PETITIONS**

1. The Mayor tabled a petition received by the General Manager with approximately 141 signatures appended from residents of Surry Hills, objecting to the proposal to establish a hairdressing business at Shop No. 3, Nos. 446 - 458 Elizabeth Street, Surry Hills.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 26 signatures appended from residents and business proprietors requesting the removal of a curved footpath at the rear of the James Cahill Pre-school, corner Raglan and Surrey Streets, Waterloo, for environmental and safety reasons.

Received.

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3. The Mayor tabled a petition received by the General Manager with approximately 55 signatures appended from residents of Surry Hills, objecting to the amenity decline caused by the possible proliferation of prostitution and other undesirable elements.

Received.

4. The Mayor tabled a petition received by the General Manager with approximately 54 signatures appended from residents of Crown Gardens, No. 63 Crown Street, Woolloomooloo, objecting to some aspects of the Draft Sex Industry Policy and to the zoning of William Street, Kings Cross, as a red light area.

Received.

### **QUESTIONS WITHOUT NOTICE**

1. **STREETS - SUTHERLAND LANE, CHIPPENDALE - IMPROVEMENT OF LIGHTING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2019901)**

**Question:**

Could Council please liaise with Energy Australia to improve the lighting in Sutherland Lane in Chippendale? The lane has only a single light and residents have requested a lighting upgrade for safety reasons.

**Answer by the Mayor:**

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

2. **STREETS - ERSKINEVILLE ROAD, ALBERT AND BURREN STREETS, ERSKINEVILLE - IMPROVEMENT OF LIGHTING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2019901)**

**Question:**

Could Council please do an audit of lighting in the area bounded by Erskineville Road, Albert and Burren Streets? I do not believe there are sufficient lights,

**GENERAL MANAGER**

particularly in George Street and John Street. These are tree lined streets which are greatly appreciated by residents and I don't believe that the pruning of trees will greatly improve the area.

**Answer by the Mayor:**

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

3.

**PLANNING - PLANNING CONTROLS FOR LAND ADJACENT TO THE KENT BREWERY AT BROADWAY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2013557)**

**Question:**

A Chippendale resident has contacted me concerning the adequacy of the planning controls for land adjacent to the Kent Brewery at Broadway. Council in determining a Development Application recently supported the buffering of residences.

Can the Director of Planning and Building prepare a report as to whether it would be possible to amend DCP 1997 so as to ensure that residential development in Chippendale is managed to prevent conflicts between the operators of the Brewery and any development in the neighbourhood?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to have a report prepared for Committee in relation to that question.

4.

**SPORTS FACILITIES - PROPOSED DEMOLITION OF THE CAMPERDOWN VELODROME - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (S54-00147)**

**Question:**

Can a report be prepared, if necessary for Committee, regarding the proposed demolition of the Camperdown Velodrome and has South Sydney City Council made a submission to Marrickville Council regarding this?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to deal with both those matters. The first part of the question can we have a report prepared for Committee and the second part, a response prepared for the Councillors Information Service.

5.

**PUBLIC TRANSPORT - REVIEW ON FARES PLACED ON PUBLIC TRANSPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2008351)****Question:**

Submissions have been invited regarding the fares placed on public transport. Can the General Manager make application in this review to include Redfern Rail within the city zone similar to Kings Cross so that an equitable single fare can be easily levied for all inner city stations to increase patronage?

**Answer by the Mayor:**

I will have the General Manager prepare a letter in respect of that matter and have it included in the Councillors Information Service.

6.

**PERSONNEL - RETIREMENT OF GENERAL MANAGER - STEPS TO BE TAKEN REGARDING ADVERTISING AND PREPARATION OF AN INFORMATION KIT TO PROSPECTIVE CANDIDATES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2002856)****Question:**

Considering the imminent retirement of the General Manager later this year, what steps regarding advertising and preparation of an information kit for prospective candidates has been undertaken and would this be within the brief for the Director of Organisational Development?

**Answer by the Mayor:**

In respect of that matter, there will be a report coming to Council shortly.

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7.

**STREETS - CORRECTION OF SPELLING ON BUS SHELTER AT OXFORD STREET, PADDINGTON - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2020708)****Question:**

The bus shelter in Oxford Street, Paddington, outside St. Mathais Church, has the word "Centennial" spelt with an S and not a C.

Can Council ask J C Decaux to correct the spelling as soon as possible?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to have the Officer contact J C Decaux.

8.

**OXFORD STREET, NOS. 261 - 263, PADDINGTON - PUBLIC MEETING - ST. JOHNS CHURCH SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U99-01171)****Question:**

At the Council Meeting of 10 November 1999 and 9 February 2000, I asked that Council convene a public meeting with the developers for the Uniting church and interested parties regarding the re-development of St. Johns Church and Manse Paddington. Both requests have been refused.

Amended plans have been on exhibition for the past 28 days. I repeat the request that Council convene a public meeting for the St. Johns Church site for the developers to explain the proposal and the opportunity for Council to hear the views of the residents.

**Answer by the Mayor:**

Again, the answer is no. Simply because if you read the Councillors Information Service, you would have seen the response. There is no value in having a public meeting if the applicant does not wish to attend. The matter is coming to Council in about a fortnight's time I understand. We are not having a public meeting because it has already been decided that the applicant is not interested.

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

The plans that have recently come off exhibition are the second set of plans to be notified and were notified for 28 days. I know that the planner who is co-

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ordinating the assessment of the application has met with a number of residents at separate meetings out on site to go through the plans and has also met with those residents who wanted an explanation of those plans at the Council Chambers. If there are people who have had difficulty understanding the plans or people who still are having difficulty understanding the plans, I know the Council Officer would be more than willing to explain them to those people. Certainly, it is proposed at this point in time, other work commitments not withstanding, to have the matter reported to Committee on 5 April 2000.

9.

**DOMAIN CAR PARK - INVESTIGATION INTO HOMELESS PEOPLE SLEEPING IN THE DOMAIN CAR PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2016957)**

**Question:**

At a Community Meeting in Woolloomooloo last night, it was stated that up to 200 homeless persons are sleeping rough in Council's Domain Car Park each night.

Is the Acting Director of Corporate Services able to confirm this?

**Answer by the Acting Director of Corporate Services:**

It is a problem with people sleeping around there, as to whether 200 people are sleeping there every night, I would have to do some research on that.

10.

**WELFARE - ACCESS TO COMMUNITY SERVICES BY HOMELESS PEOPLE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (W51-00065)**

**Question:**

What steps can the Director of Health and Community Services take to ensure people sleeping rough on Council's properties have access to services to provide them with suitable accommodation?

**Answer by the Director of Health and Community Services:**

I would have to take that on notice and investigate the situation.

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11.

**STREETS - REPAIRS TO BRICK PAVERS IN KINGS CROSS AND DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2004801)****Question:**

The brick pavers on footways along Bayswater Road, Darlinghurst Road and Macleay Streets, as well as Forbes Street in Woolloomooloo are in poor shape, as is the footway on Caldwell and Nimrod Streets. Several elderly residents have fallen recently and many are fearful to walk on our streets even in the day-time.

Could these areas be repaired as a matter of urgency?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter within the next 48 hours and carry out immediate repairs. If they are extensive repairs, I will ask that a report be prepared for the Councillors Information Service.

12.

