

248TH Meeting

Erskineville Town Hall
Erskineville
103531

Wednesday, 10 May 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.41 pm on Wednesday, 10 May 2000.

PRESENT

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

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

INDEX TO MINUTES

| Subject | Page No. |
|--|-----------------|
| Confirmation of Minutes | 288 |
| Minutes by the Mayor | 288 |
| Minutes by the General Manager | 295 |
| Petition | 297 |
| Urgency Motion - Council Elections - Request By "Rejoin The City Network" For A Plebiscite | 297 |
| Questions Without Notice | 298 |
| Report of Management Review Committee | 310 |
| Report of Finance Committee | 311 |
| Report of Finance Committee (Confidential Matter) | 321 |
| Report of Community Services Committee | 322 |
| Report of Planning and Development Committee | 324 |

GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 12 April 2000 and the Extraordinary Council of 27 April 2000, be taken as read and confirmed.

At the request of Councillor Fowler, and by consent, the minutes of 12 April 2000, were amended on Page 230 by the addition of the words "Councillors Bush, Deftereos and Fowler requested that their names be recorded as voting against the foregoing motion" after the word "Carried" in relation to the Minute by the Mayor regarding the General Manager's Contract.

Minutes, as amended by consent, were then confirmed.

Carried.

MINUTE BY THE MAYOR

26 April 2000

PUBLIC RELATIONS - VIOLET DONNELLY - 100 YEARS OF AGE (2004380)

It is with pleasure that I advise Council that Mrs Violet Donnelly, a long time resident of the South Sydney area, attained the age of 100 years on Wednesday, 26 April 2000.

As Council was in recess at the time of her birthday, arrangements were made for a display of flowers and letter of congratulations to be delivered to Mrs Donnelly conveying Council's best wishes.

Recommendation:

That confirmatory approval be given to the presentation of flowers and letter of congratulations forwarded to Mrs Violet Donnelly on Wednesday, 26 April 2000.

Councillor Vic Smith (SGD)

Mayor

GENERAL MANAGER

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

27 April 2000

PERSONNEL - GENERAL MANAGER - EXTENSION OF CONTRACT (2020700)

Council resolved on 12 April, 2000 that the General Manager's contract be extended for one year from 25 August 2000, under the same terms and conditions as his previous contract and that the terms of remuneration be negotiated.

Agreement has been reached and it is recommended that the General Manager's salary be increased by 5% from 25 August, 2000 (Salary Award increases 5½% - 2½% on 10.7.99 and 3% on 8.7.2000).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

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

GENERAL MANAGER

MINUTE BY THE MAYOR

10 May 2000

ELECTIONS - COUNCIL - ADVICE TO RESIDENTS (2012534)

Councillors and some residents are aware that the Minister for Local Government, The Honourable Harry Woods MP, has announced that Elections for this Council will be held on Saturday, 1 July 2000.

As most residents would be unaware of the upcoming Election, I consider it appropriate for a letter to be forwarded to all residents advising them of this fact.

In addition, it is proposed to insert in this letter a statement which advises residents to ensure that if they have changed residential address, have a family member who has turned 18 years of age or have been granted Citizenship since the last State Election, they need to lodge an enrolment card with the Australian Electoral Commission by 22 May 2000.

South Sydney Council has a high proportion of rented premises and a very diverse population including the Aboriginal community and people from Non-English speaking backgrounds.

In order to strengthen the democratic basis for the institution of Local Government it is imperative that all demographic groups appreciate the need to be enrolled to vote.

Council, I believe, has a fundamental responsibility to ensure its residents are fully aware of their right and duty to vote.

Recommendation:

That a letter be forwarded to all local residents advising that the close of Rolls will take place on 22 May 2000, and that the Council Election will be held on Saturday, 1 July 2000.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

GENERAL MANAGER

It was moved as an amendment by Councillor Fowler, seconded by Councillor Deftereos, that the abovementioned letter be forwarded to all local residents under the joint signatures of the General Manager and Electoral Officer.

Amendment negatived.

Motion carried.