**TRAFFIC - KERB CRAWLERS - INVESTIGATION INTO TRAFFIC CONDITIONS IN WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (T52-00231)****Question:**

Kerb crawlers are causing distress to residents in Woolloomooloo. Motor vehicles turn left out of William Street into Forbes Street, left into Cathedral Street, left into Bourke Street and back along William Street. It has been suggested that Forbes Street be restricted to a 30 KPH zone and speed bumps installed.

Could this be investigated?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter for you.

13.

**STREETS - ERECTION OF "NO CAMPING" SIGNS IN WOOLLOOMOOLOO  
- QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (S56-00804)**

**Question:**

Also, that the local public spaces be marked "no camping" when the new alcohol-free zone signs are installed. Could this be considered?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services and the Acting Director of Corporate Services to investigate that matter for you.

14.

**TRAFFIC - INVESTIGATION OF TRAFFIC SPEED AND VISIBILITY AT  
CROSSINGS IN RILEY AND DEVONSHIRE STREETS, SURRY HILLS -  
QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2004271)**

**Question:**

There are two marked zebra crossings at the junction of Riley Street and Devonshire Street, Surry Hills, which present very hazardous conditions to pedestrians because of the volume of turning traffic and restricted sight lines on Devonshire Street. Could Officers please examine the traffic speed and visibility conditions at those crossings and investigate the possibility of installing pedestrian activated solar powered lights (similar to those in Bourke Street, Redfern)?

Also, please investigate ways of further slowing (if possible, reducing) the high volumes of traffic on Riley Street and enforcing the STOP command at the junction with Devonshire Street.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter for you. Could I also ask him in doing so, to have consultation with the Traffic Sergeant at Surry Hills Police Patrol, in order that the Police may be able to assist us as well.

15.

**TRAFFIC - LANSDOWNE AND MARLBOROUGH STREETS, SURRY HILLS  
- REMARKING OF TURNING LANES - QUESTION WITHOUT NOTICE BY  
COUNCILLOR HARCOURT (T52-00223)**

**Question:**

The junction of Lansdowne and Marlborough Streets, Surry Hills is marked with STOP signs at each corner, but because Marlborough Street is not aligned properly on both sides of the crossing, motorists are often confused and enter the crossing in the wrong lane.

Could consideration be given to restoring priority on Lansdowne Street and remarking Marlborough Street to indicate correct turning lanes?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to treat that matter with some urgency for you.

16.

**PARKING - GREAT BUCKINGHAM AND REDFERN STREETS, REDFERN -  
COUNCIL POLICY ON RESIDENTIAL PARKING PERMITS - QUESTION  
WITHOUT NOTICE BY COUNCILLOR HARCOURT (2004470)**

**Question:**

Residents of Great Buckingham Street and Redfern Street, Redfern, have complained that occupants of new townhouses and units on the corner of Great Buckingham and Redfern Streets, have been issued resident parking permits contrary to Council policy.

Can this complaint please be checked and necessary steps taken to ensure the policy is always adhered to?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate that matter along with the Acting Director of Corporate Services and have a response prepared for the Councillors Information Service.

17.

**ELECTIONS - REPORTS REGARDING THE MAYORESS STANDING FOR THE NEXT COUNCIL ELECTION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2012534)****Question:**

There has been a report that the Mayoress, Cheryl Smith, is planning to stand for Council at the next election. Has the local media reported this matter correctly or is this perhaps wishful thinking on their part?

**Answer by the Mayor:**

Some of the local media never report the facts. I think we know who I am referring to without naming them. Can I say that I am quite surprised by the support that Cheryl has received to consider nominating for Council. But can I assure you, and people here are writing for that newspaper very vigorously at the moment, can I get them to write the facts and the facts are this. Like myself, Cheryl is looking forward to enjoying life after politics and therefore, can I put it to rest that Cheryl is not a candidate at the next local government elections, either in the Central Ward or any other Ward. If people can put that right, I would very much appreciate it.

18.

**STREETS - DALMENY AVENUE, ROSEBERY - REQUEST FOR INSTALLATION OF A POSTAL BOX - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S56-01913)****Question:**

The residents of the Kimberley Estate would like to ask Council for their assistance in having a post box installed in Dalmeny Avenue. Many of the residents are immigrants who rely on correspondence. There is not a post box close to this huge development. Apparently a post box was relocated to Sydney Park Village, which could set a precedent for this action.

Can the Mayor write to Australia Post on this matter?

**Answer by the Mayor:**

Yes, I will write to Australia Post for you.

19.

**CLEANING - SYDNEY PARK VILLAGE - INVESTIGATION INTO THE PROBLEM OF STREET LITTER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C56-00040)**

**Question:**

The residents of Kendal Gardens in the Sydney Park Village development request that Council investigate and take measures to prevent the problem of street litter. Not only is there papers and rubbish lying in the street, but occasionally large boulders which pose a safety threat.

An elderly resident struggled to remove a boulder from the road, fearful that it would cause an accident. Immediate help from Council was not forthcoming. This action could have had serious consequences to her health.

**Answer by the Mayor:**

Yes.

20.

**TRAFFIC - MITCHELL ROAD, ALEXANDRIA - COMPLAINTS BY RESIDENTS REGARDING SPEEDING TRUCKS AND TONNAGE LIMITS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (T52-00103)**

**Question:**

The residents of Kendal Gardens in the Sydney Park Village request that the Traffic Committee investigate appropriate measures to be taken to force trucks to observe the speed and tonnage limit in Mitchell Road. These vehicles use the road as a race track.

**Answer by the Director of Public Works and Services:**

That is probably a matter for the Police and we can refer that matter to them and they can respond by doing patrols when they are available.

21.

**MITCHELL ROAD, NOS. 177 - 219, ALEXANDRIA - REQUEST FOR A PEDESTRIAN FOOTBRIDGE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (U94-00200)****Question:**

The residents of Kendal Gardens would like to have Council reconsider a pedestrian footbridge to Sydney Park instead of a wombat tunnel. New technology may be able to overcome the problems associated with the first design.

Could they also have some idea of when this type of amenity would be installed? It was part of the Section 94 contribution from Huntley Green, which was completed years ago.

**Answer by the Mayor:**

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

22.

**BROCKS LANE, NO. 66, NEWTOWN - COMPLAINTS REGARDING FUMES FROM ALUMINIUM FACTORY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013223)****Question:**

The residents of Brocks Lane and the surrounding area are concerned about the apparent noxious fumes escaping into the atmosphere believed to be from the aluminium factory at No. 66 Brocks Lane.

Could Council Officers inspect the premises and ascertain if appropriate measures have been taken to install the necessary filters to prevent this happening?

**Answer by the Mayor:**

The premises have been inspected on a number of occasions I understand.

**Response by the Director of Health and Community Services:**

It has been the subject of complaints and enquiries in recent times. We have on many occasions inspected the property and not found any problem noise wise or from an air pollution point of view. I spoke today to Friends of the Earth and finally made contact with them after a fortnight and advised them that if and when

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there is a problem, it would be wise for the complainant to contact Council directly, then we can investigate the complaint at that time it is happening. All our previous investigations have found nothing to be substantiated.

23.

**CLEANING - ABERCROMBIE STREET, DARLINGTON - INSTALLATION OF RUBBISH BINS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C56-00013)**

**Question:**

The residents and business owners in Darlington request that rubbish bins in Abercrombie Street be re-installed. Over 1,500 students use this street as a main thoroughfare daily, shedding litter as they go. It is unsightly.

**Answer by the Mayor:**

Yes, I will have the Director of Public Works and Services investigate that matter.

24.

**STREETS - ABERCROMBIE STREET, DARLINGTON - INSTALLATION OF A PARK BENCH IN THE SHOPPING PRECINCT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2001974)**

**Question:**

The residents and business owners in Darlington request that a park bench be installed in the shopping precinct in Abercrombie Street. Many elderly residents need a place to rest and catch their breath.

**Answer by Councillor Lay:**

I have already approached Council Officers directly in relation to that matter.

25.

**CLEANING - DARLINGTON - REQUEST FOR A BETTER STREET CLEANING PROGRAM - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C56-00013)**

**Question:**

The residents and business owners in Darlington request a better street cleaning program in their suburb. Rubbish lying in the street and on the footpaths is a constant problem.

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**Answer by the Mayor:**

That is already being done.

26.

**STREETSCAPES - DARLINGTON - REVIEW OF THE NEED FOR STREETSCAPING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016906)****Question:**

The residents and business owners in Darlington request that South Sydney Council review the need for street landscaping. This area is rapidly being renovated and restored. There is a distinct user friendly atmosphere returning to the area. It would be greatly enhanced by the appropriate landscaping.

**Answer by Councillor Lay:**

There is an issue which relates to the traffic lights in that area. We had come up with a design that we thought was appropriate. When we approached the Roads and Traffic Authority they wrote back to us raising a whole range of problems and we are in the process now of trying to arrange an on site meeting because I think it would be valuable to see what is actually going on. If Council's proposals can be worked on, that they provide some widening of footpaths, etc. which would enhance and probably make redundant any work that we would do in the interim as it would be stuck in the middle of the footpath instead of on the edge.

27.

**STREETS - ABERCROMBIE STREET, DARLINGTON - REPAIRS TO PAVEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S56-00026)****Question:**

The residents and business owners in Darlington request that the pavement in Abercrombie Street receive urgent attention. The bitumen outside the shops is pitted with holes and is rapidly becoming dangerous.

Could Council ensure that the new pavement is sturdy? The recently installed bitumen paving on the city side appears to be collapsing.

**Answer by the Mayor:**

Yes.

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28.

**DEVELOPMENT - DARLINGTON SHOPPING PRECINCT - REQUEST FOR A COMMERCIAL/RETAIL POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022771)**

**Question:**

The business owners in the Darlington Shopping Precinct request that a commercial/retail policy for their rapidly growing area be investigated in conjunction with residents and ratepayers. They feel it is necessary for growth to take place through a variety of retail and commercial space.

**Answer by the Mayor:**

Where are you talking about? There are six shops in Abercrombie Street from Lawson Street. What business community are you talking about? All six of them?

29.

**WELFARE - REQUEST FOR COUNCIL TO HELP PRESERVE SOUTH SYDNEY HOSPITAL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (W51-00088)**

**Question:**

The President of ZCAG has again requested help from Council to preserve South Sydney Hospital as a community asset. Considering the Mayor was one of the organisers of the last campaign to keep this amenity when the Liberals tried to close it down, surely his views have not changed. Indeed, he must feel doubly sure that this should be kept as a community asset considering the huge numbers of residents that will buy into the huge developments in the Green Square Masterplan.

**Answer by the Mayor:**

Firstly, I will correct you. You said the Liberals tried to close it down. They didn't try, they did. And yes, I am supporting the community both as my role as Mayor and as a member of the South Sydney Development Corporation.

**Response by Councillor Lay:**

Can I further clarify. After having discussions with Ms Ferguson, I actually went back and researched the files to go back through the history and I do note that in fairly recent times, a letter was forwarded on behalf of Council to the Member

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for Heffron requesting that she as the State Representative approach the Minister on behalf of this Council and the community to ensure that maximum community facilities are placed in this very valuable facility and reminding her of the struggle the Council and community has gone through to try and maintain the facilities in that area. It also notes the proposed expansion of the area with the Green Square redevelopment.

30.

**PUBLIC RELATIONS - REQUEST FOR COUNCIL'S SUPPORT BY MRS PAT HUTCHINSON ON HER APPEAL TO THE OLYMPIC TORCH BEARERS' COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2006760)**

**Question:**

Would the Council support a request from Mrs Pat Hutchinson, the daughter of J J Collins MBE, to support her appeal made to the Olympic Torch Bearers' Committee to have her son Mark carry the torch past Royal South Sydney Hospital?

Mrs Hutchinson's family served the community of South Sydney for a total of 150 years between them and were instrumental in building the hospital into a world class rehab facility.

Mrs Hutchinson herself served on the board of the Hospital until it closed its doors as a working facility. Her father, a joint founder and Mayor of Alexandria eight times, ran the hospital for 40 years and Mark was the apple of his eye.

Mark has also served the community - fund raising for the Leukemia Foundation and with the SES during the hailstorm and its aftermath. Like the Mayor, he lost his home and two cars during this disaster.

It would be a fitting tribute to this family if this Council supported the appeal.

**Answer by the Mayor:**

I will write a letter on behalf of that person to SOCOG for you.

**REPORT OF THE FINANCE COMMITTEE**

15 March 2000

**PRESENT****Councillor Sean Macken (Chairperson)****Councillors – Margaret Deftereos, Sonia Fenton, Greg Waters.**

At the commencement of business at 6.32 pm those present were:-

Councillors - Deftereos, Fenton, Macken and Waters.

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

That the Report of the Finance Committee of its meeting of 15 March 2000, be received and the recommendations set out below for Items 1 and 2, 4 to 7, inclusive, and 10 to 12 inclusive be adopted. The recommendations set out below for Items 3,8 and 9 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – FEBRUARY 2000 (2022602)**

That arising from the report of the Director of Finance dated 2 March 2000, approval be given to the confirmation of the payment of the accounts totalling \$12,051,515.63 as detailed in the Summary of Warrants for the Month of February, accompanying the report.

Carried.

2.

**ADMINISTRATION – POWERS OF ATTORNEY FROM COUNCIL - AUTHORISATION TO ADMINISTRATION SERVICES MANAGER, MR A M ROLLS (A53-00020)**

That approval be given to:-

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- (A) (1) Power of Attorney being granted to the Administration Services Manager, Anthony Michael Rolls, in similar form to the Power of Attorney, Registered Book 3829, No 339 and executed under the Common Seal of the Council;
- (2) Council's Legal Officer arranging for registration of the Power of Attorney;
- (3) the authority to use the Power of Attorney being included in the Manual of Standard Procedure.
- (B) Deed of Revocation of Power of Attorney to Susan Joy Browne, Registered Book 4125, No 957 being executed under the Common Seal of the Council.

(A/DCS Report 7.3.00)

Carried.

### 3.

#### **CONFERENCES – 19<sup>TH</sup> IMM NATIONAL CONGRESS TO BE HELD IN MELBOURNE 28 – 31 MAY 2000– ATTENDANCE OF COUNCIL'S REPRESENTATIVES (C61-00224)**

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Lay:-

That, arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 7 March 2000, approval be given to the Mayor, interested Councillors and the General Manager attending the 19<sup>th</sup> IMM National Congress to be held in Melbourne from 28<sup>th</sup> to 31<sup>st</sup> May, 2000, and that the payment of registration fees, travelling expenses, and accommodation and all subsistence expenses, be borne by the Council, for which funds are available in the 1999/2000 Revenue Estimates.

Carried.