MINUTE BY THE MAYOR

10 May 2000

PUBLIC RELATIONS - HOLDING OF FUNCTIONS AND OPENINGS FOR PROJECTS IN SOUTH SYDNEY AREA (P58-00055)

It has been the past practice of Council to hold functions, launches and openings, etc for projects undertaken by Council or for projects associated with community events in the South Sydney area.

There are a number of projects that have now been completed or will be completed during the period 20 May to 25 June 2000.

As many of the projects were the initiative and foresight of the present Council, I believe that it would be appropriate for this Council to hold functions, launches and openings, etc for these projects.

Attached is a copy of the schedule detailing the projects and the dates for the functions, launches and openings, etc.

Funds are available in the 1999/2000 Budget.

Recommendation:

That approval be given to the holding of functions, launches and openings, etc for the projects detailed in the attached schedule, for which funds are available in the 1999/2000 Budget.

Councillor Vic Smith (SGD)

Mayor

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

(Councillor Fowler requested that his name be recorded as voting against the foregoing motion.)

MINUTE BY THE MAYOR

10 May 2000

PROPERTIES - ROYAL SOUTH SYDNEY HOSPITAL - NEGOTIATIONS TO PURCHASE SITE (2008009)

Council has been lobbying to ensure the retention of the Royal South Sydney Hospital Site for health or related purposes. I have argued the retention, on the basis of the needs of existing South Sydney residents and the new residents and workers that will be moving into Green Square as a result of urban renewal. Despite this the indications are that the site will be disposed of by the Government. I see it as critical that this site remain as a public asset servicing the redevelopment of the Green Square area.

The site forms part of the proposed town centre, is currently 1.88 hectares in area and is bounded by Joynton Avenue, Hansard Street and Portman Street. The proposed east-west Boulevard cuts through the northern end of the site and will give the site frontage to this new local road which will be the main artery of the town centre.

I believe it would be in Council's interest to enter into negotiations with the Department of Health to purchase the site at an appropriate price. There are a number of potential benefits for Council and the community if Council were able to purchase the land including:-

- The potential to include ongoing health services in any redevelopment of the site.
- As a site for a new civic building. (Council's existing depot at Bourke Street is not a stand alone development site in the town centre masterplan and is constrained by the adjoining residential development. Council's sites on

GENERAL MANAGER

Joynton Avenue are not part of the town centre and I believe that it is highly desirable for the Council to be in the town centre).

- The opportunity to locate a cultural facility at the heart of Green Square
- As an investment option
- To assist in the implementation of an integrated town centre
- The ability to ensure sensitive retention and adaptive reuse of the heritage buildings and the opportunity to create a civic space, including gardens.

Recommendation:

That the Mayor write to the Minister for Health seeking the Ministers endorsement to enter into negotiations to purchase the site of the Royal South Sydney Hospital.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

10 May 2000

**ELECTIONS - PROPOSED AMENDMENT TO LOCAL GOVERNMENT
ACT 1993 - REGISTRATION OF POLITICAL PARTIES (2006350)**

Councillors and constituents of South Sydney City Council will have seen public notices on 8 May 2000 from the State Electoral Office proposing the registration of two new political parties.

Pursuant to the provisions of the Local Government Act 1993, the Electoral Commissioner has given notice of applications by the

GENERAL MANAGER

- **"Save the Rabbitohs" Party**, and the
- **"More Car Parking" Party**.

Under Part 7 of Section 10 of the Local Government Act, any sitting local councillor within NSW may apply to register a political party without any requirement for

- establishing a bona fide membership list;
- indicating the number of members, if any;
- clearly defining the objectives of the proposed party, beyond the simple aim of standing candidates in that councillor's area; and
- without any requirement to subject the proposed party's finances to appropriate public audit.

I understand through the President of Souths, Mr George Piggins, that registration of the "Save the Rabbitohs" will be vigorously opposed by the Club.

Firstly, there has been no prior association of the proposed registered officers of the party with the Football Club. Ian Malcolm Longbottom (the registered officer) is a Liberal Councillor on Lane Cove Council and lives in Lane Cove - not in South Sydney, and has a longstanding association with the Rugby Union football code. The deputy registered officer is Ms Tania Jollie of 809 Elizabeth Street, Zetland which is the home address of Councillor John Bush.