### 4.

#### **STREETS - LIGHTING - AUSTRALIAN TECHNOLOGY PARK, EVELEIGH - CONTRIBUTION BY COUNCIL (2019397)**

That approval be given for an annual contribution to be made to the Australian Technology Park for the cost of lighting the public thoroughfares through the

**GENERAL MANAGER**

site, based on 50% of Energy Australia's standard tariff, which at current rates, would be \$3,190 per annum and funded from the Street Lighting Account CBB 77F0

(DPWS Report 7/3/00)

Carried.

5.

**FINANCE – ACCOUNTS – INVESTMENT – MONTHLY REPORT – PERIOD ENDING 25 FEBRUARY 2000 (2015594)**

That the Investment Report by the Director of Finance dated 8 March 2000, be received and noted.

Carried.

6.

**ADMINISTRATION - PUBLIC WORKS AND SERVICES DEPARTMENT - TRANSFER OF FUNDS WITHIN THE 1999/2000 WORKS PROGRAMME (2025562)**

That arising from consideration of a report by the Director of Public Works and Services dated 8 March 2000, approval be given to the following funds being transferred within the 1999/2000 Works Programme from:-

- (1) Drainage Works Lachlan/Joynton Stage 1 CWM 2801 to Mill and Resheet Works, CWC 2100, in the sum of \$250,000;
- (2) Environmental Streetscapes - Challis/Robertson Road CWH 2501 to Preventative Maintenance Programme, CWB 2010, in the sum of \$100,000.

Carried.

7.

**DEVELOPMENT - MASTER PLANS - FEE FOR ASSESSMENT - INTRODUCTION - AMENDMENT TO COUNCIL'S MANAGEMENT PLAN 1999/2002 (D52-00159)**

That further to resolution of Council of 8 December 1999, and arising from a report by the Director of Planning and Building dated 7 March 2000, approval be given to the adoption of the new fee structure of \$5,000 for the assessment

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of a Master Plan, and a combined fee of \$7,000 for the simultaneous assessment of a Master Plan and a Rezoning Application.

Carried.

8.

**LICENSING – SWANSON STREET, NOS. 1 - 3, ERSKINEVILLE – PROPOSED FOOTWAY LICENCE (2022358)**

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Fenton:-

That approval be given to:-

- (1) the granting of a licence to Bartony Pty Ltd over an area of 21 square metres of the footway of Swanson Street adjacent to “Rose of Australia” Hotel at Nos. 1-3 Swanson Street, Erskineville, as shown stippled on Plan No S4-130/753A and subject to the conditions in the schedule the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (2) the licence commencing only following the satisfactory compliance with conditions (7) and (8) in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (3) the execution of all relevant documents and plans by Council's Attorney;
- (4) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (5) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required. By Conditions (7) and (8) in the schedule accompanying the Director's report, or failed to execute the licence agreement.

(DPWS Report 7.3.00)

Carried.

9.

**PROFESSIONAL SERVICES - RECYCLING COLLECTION SERVICE -  
PROPOSED CHANGES (P55-00053)**

That arising from a report by the Director of Public Works and Services dated 9 March 2000, concerning Council's domestic recycling collection contract, approval be given to:-

- (1) the contract being amended to reflect the increase in the current number of serviceable premises from 30,818 to 35,552 and the Contractor be paid an amount to reflect this increase as from 1 January 2000. (Funds available in current Waste Services Branch Budget Estimates.);
- (2) the proposal for the new service vehicles and the associated \$10.00 increase be accepted upon agreement between the Director of Public Works and Services and Collex on the issue of extending the contract option from one to two years and Collex providing \$10,000 annually for the term of the contract for production and distribution of relevant promotional material;
- (3) the Waste Services Branch Manager investigates cost to be charged to Collex for use of wash bays.

It was moved by Councillor Waters, seconded by Councillor Lay that the motion be amended by the deletion of the number 30,818 where appearing in the second line of the clause 1 of the recommendation and the insertion in lieu thereof of the words "of an amount calculated by the Director of Finance".

Motion, as amended by consent, carried.

10.

**PARKS – SOLANDER PARK, PARK STREET, ERSKINEVILLE -  
UPGRADING - ACCEPTANCE OF TENDER (2009701)**

That arising from consideration of a report by the Director of Public Works and Services dated 8 March 2000, approval be given to:-

- (1) works in Solander Park, Park Street, Erskineville for a sum of \$239,600;
- (2) provide a contingency amount of \$35,000 to cover latent conditions during the Contract.

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-funds of \$274,600 are available in the 1999/2000 Works Programme -FWP 2003- \$350,000 (Solander Park).

Carried.

11.

**TRAFFIC - EASTERN DISTRIBUTOR - IMPLEMENTATION OF LOCAL AREA IMPROVEMENT PLAN (LAIP) – ENGAGEMENT OF SPECIAL PROJECT MANAGER TO IMPLEMENT – CALLING OF TENDERS (T02-00172)**

- (1) That Council receive and endorse the proposal in the report dated 13 March 2000, by the Director of Public Works and Services for staged implementation of civil works for the Eastern Distributor L.A.I.P. Scheme;
- (2) That approval be given to call tenders for the engagement of an external specialist project manager to expedite the preparation of detailed designs and contract documentation and to supervise contract construction of a range of civil works as essential parts of the Eastern Distributor L.A.I.P. Scheme, on the understanding that the Roads and Traffic Authority will meet the full cost involved.

(DPWS Report 13.3.00)

Carried.

12.

**PERSONNEL – SCHOOLS BASED TRAINEESHIPS – PLANNING AND BUILDING DEPARTMENT – APPOINTMENT OF TRAINEE (2013172)**

That arising from consideration of a joint report dated 1 March 2000 by the Director of Organisational Development and the Director of Planning and Building, approval be given to:-

- (1) the appointment of a Trainee (Office Administration ) in the Planning and Building Department for a period of 12 months.
- (2) funds for the amount of \$2,700 be added into the Planning and Building Department labour Budget for 2000/2001.

Carried.

The Finance Committee Meeting terminated at 7.07 p.m.

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**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

15 March 2000

**PRESENT****Councillor Sonia Fenton (Chairperson)****Councillors – Margaret Deftereos, Sean Macken, Greg Waters.**

At the commencement of business at 7.08 pm those present were -

Councillors:- Deftereos, Fenton, Macken and Waters.

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

That the Report of the Community Services Committee of its meeting of 15 March 2000, be received and the recommendations set out below for Items 1,3 and 4, be adopted. The recommendation set out below for Item 2 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-**1.****HEALTH – DARLINGHURST ROAD, KINGS CROSS - GULLY PITS - GROSS POLLUTANT TRAP TRIAL (2022595)**

That arising from a joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 1 March 2000, approval be given to:-

- (1) the trial of gully pit gross pollutant traps in Darlinghurst Road, Kings Cross, between Bayswater Road and Macleay Street, Kings Cross;
- (2) the Public Works and Services Department ensuring the hydrological performance of the Enviropod to ensure the placement of the device does not impede the hydrological efficiency of the gully pits.

Carried.

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2.

**HEALTH – MANAGEMENT PLANS TO IMPROVE THE PUBLIC DOMAIN – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2020574)**

That the report by the Director of Public Works and Services dated 7 March 2000, about preparation of “Management Plans” for the “Urban Domain” for the Sydney 2000 Olympic and Paralympic Games, be received and noted.

At the request of Councillor Fowler and by consent the above be received and noted and that a further report be submitted in respect of:-

- (a) the steps that will be taken by Council Officers to police illegal and I believe dangerous hawkers on Oxford Street and other streets during the Olympic period;
- (b) the level of notification that will be made to residents and ratepayers regarding street closures or location of outside broadcasting vehicles and enclosures.

Motion, as amended by consent, carried.

3.

**COMMITTEE - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 8 FEBRUARY 2000 (2017377)**

That the report by the Director of Health and Community Services dated 8 March 2000, and the accompanying minutes of the Access Committee for People with Disabilities held on 8 February 2000, be received and noted.

Carried.

4.

**CELEBRATIONS – YOUTH WEEK AWARDS, 2000 (2021302)**

That arising from a report by the Director of Health and Community Services dated 9 March 2000, the following awards and scholarships be presented at the Youth Week civic reception to be held on 6 April 2000, at Redfern Town Hall:-

**Youth Awards:**

- Lima Peni
- Sarah Rodigari

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**Educational Scholarships:**

- Waterloo Girls Internet Project
- South Sydney Youth Radio Group Anti-Violence Project

**General Scholarships:**

- "Shaken" – An original Australian Opera
- The Raw Deal Project

-with funds to cover the scholarships available in the 1999/2000 Budget.

Carried.

The Community Services Committee Meeting terminated at 7.20 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

15 March 2000

**PRESENT**

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

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

At the commencement of business at 6.35 pm, those present were -

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

**Apology:**

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

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

That the Report of the Planning and Development Committee of its meeting of 15 March 2000, be received and the recommendations set out below for Items 1, 2, 4, 5 and 12, be adopted. The recommendations for Item 3 and Items 6 to 11, inclusive, having been dealt with as shown immediately following such Items.

Carried.

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The Committee **recommended** the following:-

1.

**BURREN STREET, NOS. 33-35, ERSKINEVILLE – DEMOLISH EXISTING BUILDING AND ERECT FOUR TERRACE HOUSES - DEVELOPMENT APPLICATION (U00-00017)**

**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 25 February 2000.

Carried.

2.

**PLANNING - REVOCATION OF REDUNDANT AND SUPERCEDED – DEVELOPMENT CONTROL PLANS (DCPs) (2022679)**

That Council resolve to:-

- (1) repeat South Sydney DCP No. 1 – Design Guidelines; South Sydney DCP No.3 – Newtown Railway, South Sydney DCP No.4 – Waterloo/ Redfern and South Sydney DCP No.9 – Zetland and
- (2) give public notice of the date from which these DCPs are repealed.

(DPB Report 11.3.00)

Carried.

3.

**HORDERN STREET, NO. 22, NEWTOWN – ERECTION OF ATTIC CONVERSION – DEVELOPMENT APPLICATION (U99-01282)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council, as the responsible authority, grants deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, to the development application submitted by Nicholas Hunt, with the authority of Marie Jose Esposito (co-owner), for permission to erect an attic conversion, including a front dormer

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window and a first storey addition at the rear, with a deck, subject to the following conditions, namely:-

- (1) That the consent shall not become operative until amended plans have been submitted and approved, to show compliance with the following requirements to the satisfaction of the Director of Planning and Building, namely:
  - (a) The proposed first floor extension behind the existing roof ridge line shall be set back from the northern side boundary by a minimum of 900mm;
  - (b) The proposed first floor rear deck shall be reduced to a maximum depth of 1200mm
  - (c) The ridge of the proposed front dormer shall be set a minimum 200 below the existing roof ridge;

-the amended plans shall be submitted within 3 months of the date of this consent;

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$120, 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 plans date stamped 9 November, 1999 submitted with the application, as amended to comply with the requirements in the abovementioned condition (1);
- (5) That the exposed external walls shall be rendered, bagged or painted, and shall be detailed in the application for a construction certificate (and work done prior to issuing an Occupation Certificate);

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(6) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:

- (a) external finishes to walls;
- (b) roofing;
- (c) balcony treatment;
- (d) windows and doors;

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

(7) That the proposed front dormer shall be constructed in timber joinery and the roof materials shall match the existing roof materials, to be detailed in the application for a Construction Certificate;

(8) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;

(9) That 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;

(10) 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;

(11) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);

(12) That intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation, 1995 under the Noise Control Act, 1975;

(13) 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

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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);

- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) That structural details shall be submitted with the application for a Construction Certificate.
- (16) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (19) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (20) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (21) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;
- (22) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (23) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or

other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.1.5(b) of the BCA;

- (24) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (25) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (26) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (27) 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.

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.

NOTE: That the applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council;

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

- (B) That the person who made representation regarding the proposal shall be notified of Councils decision.

Carried.

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4.

**FLINDERS STREET, NO. 106, DARLINGHURST – CONSTRUCTION OF TWO STOREY TERRACE DWELLING AT REAR OF PREMISES – DEVELOPMENT APPLICATION (U99-01072)**

**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 9 March 2000.

Carried.

5.

**WATERLOO STREET, NO.35, SURRY HILLS – APPLICATION FOR BROTHEL - DEVELOPMENT APPLICATION (U99-00898)**

**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 9 March 2000.

Carried.

6.

**KING STREET, NOS. 654-670, ERSKINEVILLE – DEMOLITION OF EXISTING BUILDING, CONSTRUCT NEW BLOCK OF 32 UNITS AND RETAIL COMPLEX WITH ASSOCIATED PARKING AND LANDSCAPING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-01174)**

(A) That the Council, as the responsible authority, grants its deferred commencement consent pursuant to Section 80(3) of the EPA Amendment Act 1997 to the development application submitted by Caldis Cook Group for permission to construct a new block of 30 units at Nos. 654 – 670 King Street, subject to the following conditions, namely:-

- (1) That the consent shall not become operative until the applicant has submitted amended plans which detail the following:
  - (a) deleting the two units on the fourth floor;
  - (b) setting back the fourth floor a further 1.5m from the edge of the parapet so that the height and bulk of the building is less prominent from the street;

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- (c) reducing the colonade on the ground floor level facing King Street. The proposed ground floor shopfronts should be set back a maximum of 1.2m from the King Street boundary so that they align with the eastern edge of the first floor balconies;
- (d) reducing the width of the parapet wall to a maximum of 700mm to reduce its visual dominance;

-the amended plans shall be submitted to Council within 6 months of the determination of this deferred commencement consent;

- (2) That the development shall be generally in accordance with plans numbered DA01-DA04, DA08-DA12, dated September, 1998;
- (3) 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 \$7000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That prior to issuing a development consent, it will be necessary to lodge with Council a fee of \$16500 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) Part A

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space: LGA Works Programme	\$11,861	2E97003.BGY0
Open Space: New Parks	\$59,005	2E97009.BGY0
Accessibility And Transport	\$ 352	2E97006.BGY0
Management	\$ 978	2E97007.BGY0
<b>Total</b>	<b>\$72,196</b>	

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

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

where:

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

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

Payment shall be made before the release of the construction certificate.

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

#### Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$17397	2E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;

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

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

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

- (7) That the rear laneway shall not be paved in the manner proposed;
- (8) That a maximum of 31 off street parking spaces shall be provided in the basement 5 of which shall be for visitors near the entrance;
- (9) That one disabled space shall be provided near the lift;
- (10) That the proposal shall comply with DCP 1997 page 108 in relation to operating energy sources;
- (11) That pedestrian access shall be retained from Concord Lane through to the rear of the terraces fronting Bay Street;
- (12) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (13) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (14) That the development must satisfy the requirements in Council's DCP No.11, Transport Guidelines for Development 1996. In particular the development must have satisfactory:
  - Ramp grades and transitions;
  - Clearances;
  - Aisle widths;
  - Width of car parking spaces;
  - Width of vehicular entrance.