Secondly, the Longbottom name is famous for its football prowess and is well known in the Matraville and La Perouse areas. Ian Malcolm Longbottom is no relation to the football Longbottoms and has no association with them or the Football Club.

According to Mr Piggins, no authority exists from Souths to link them to this political party and none will be forthcoming. No arrangements are in place for the party to raise funds on Souths' behalf.

Recommendation:

- (1) That this Council calls upon the Minister for Local Government to amend the Local Government Act 1993 to require the same safeguards and regulations in relation to registering new political parties as applies to NSW General Elections.
- (2) That advice be sought from the South Sydney Rugby League Football Club to prevent any confusion arising within the LGA from unauthorised association being claimed with the Football Club by the proposed Party.

Councillor Vic Smith (SGD)

Mayor

GENERAL MANAGER

Moved by Councillor Waters, seconded by Councillor Lay:-

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

After discussion on the matter, Councillor Deftereos requested that the motion be put.

Motion to be put negatived.

Motion carried.

MINUTE BY THE GENERAL MANAGER

10 May 2000

SIGNS - FAIRFAX HOLDINGS LTD - APPLICATION TO DISTRIBUTE SYDNEY EXPRESS AT KINGS CROSS AND REDFERN RAILWAY STATIONS (S52-00030)

An application has been received from Fairfax Holdings Ltd to distribute the Sydney Express on the footway outside Kings Cross Railway Station (Victoria Street and Macleay Street entrance) and Redfern Railway Station from Monday, 15 May 2000.

Council does not have a policy to permit this activity, however it can resolve to grant approval subject to the standard conditions generally used for street stalls on the footway and apply the fees indicated in the adopted Fees and Charges following execution of a licence agreement.

Distribution of the publication will take place between 3.00pm to 7.00pm Monday to Friday from a portable mobile trolley.

Recommendation:

That approval be granted for Fairfax Holdings Ltd to occupy the footway outside Kings Cross and Redfern Railway Stations subject to the conditions contained in a licence agreement prepared by Councils Legal Officer.

J. W. Bourke (SGD)

General Manager

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

10 May 2000

PUBLIC RELATIONS - UMR COMMUNITY SATISFACTION SURVEY - DISTRIBUTION (2019374)

A Community Satisfaction Survey has been conducted on Council's behalf by UMR Research P/L.

The survey was part of a research program to examine community satisfaction with the various services Council provides and to also determine residents' main concerns. Although the initial fieldwork was conducted prior to Christmas 1999, further detailed analysis was not completed until end-March 2000.

The final report has now been received by Council.

Recommendation:

1. That the Report be received and noted;
2. That the Report be circulated to Councillors; and
3. The Report be circulated to Directors and Business Unit Managers for comment.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

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

GENERAL MANAGER

That the report of the UMR Community Satisfaction Survey be deferred to the next Finance Committee Meeting to be held on 17 May 2000.

Motion, as amended by consent, carried.

PETITION

1.

The Mayor tabled a petition received by the General Manager with approximately 335 signatures appended from the Sydney Girls High School Council, objecting to the proposed McDonalds restaurant at the corner of Anzac Parade and Lang Road, Moore Park, citing the aesthetics of the development, safety social and health implications as the main concerns.

Received.

COUNCIL ELECTIONS - REQUEST BY "REJOIN THE CITY NETWORK" FOR A PLEBISCITE - URGENCY MOTION

At this stage it was moved by Councillor Deftereos, seconded by Councillor Bush, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, to answer a request by the group, "Rejoin The City Network" to have Council include in the forthcoming Local Government Council elections, a plebiscite for the North Ward constituents to cast a vote on whether they wish to remain in South Sydney or rejoin the Sydney City Council.

After discussion on the matter, Councillor Macken requested that the motion be put.

Motion to be put carried.

Urgency motion negatived on the show of hands five to four.

QUESTIONS WITHOUT NOTICE

1.

ADMINISTRATION - NORTH WARD - REPAIRS, MAINTENANCE AND CAPITAL WORKS SCHEDULE - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2015562)**Question:**

I heard this afternoon that businesses in Springfield Mall were told that this Council was not prepared to spend any money in the North Ward as it was likely to be returned to the City of Sydney. Of the 13 functions launches and openings of projects coming up only two are in the North Ward.