-the developer shall include with the application for a Construction Certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedures. The developer shall apply and pay the fees for us to consider these levels. The developer shall adopt the final boundary alignment levels fixed by Council.

- (15) That in King Street, the new kerb shall be Bluestone. For the rest of the site the developer to reinstate any damaged kerb and gutters in materials similar to those existing;
- (16) That the developer shall prepare a detailed Traffic Management Plan (as per Council's requirements) so that the Traffic Committee can consider the proposed restrictions to traffic movements in the Lane adjacent to the site. Any traffic control measures are conditional on the approval of the Traffic Committee;
- (17) That the Developer shall where necessary, construct or re-construct at the Developer's cost, roads and drainage to the Council's Standard. Our Manager Traffic and Design will provide our specification for the construction or re-construction of roads and drainage;
- (18) That the Developer shall lodge with Council and from a Bank approved by Council, a Guarantee for the estimated construction cost of all works on the adjacent roads, which we require resulting from our development consent conditions for this development.

The Developer, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents.

The Bank Guarantee will be for this estimated cost, calculated as a future value, compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.

The Developer shall be able to request a decrease in the amount of the original bank guarantee as sections of work are completed. Council shall consider these requests and approved any reductions that are fair and reasonable;

- (19) That the Developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services

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affected by roads and drainage works associated with the development;

- (20) That the developer shall provide off street parking for workers constructing the development;
- (21) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (22) That any proposal for seating on the public footway of King Street shall be the subject of a separate application under the Roads Act 1993;
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:
  - (a) all proposed mechanical ventilation systems;
  - (b) all required mechanical ventilation system;
  - (c) the garbage storage area;
  - (d) the layout, disposition, and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to any proposed food premises and storage areas;
- (24) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulation;

and the following adopted standard conditions:

- (25) Works on Public Way Cost<sup>1002</sup>
- (26) Paving<sup>1003</sup>
- (27) Alteration of Public Services<sup>1006</sup>
- (28) Builders Hoarding Permit<sup>1008</sup>
- (29) Alignment Levels<sup>1016</sup>
- (30) Underground Support<sup>1017</sup>
- (31) Stormwater Standard<sup>4001</sup>

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- (32) Clean Water Discharge<sup>4002</sup>
- (33) Connection to Council's Stormwater System<sup>4005</sup>
- (34) Stormwater Design Certificate<sup>9015</sup>
- (35) Hours of Work and Use of Cranes<sup>9153</sup>
- (36) Works Within Boundary<sup>9152</sup>
- (37) Construction Certificate Required<sup>9155</sup>
- (38) Street Number Application<sup>123</sup>
- (39) Resident Parking Access<sup>3001</sup>
- (40) Disabled Entry<sup>3024</sup>
- (41) Road Opening Permit<sup>3025</sup>
- (42) Cost of Signposting<sup>3026</sup>
- (43) Footway Crossing<sup>3028</sup>
- (44) Obstruction of Public Way<sup>3029</sup>
- (45) Delivery of Construction Materials<sup>3032</sup>
- (46) Refuse Skips<sup>6002</sup>
- (47) Landscape Plan<sup>5001</sup>
- (48) On Slab Planting<sup>5013</sup>
- (49) Maintenance of Landscaping<sup>5014</sup>
- (50) Final Inspection<sup>5015</sup>
- (51) Consequential Roadworks<sup>3027</sup>
- (52) Construction Traffic<sup>3030</sup>
- (53) Traffic and Pedestrian Management<sup>3031</sup>
- (54) Works Within Boundary<sup>9152</sup>

- (55) Consolidate Lots<sup>122</sup>
- (56) Ventilation<sup>7023</sup>
- (57) Car Park Ventilation<sup>7029</sup>
- (58) Contamination Assessment<sup>7018</sup>
- (59) Construction Noise<sup>7008</sup>
- (60) Fitout of Food Premises<sup>7020</sup>
- (61) Air Handling - Food<sup>7022</sup>
- (62) Emissions<sup>7004</sup>
- (63) Sanitary Facilities<sup>7016</sup>
- (64) Storage/Garbage<sup>6009</sup>
- (65) Trade Waste<sup>7065</sup>
- (66) Noise<sup>7028</sup>
- (67) Comply With BCA<sup>9104</sup>
- (68) Construction Certificate Required<sup>9155</sup>
- (69) Comply With the WorkCover Authority<sup>9105</sup>
- (70) Building/Demolition Noise Control<sup>9156</sup>
- (71) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (72) Works to be Within Allotment Boundaries<sup>9159</sup>
- (73) Excavations and Backfilling<sup>9160</sup>
- (74) Excavations and Backfilling Safely<sup>9161</sup>
- (75) Guarding of Excavations<sup>9162</sup>
- (76) Construction Hours<sup>9151</sup>
- (77) Soil and Sediment Prosecution Note<sup>7069</sup>
- (78) Vehicle Cleansing<sup>7009</sup>

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

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

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

It was moved as an amendment by Councillor Bush, seconded by Councillor Fowler, that the whole of the resolution be deleted and the insertion in lieu thereof of the following new resolution, namely:-

That the application be deferred as requested by the applicant in fax dated 21 March 2000, to allow for further discussions regarding conditions imposed by Council.

Amendment negatived.

Motion carried.

7.

**PLANNING – DEVELOPMENT CONTROL PLAN NOTIFYING APPLICATION  
(D52-00159)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That consideration of this matter be deferred to allow the preparation of a supplementary report dealing with:

- 1) the potential to have notices erected on buildings regarding Development Applications;
- 2) explanation of the different classes of development identified by the Environmental Planning and Assessment Act including examples;
- 3) the potential to notify applications on Council's website.

Carried.

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8.

**DARLINGHURST ROAD, NOS. 32-32A, POTTS POINT – ALTERATIONS AND ADDITIONS TO AN EXISTING NIGHTCLUB TO INCLUDE 24 HOUR LICENSED HOTEL – DEVELOPMENT APPLICATION (U99-1319)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(A) That Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment (Amendment) Act 1997, the development application submitted by Martin and Spork Pty Ltd for permission to alter and add to the existing building and use as a licensed hotel on a 24 hour basis, subject to the following conditions, namely:

(1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 2 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 the approval of a Construction Certificate:

Submission of an acoustical report prepared by an accredited acoustic consultant specifying detailed methods of attenuation proposed to be undertaken to minimise noise impacts from all noise sources including live entertainment on surrounding properties. The acoustic report shall also consider the issue of any openable windows and their method of management;

That a Plan of Management shall be prepared in consultation with the Kings Cross Licensing Accord detailing safety and security measures and procedures in the event of anti-social behaviour occurring in association with the hotel use. Such Plan shall include (but shall not be limited to) an undertaking as to the number of security doormen manning the entrances/exits, crowd control procedures, and standard procedures in ensuring patrons leave the premises in an orderly manner by way of signage etc.