I drove through Erskineville, Newtown and Redfern. I see neat and well maintained streets with flowering gardens.

Then I see the deterioration of our precious McElhone Reserve and our footpaths and roadways in North Ward have very little maintenance over the past term.

I have recently received a schedule of works for the repair of some pavements in North Ward. I request a list of Councils Repairs Maintenance and Capital Works Schedule to be published in the Councillors Information Service?

Answer by the Mayor:

I will ask the Director of Public Works and Services to provide that for you in the Councillors Information Service.

2.

ADMINISTRATION - NORTH WARD - IMBALANCE OF FUNDS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2015562.)**Question:**

What will Council do to redress the imbalance of funds flowing out of North Ward?

Expenditure per head for the people south of Cleveland Street is more than double that that spent for those north of Cleveland Street.

GENERAL MANAGER

Answer by the Mayor:

That is incorrect. The real figures will be circulated to the Councillors in due course.

3.**BOURKE STREET, NO. 285A, DARLINGHURST - EXPENDITURE OF SECTION 94 CONTRIBUTION - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (U97-01114)****Question:**

Will this Council re-assure the residents now that the whole amount of \$300,000 odd paid to Council by the developers of the Republic Project by way of Section 94 Contribution, will be actually spent in the East Sydney Precinct?

Answer by the Mayor:

I will ask the Director of Planning and Building to provide that information in the Councillor Information Service for you.

4.**ADMINISTRATION - AMALGAMATION OF COUNCILS - COST OF INQUIRY - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2021730)****Question:**

Can Council confirm that the total expenditure for John Woodward's inquiry was in excess of \$300,000. If not, what is the actual figure expended by Council for this inquiry?

Answer by the Mayor:

I will provide that information. Can you tell us where you get the figure of \$300,000 from. You will get the correct information, but instead of misleading the gallery and the press, I just want to know where you get that figure from.

5.

BOUNDARIES - INQUIRY INTO BOUNDARY CHANGES IN THE NORTH WARD - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (B52-00002)

Question:

Would Council confirm or deny that it is in discussions with a former Premier of New South Wales to head up an inquiry into boundary changes in North Ward.

Answer by the Mayor:

Who is the former Premier? Who is writing these questions for you? Which former Premier are you talking about. Could you be more specific.

6.

CLEANING - EAST SYDNEY - CLEANING OF STREETS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (C56-00007)

Question:

What will Council do to redress the gross dissatisfaction with this Council by the residents of East Sydney?

Answer by the Mayor:

There has been a letter of congratulations circulated in the Councillors Information Service on the order of cleansing that was done with the residents of East Sydney.

7.

PUBLIC RELATIONS - COUNCIL PROPOSALS TO IMPROVE RELATIONS WITH RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (P58-00055)

Question:

In light of the huge level of dissatisfaction of residents with the present ruling clique in Council (as reflected by the large numbers wishing to rejoin the City), does Council have any proposals to improve relations with its constituents, such as listening to their corners?

Answer by the Mayor:

We are listening to you. You are their representative.

8.**DEVELOPMENT - SEX INDUSTRY POLICY - CHANGING OF TEN DOLLAR FEE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2022780)****Question:**

Following ESNA's successful Supreme Court challenge insofar as advertising the Sex Industry Policy, is Council intending to continue to charge \$10 for a copy of the Policy or is it available free of charge?

Answer by the Director of Planning and Building:

The Council is not a party to those proceedings. All the judgement did was it precluded Council from dealing with Sex Industry Policy for a number of days and hours. It wasn't a contested matter in the Supreme Court. We charge a fee in accordance with Council's fee schedule and my recollection is that yes there is a fee scheduled adopted by this Council of \$10.00.

9.**DEVELOPMENT - SEX INDUSTRY POLICY - CONSULTATION WITH COMMUNITY - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2022780)****Question:**

What policies does Council intend to establish to prevent the debacle and the enormous cost to Council in the Supreme Court occasioned by their lack of consultation with the community of South Sydney during the lead up to the implementation of the Sex Industry Policy?

Answer by the Mayor:

What are you talking about? We haven't been there. We haven't been party to any case.

10.

DEVELOPMENT - INQUIRY INTO STREET PROSTITUTION WITH THE STATE GOVERNMENT AND COMMUNITY GROUPS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2022780)**Question:**

Will this Council initiate an inquiry into street prostitution in co-operation with the State Government and Community Groups?

A recent meeting of more than 130 residents in East Sydney unanimously called for such an inquiry.

Answer by the Mayor:

I will refer that matter to the Sex Industry Liaison Officer for comment.

11.

DEVELOPMENT - SEX INDUSTRY POLICY - PAMPHLET OF ADVICE FOR RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2022780)**Question:**

Following the introduction of Council's Sex Industry Policy, will Council prepare a pamphlet of advice for residents as to how to deal with issues such as:

- Nuisances by street prostitutes outside residents;
- What to do when prostitutes use resident's front doors as toilets;
- What to do with needles tossed into private dwellings;
- What to do when home occupation brothels in residential areas are acting outside the plan of management;
- What to do when harassed by pimps outside residences.

Will this Council recommend a pamphlet be issued?

Answer by the Mayor:

The Sex Industry Policy is not related to street prostitution. If you have read the policy Councillor Deftereos, we have already circulated a pamphlet to the residents in relation to questions and answers. There is a Sex Industry Liaison Officer appointed by Council for them to make enquiries.

12.

PLANNING - RELEASE DATE OF COUNCILS URBAN PLAN AND VISION STATEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2022543)**Question:**

Will Council's urban plan and vision statement for East Sydney be released before Council Elections?

Answer by the Mayor:

That is a matter for the Director and staff. Its not a matter for me to determine whether something will be released before the elections.

Answer by the Director of Planning and Building

I will certainly take that issue on board and find out whether there is likely to be anything released before the election. I can prepare a report for the Councillors Information Service.

13.

TRAFFIC - REINSTALLATION OF HERITAGE FENCE - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (T02-000172)**Question:**

Driving to Woolloomooloo, Nori White of Greenwich, used to admire a short but old stretch of fencing on the right as she drove off the Cahill Expressway. Made of iron spikes set in sandstone, it ran for about five metres protecting a small garden. Came the Eastern Distributor, it vanished, but when she called South Sydney Council she was assured it was designed to be put back. That, she says, was three months ago. The area has been landscaped but now nobody can tell her what has happened to the fence.

Has the heritage fence been put back?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and the residents of Greenwich be notified accordingly.

14.

**STREETS - CUTLER FOOTWAY - UPKEEP OF FOOTPATH AND FENCING
- QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (5254303)****Question:**

I have had a request regarding the footpath and fencing on the Cutler footway. Whose responsibility is upkeep of this bridge, as it was with State Transit and the RTA, if Boundary Street is no longer a State Road, it now appears to fall between two jurisdiction?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have that information provided for you in the Councillor Information Service.

15.

**SIGNS - NOTICES TO COMPLY REGARDING A-FRAME SIGNS -
QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER
(S52-00030)****Question:**

Councillor Officers visited businesses in Darlington issuing notices to comply regarding A-Frame signs on the footpath. Again Council damages its public image with businesses. Is there no mechanism for businesses to ease footway space for A-frames?

Answer by the Mayor:

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

16.

**ANTI SOCIAL ACTIVITIES - CONSIDERATION OF A PLACE MANAGER
FOR CHIPPENDALE, REDFERN AND DARLINGTON - QUESTION
WITHOUT NOTICE BY COUNCILLOR FOWLER (2022440)****Question:**

I refer to comments made by the Local Member for Bligh regarding crime especially drug dealing and theft in Chippendale, Redfern and Darlington in Parliament and to the Premier, I would also add drug dealing, the

GENERAL MANAGER

effects of which are easily observed by workers around Cleveland Street. Has Council considered in liaison with State Agencies the provision a Place Manager?

Answer by the Mayor:

No.

17.