(2) That the development shall be generally in accordance with plans numbered DA1/2, dated 3 November, 1999 and DA2/2, dated 11 November, 1999 ;

(3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$8250 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

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

- (4) That prior to issuing the 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 \$1500, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the sun control devices proposed do not project beyond the awning;
- (6) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (7) That the number of persons accommodated on each floor shall comply with the requirements of Clause D1.13 of BCA;
- (8) That the required width of exits on each floor shall comply with the requirements of clause D1.6 of the BCA;
- (9) That storage cupboards under required non-fire isolated stairs (storage under 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;
- (10) That access for people with disabilities shall be provided in accordance with Part D3 of the BCA;
- (11) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act, 1997*;
- (12) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the Building Code of Australia;

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- (13) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or** a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:
- (i) all proposed mechanical ventilation systems;
  - (ii) all required mechanical ventilation systems;
  - (iii) the garbage room;
  - (iv) the recycling storage area;
  - (v) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;
  - (vi) the smoke hazard management system.

**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.

and the following adopted standard conditions:

- (14) Builders Hoarding Permit<sup>1008</sup>
- (15) Alignment Levels<sup>1016</sup>
- (16) Obstruction of Public Way<sup>3029</sup>
- (17) Delivery of Construction Materials<sup>3032</sup>
- (18) Stormwater Standard<sup>4001</sup>
- (19) Clean Water Discharge<sup>4002</sup>
- (20) Refuse Skips<sup>6002</sup>
- (21) Vehicle Cleansing<sup>7009</sup>
- (22) Drainage Design Certificate<sup>9011</sup>

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- (23) Construction Hours<sup>9151</sup>
- (24) Works Within Boundary<sup>9152</sup>
- (25) Work on Public Way<sup>9154</sup>
- (26) Building/Demolition Noise Control<sup>9156</sup>
- (27) Doorways in Fire-Isolated Stairways<sup>9311</sup>
- (28) Glazing Provisions<sup>9330</sup>
- (29) Width of Stairs and Vertical Clearance<sup>9418</sup>
- (30) Exit Doors Installed in a Path of Travel to an Exit<sup>9421</sup>
- (31) Maintaining Unobstructed Access to Exits<sup>9426</sup>
- (32) Installation of sprinkler system<sup>9510</sup>
- (33) Hydrants be Installed<sup>9507</sup>
- (34) Hose Reels be Installed<sup>9506</sup>
- (35) Portable Fire Extinguishers be Installed<sup>9501</sup>
- (36) Exit signs<sup>9519</sup>
- (37) Emergency lighting<sup>9518</sup>
- (38) Number of toilets to be provided<sup>9608</sup>
- (39) Sanitary facilities for people with disabilities<sup>9610</sup>
- (40) Protection of walls and floors in wet areas<sup>9602</sup>
- (41) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>
- (42) Mechanical ventilation<sup>9615</sup>
- (43) Panic Bolts on Egress Doors<sup>9717</sup>
- (44) Separation of Entertainment Area<sup>9726</sup>
- (45) Separation of Storerooms<sup>9729</sup>

- (46) Lighting<sup>9735</sup>
- (47) Garbage on Public Way<sup>6001</sup>
- (48) Commercial Garbage Contract<sup>6003</sup>
- (49) Ventilation<sup>7023</sup>
- (50) Garbage/Recyclable Material Room<sup>6010</sup>
- (51) Noise<sup>7028</sup>
- (52) Sewer Discharge<sup>8004</sup>
- (53) Construction Noise<sup>7008</sup>
- (54) Exhaust for Food<sup>7021</sup>
- (55) Air Handling - Food<sup>7022</sup>
- (56) Trade Waste<sup>7065</sup>
- (57) Performance Certificates - Ventilation<sup>7036</sup>
- (58) That all loading and unloading operations shall be carried out via the entrance in Roslyn Street. Deliveries shall be restricted to between the hours of 10.00 a.m. and 6.00 p.m. only.

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

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

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

It was moved as an amendment by Councillor Fowler, seconded by Councillor Deftereos, that the hours of operation be for a trial period of 12 months.

Amendment negated.

Motion carried.

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9.

**ST. MARGARET'S HOSPITAL, SURRY HILLS – FINAL ADOPTION OF SITE SPECIFIC AMENDMENT TO DCP 1997 (2002545)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That Council resolve to:-

- (a) adopt the amendments to Development Control Plan 1997, Urban Design to include the site with the Mixed Used Transitional Precinct under DCP 1997 – Urban Design and impose a maximum FSR of 2:1 under the plan (with the potential for a bonus of 0.25:1 in exchange for public domain improvements to be negotiated at DA Stage);
- (b) give public notice of Council's decision and the commencement date of the amendment.

(DPB Report 7.3.00)

Carried.

10.

**VICTORIA STREET, NO. 157, POTTS POINT – ALTERATIONS AND ADDITIONS TO BUILDING AND USE AS PRIVATE HOTEL – DEVELOPMENT APPLICATION (U99-00891)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (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, the development application submitted by Second Victoria Pty Ltd (owner) for permission to alter and add to the existing building and use as a backpacker's hostel, subject to the following conditions, namely:-
  - (1) That the consent shall not operate until the applicant has provided details responding to the following matters, 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:

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- (a) Submission of amended plans showing the conversion of an internal guest room on the first level of the building to internal communal open space for the use of guests of the backpacker's hostel in accordance with Condition (7);
  - (b) Details of the hotwater system required by Conditions (10) and (11);
  - (c) Amended Plan of Management in accordance with Condition (8);
  - (d) Submission of amended plans indicating the replacement of the proposed metal roller shutter garage door with a panel lift door. A minimum clearance height of 2.0m shall be provided at the entrance to the garage when measured from the finished floor level to the underside of the garage door when in an open position. Details of the design and opening mechanism of the panel lift door shall also be provided;
  - (e) That windows in the eastern elevation of levels 1 and 2 shall be double glazed and openable to provide ventilation in accordance with the relevant provisions of the Building Code of Australia. Details to be shown on amended plans;
  - (f) That the proposed balcony at the rear of level 1 shall be deleted. Details in this regard shall be indicated on the amended plans;
  - (g) That the eastern wall of the rear first floor terrace area above the garage shall be a solid wall and shall be 1.8m in height when measured from the finished floor level of the terrace. Details in this regard shall be indicated on the amended plans;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with the Council a fee of \$2,250 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably

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endorsed. The levy, to the value of \$300, or first installment (as applicable), can be paid to the Council;

- (4) That the development shall be generally in accordance with:
  - (a) Plans numbered 310/99- 1 to 310/99- 3 and dated 11 August 1999 and bedroom plans numbered 1 and 2 and dated 9 September 1999;
  - (b) The Management Plan dated 9 September 1999;

-subject to the amendments outlined below;
- (5) That an on site manager/s shall be employed in association with the proposed backpackers hostel and shall be available on site 24 hours, 7 days a week, and shall ensure the appropriate management of noise, security and good housekeeping;
- (6) That no more than 36 beds (including mattresses) of which not more than 12 shall be double beds shall be accommodated on the site;
- (7) That one room on the first level of the premises shall be converted to internal communal space which shall be available for use of guests of the hostel, at all times (nb. This may require a reduction of the number of beds on the premises). Details shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to approval of the Construction certificate;
- (8) That the external open space shall not be used between 9.00pm and 8.00am, 7 days per week, and that management procedures to ensure compliance with this Condition shall be further detailed in a revised Plan of Management. The revised Plan of Management shall detail all methods to minimise noise impacts on surrounding properties and shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to approval of the Construction Certificate;
- (9) That a landscape screen comprising shrubs with a minimum height of 900mm and a minimum width of 1000mm shall be established at the northern and western edges of the proposed external terrace prior to occupation of the building and shall be maintained in perpetuity. Details shall be submitted with the Construction Certificate;
- (10) That a heat pump water system or 5 star gas system shall be installed on the site in accordance with Council's energy efficiency