STREETS - MARSHALL STREET, SURRY HILLS - REPAIRS TO BROKEN TELSTRA MANHOLE COVER - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2009591)

Question:

There has been a broken Telstra manhole cover in Marshall Street, Surry Hills for many months. I understand there are many other such damaged covers in South Sydney. Telstra has a policy, I understand, to wait for such sites to accumulate before repairing them.

Please can Council explore ways of indicating Telstra's responsibility for these sites and exert more pressure on Telstra to repair damaged covers as soon as they are notified?

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 this Friday.

18.

PUBLIC RELATIONS - MAYORESS DINNER - CONGRATULATIONS TO STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2004235)

Question:

Can the General Manager be asked to convey thanks to staff involved in the farewell function for the Mayoress?

Answer by the Mayor:

I will ask the General Manager to convey those thanks to the relevant staff.

GENERAL MANAGER

19.

COUNCILLORS - PREPARATION OF A POLICY FOR COUNCILLORS SEEKING MINOR MAINTENANCE CLEAN UP OF DUMPS ETC - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (A54-00004)**Question:**

Can a report be prepared with a view towards developing a procedure/policy on how Councillors can best seek minor maintenance, clean up of dumps, etc. to guarantee prompt attention by Council.

Answer by the Mayor:

I will have a report prepared by the appropriate Council Officer.

20.

TREES - DALMENY AVENUE, NO. 47 ROSEBERY - INSPECTION OF TREE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005368)**Question:**

Would the appropriate Officer arrange an inspection of the tree and the height of the lawn strip outside No. 47 Dalmeny Avenue, Rosebery, for Angelo Kourtis? Both are causing him some concern.

Answer by the Mayor:

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

21.

STREETS - DALMENY AVENUE, ROSEBERY - INSPECTION OF STORMWATER DRAINS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012731)**Question:**

Would the appropriate Officer inspect the storm water drains outside No. 68 Dalmeny Avenue, Rosebery? In heavy rain the water comes up to the height of the shop window.

Answer by the Mayor:

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

22.**STREETS - DALMENY AVENUE - STREET LIGHTING LEFT ON DURING THE DAY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012580)****Question:**

Would the Council report to the Electricity Company that street lights are left on in Rosebery, particularly Dalmeny Avenue?

Answer by the Mayor:

I will ask the Director of Public Works and Services to contact Energy Australia for you to have the lights turned off.

23.**STREETS - DALMENY AVENUE, ROSEBERY - REPAIRS TO FOOTPATH - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2011314)****Question:**

Would Council repair the footpaths in Dalmeny Avenue, Rosebery?

Answer by the Mayor:

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

24.**PUBLIC RELATIONS - REQUESTS BY SOUTH SYDNEY LEAGUES CLUB FOR COUNCILS ASSISTANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022984)****Question:**

I table a letter from the South Sydney Rugby League Football Club and I quote from the letter, namely:-

GENERAL MANAGER

- "The Leagues Club opens many opportunities for the local Community
- A focus for competitors currently playing for the Juniors
- Employment
- Aid promotion of local business through sponsorship and involvement
- Appointments as official suppliers of goods and services
- For Souths to sponsor local sporting teams and charities
- A feeling of belonging and pride in South Sydney
- The positive message of 'never say die'

Accordingly, we have asked Councillor Bush to request that Council support the following and we would accredit Council on our media advertisements, releases and website:

- Red & Green Day - June 13 - by allowing our stickers on all Council vehicles
- All Council staff to wear and perhaps sell ribbons
- Help with distribution of our A4 flyers
- Banner space at Victoria Park and other suitable spots"

Could these matters be looked into?

Answer by the Mayor:

I will discuss it with the President of the District Club.

25.

LEASING - REDFERN OVAL - MONTHLY LEASE PAYMENTS BY SOUTH SYDNEY LEAGUES CLUB - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (L02-00085)

Question:

South Sydney Leagues Club pays maintenance of \$1,625 per month for Redfern Oval. Currently they do not have a team, therefore, do not use it.

Could we have Council's advice regarding this ongoing payment?

Answer by the Mayor:

That matter is already being dealt with.

26.