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requirements contained in Development Control Plan 1997. The system shall be capable of servicing all guest requirements. Details are to be prepared and lodged to Council and shall be to the satisfaction of the Director of Planning and Building prior to approval of the Construction Certificate;

- (11) That a Statement by an accredited energy efficiency specialist shall be prepared and submitted with the details required in Condition (10), stating the projected hotwater needs for the backpacker's hostel, and detailing whether the proposed system of hotwater heating will service those needs;
- (12) That secure storage facilities for a minimum of 10 bicycles shall be established on the site and shall be for the use of hostel patrons and staff;
- (13) That the proposed signage shown on the plans shall be deleted and a separate application shall be lodged for signage on the site. The signage shall be consistent with the provisions of Development Control Plan No. 7 and shall not detract from the heritage significance of the streetscape or subject building;
- (14) Part A

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space: LGA Works Programme	\$11,024	2E97003.BGY0
Open Space: New Parks	\$54,902	2E97009.BGY0
Accessibility And Transport Management	\$ 327	2E97006.BGY0
	<u>\$ 895</u>	2E97007.BGY0
<b>Total</b>	<b>\$67,148</b>	

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

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

where:

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

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

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

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

## Part B

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

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

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

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

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

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

- (15) That notwithstanding Condition (14), if Condition (7) necessitates a reduction in the number of beds on the site, the applicant may request Council's reconsideration of the required Section 94 monetary contribution, and an amended quotation will be issued by Council in accordance with Council's Section 94 Contributions Plan;
- (16) That a dilapidation report shall be prepared by a certified structural engineer detailing the extent of structural dilapidation on adjoining properties to the site. The report shall be undertaken immediately prior to the commencement of construction on the subject site, and shall be submitted to Council, or the Accredited Certifier who issued the Construction certificate, and shall be to the satisfaction of the consent authority, prior to the commencement of construction works on the site;
- (17) That a maximum of 2 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;
- (18) That stormwater drawings and certificate shall be submitted prior to commencement of work;
- (19) That structural drawings accompanied with a certificate shall be submitted prior to commencement of building work;

- (20) That entrance doorways to all sole occupancy units at each floor level including the kitchen shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.13 of the BCA;
- (21) That openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 & C3.4 of the BCA. Your attention is directed to the openable windows;
- (22) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2;
- (23) That the construction, fitout and finishes of the kitchen shall comply with Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (24) That the storage and handling of garbage shall comply with the requirements of Council's "Waste/Minimisation Fact Sheets";
- (25) That the garbage room shall be constructed in accordance with the requirements of Council's "Waste/Minimisation Fact Sheets";
- (26) That the noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997;
- (27) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or an accredited certifier** for approval prior to the issue of a Construction or Occupation Certificate:
  - (i) all proposed mechanical ventilation systems;
  - (ii) the garbage room;
  - (iii) the recycling storage area;
  - (iv) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas.

-and the following adopted standard conditions:

- (28) Shared Accommodation<sup>7010</sup>

- (29) Sanitary Facilities<sup>7016</sup>
- (30) Trade Waste (Daily Removal)<sup>7064</sup>
- (31) Alignment Levels<sup>1016</sup>
- (32) Cost of Signposting<sup>3026</sup>
- (33) Footway Crossing<sup>3028</sup>
- (34) Obstruction of Public Way<sup>3029</sup>
- (35) Stormwater Standard<sup>4001</sup>
- (36) Refuse Skips<sup>6002</sup>
- (37) Construction Hours<sup>9151</sup>
- (38) Works Within Boundary<sup>9152</sup>
- (39) Compliance with Building Code of Australia<sup>8501</sup>
- (40) Survey Certificate at Completion<sup>9002</sup>
- (41) Hours of Work and Use of Cranes<sup>9153</sup>
- (42) Building/Demolition Noise Control<sup>9156</sup>
- (43) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (44) Demolition to Comply With Aust Standard<sup>9163</sup>
- (45) Glazing Provisions<sup>9330</sup>
- (46) Exit Doors Installed in a Path of Travel to an Exit<sup>9421</sup>
- (47) Width of Stairs and Vertical Clearance<sup>9418</sup>
- (48) Portable Fire Extinguishers be Installed<sup>9501</sup>
- (49) Installation of sprinkler system<sup>9510</sup>
- (50) Exit signs<sup>9519</sup>
- (51) Fire detection and alarm system<sup>9522</sup>

- (52) Emergency lighting<sup>9518</sup>
- (53) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>
- (54) Construction of External Walls for Dampness<sup>9623</sup>
- (55) Natural Light and Ventilation/Skylights<sup>9614</sup>
- (56) Ceiling heights of rooms or spaces<sup>9612</sup>
- (57) Protection of walls and floors in wet areas<sup>9601</sup>
- (58) Lining of Floors<sup>9863</sup>
- (59) Non-Combustible Walls<sup>9862</sup>

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

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

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

Carried.

11.

**ALBION STREET, NOS. 102-104, SURRY HILLS – APPLICATION TO AMEND EXISTING DEVELOPMENT CONSENT (U97-00389)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

That the Council as the responsible authority having considered applications for amendments under Section 96 of the Environmental Planning and Assessment Act to the development consent granted on 24 October 1997 for the conversion of an existing building to contain 34 residential flats and a shop:-

- (A) Grants its consent to the application to amend the development consent of 24 October 1997 by the conversion of Unit 1 to a commercial tenancy and by the incorporation into the living rooms of units 11, 12, 13, 18, 19 and 20 of the eastward and westward facing balconies associated with those units, subject to:-

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- (1) the deletion of the abovementioned description and the substitution of the following description:

"the conversion of an existing building to contain 33 residential units, a shop and a commercial tenancy."
- (2) the deletion of conditions (1) and (13) and the insertion in lieu thereof of the following new conditions, namely:-
  - (1) That the development shall be generally in accordance with plans 97 131 A10, A14-A16 issue G dated 2 December 1999 and A11-A13 issue H dated 31 January 2000;
  - (13) That a separate application shall be submitted for the specific use of the shop and the Crawford Place commercial tenancy;
  - (46) That the eight proposed private terraces on the roof shall remain as communal open space and a landscaping plan shall be submitted and approved by Council and works executed prior to occupation of the building.
- (B) Refuses its consent to an application for the amendment of the development consent of 24 October 1997 to alter the layout and access of the parking level for the following reasons, namely:-
  - (1) That the layout would compel vehicles using spaces 1, 2 and 9 back out into Little Albion Street;
  - (2) That the single entry point from Little Albion Street to the main parking area is too narrow for two way use in view of the number of cars using the parking area, the narrowness of the aisle leading to the entry and the likelihood of congestion of vehicles;
  - (3) That the proposal could cause congestion of vehicles in Little Albion Street, it being noted that the lack of any holding area makes signalisation of the entry impracticable.

Carried.

12.

**BOTANY ROAD, NO. 123, WATERLOO – ALTERATIONS TO REAR OF HOTEL - DEVELOPMENT APPLICATION (U99-01493)**

**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 22 March 2000.

Carried.

The Planning and Development Committee Meeting terminated at 8.05 p.m.

The Council Meeting terminated at 7.57 p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**