CLEANING - WATERLOO SHOPPING PRECINCT - CLEANING UP OF DUMPED RUBBISH - QUESTION WITHOUT NOTICE BY THE MAYOR (C56-00014)**Question:**

Councillor Bush, I have a question for you. On 12 April 2000, you asked a question, written by your Campaign Director, and I know she wrote it because she said in the South Sydney Bulletin that she writes all your correspondence and questions. It was in respect of cleaning the Waterloo Shopping Precinct and the cleaning up of dumped rubbish. You indicated that many of the buildings had rubbish piled up for weeks and constituted a health hazard. The park on the Alexandria side behind the shopping strip was full of plastic bags, empty bottles, broken glass and the occasional syringe. Inside the park is a children's playground. The environment is clearly unsafe. Could this problem be attended to immediately?

My answer was that I would ask the Acting Director of Health and Community Services to attend to that matter tomorrow and also speak to nearby residents so they could have the appropriate response prepared for the Councillors Information Service, and maybe ask the Director to do a door knock in that vicinity to take on board the real issues in that particular area. Well the Acting Director did phone Councillor Bush that next morning to get the details in relation to where this problem was.

What do you think you said Councillor Bush? You said "I will get back to you because I don't know", because the question was written by your Campaign Director. Because this rubbish is lying there for weeks and constitutes a health hazard, could you indicate where it is, so that we can have the matter attended to urgently?

Response by Councillor Bush:

I would like to answer that question and I can still say to this date I don't know the name of the park. The rubbish is in the small park adjacent to the shopping centre area, between Wyndham and Regent Streets, opposite Waterloo and yes, at the time the Acting Director asked me do I know exactly what the location is and to my knowledge I described the location, but could not name it and I will stand by that. I do not know the name of the park. You are accurate in what you bring up and thank you very much for raising that again and I will go down there tomorrow and see if the job has been done to satisfaction.

GENERAL MANAGER

Response by the Mayor:

Well, I can tell you Councillor Bush, save yourself the trip. The job has been done and very efficiently and effectively by the Council Staff. Can I ask in the future when you ask questions and you want matters attended to immediately, can you define where the locations are so the staff can attend to it and maybe your Campaign Director when she types your questions for you can indicate the address.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

9 May 2000

Business commenced at 5.40 p.m. Those in attendance were:

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

The Committee recommended the following:-

ADMINISTRATION - MANAGEMENT PLAN 1999/2002 - REPORT FOR NINE MONTHS ENDING 31 MARCH 2000 (2019941)

Council receives and notes the report on the Management Plan 1999/2002 for the nine months ended 31 March 2000.

(GM Minute 5.5.00)

Moved by the Mayor, seconded by Councillor Lay:-

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

Carried.

GENERAL MANAGER

REPORT OF THE FINANCE COMMITTEE

3 May 2000

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

At the commencement of business at 6.43 pm those present were:-

Councillors - Deftereos, Fenton and Macken.

Apology:

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

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

That the Report of the Finance Committee of its meeting of 3 May 2000, be received and the recommendations set out below for Items 1 to 12, inclusive, 16, 17, and 19, be adopted. The recommendations set out below for Items 13 to 15, inclusive, and 18 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**DOMAIN CARPARK - NEW SOUTH WALES CENTENARY OF
FEDERATION COMMITTEE - REQUEST FOR FREE PARKING, 1 JANUARY
2001 (2005302)**

That for the reasons set out in the report by the Acting Director of Corporate Services dated 13 April 2000, it be resolved that the request for free parking at the Domain Carpark on 1 January 2001 by the New South Wales Centenary of Federation Committee, be refused and that a fee of \$15 per vehicle plus GST will apply for parking at the Domain Carpark on 1 January 2001.

GENERAL MANAGER

Carried.

2.

**MOTOR VEHICLES - COMMUNITY BUS SCHEME - QUARTERLY REPORT
(M56-00008)**

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

Carried.

3.

**LICENSING - CLEVELAND STREET, NO. 433, "BAR CLEVELAND",
REDFERN - FOOTWAY LICENCE - REQUEST FOR RENTAL ABATEMENT
(2013399)**

That approval be given to the granting of a 100% rental abatement of the weekly footway licence rental to Mr Con Bousgas, proprietor of Bar Cleveland at No. 433 Cleveland Street, Redfern, as shown on plan No. S4-130/655a for the period commencing 1 March 2000 until 1 July 2000.

(DPWS Report 13.4.00)

Carried.

4.

**LEASING - DOMAIN PARKING STATION - SERVICE STATION, SIR JOHN
YOUNG CRESCENT, WOOLLOOMOOLOO - RENEWAL OF SUB-LEASE
TO KEYSIL PTY LTD - RESCISSION OF COUNCIL RESOLUTION OF 24
NOVEMBER 1999 (L52-00239)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 18 April 2000, it be resolved that:-

- (A) Council rescind the resolution of 24 November, 1999, concerning the sub lease of Domain Car Wash and Service Station, Sir John Young Crescent, Woolloomooloo to Keysil Pty Limited.
- (B) Council grants approval to the sub leasing of Council premises known as Domain Car Wash and Service Station, Sir John Young Crescent,

GENERAL MANAGER

Woolloomooloo to Keysil Pty Limited (ACN 066 615 978) commencing on 1 February 2000, for a term of 4 years with an option for a further term of 4 years at a commencement rental of \$75,000 per annum, plus the existing proportion of outgoings and subject to the existing sub lease, Council's standard leasehold provisions and the following terms and conditions, namely:-

- (1) That the sub lease is subject to the approval of the Royal Botanic Gardens and Domain Trust;
- (2) That the sub lessee is required to undertake the repairs and maintenance outlined in A/Director of Corporate Services Minute dated 11 November 1999 within 3 months of signing the sub-lease with such costs to be borne by the sub-lessee;
- (3) That the rent to be reviewed annually in accordance with the Consumer Price Index (All Ordinaries) Sydney;
- (4) That the rent to be reviewed to market at the commencement of the option period (if exercised);
- (5) That the sub lessee is to provide a personal guarantee for the term of the sub Lease;
- (6) That the sub lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the sub lessee for their respective rights and interests against any claims that may arise during the term of the Lease;
- (7) That all legal costs associated with the preparation and execution of the necessary sub lease documents by Council's Legal Officer are to borne by the sub lessee;
- (8) That all relevant documents are to be executed by Council's Attorney, if required.

Carried.

5.

PROFESSIONAL SERVICES - LEGAL SERVICES TO COUNCIL - 1 JULY 2000 TO 30 JUNE 2003 - ACCEPTANCE OF TENDERS (P55-00135)

That Council accepts the tenders for legal services for the period 1 July 2000 to 30 June 2003, as follows:-

- (1) Pike, Pike & Fenwick for Local Government, Cognate Legislation and Environment and Planning Law matters;
- (2) Abbott Tout for Intellectual Property matters, Joint Development Venture Agreements (property) and Technology Agreements; and
- (3) Moray & Agnew for Workers Compensation and Employment Law matters.

(ASM Report 13.4.00)

Carried.

6.

PROPERTIES - LITTLE RILEY STREET, NOS. 27 - 27A, SURRY HILLS - LOTS 1 AND 2 IN THE PROPOSED SUB-DIVISION - PROPOSED SALE (P56-00046, 2004691, 2017689)

That approval be given for the following in connection with No. 27 and No. 27A Little Riley Street, Surry Hills:-

- (a) Lots 1 and 2 are to be sold at Public Auction.
- (b) Lot 3 will be retained as part of the existing Reserve.
- (c) One of Council's Panel of Real Estate Agents, is to be appointed to carry out the Auction sale and to set the Reserve price for the parcels of land in question.

(A/DCS Report 26.4.00)

Carried.

7.

CONFERENCES - NATIONAL FAMILY DAY CARE CONFERENCE - "OUR FUTURE IN OUR HANDS" - MELBOURNE, VICTORIA, 15 TO 19 JUNE 2000 - ATTENDANCE OF COUNCIL REPRESENTATIVES (2022807)

That arising from a report by the Director of Health and Community services dated 12 April 2000, approval be given to the attendance of Kerry Mason, Family Day Care Coordinator and Joyce Campbell, Child Development Officer at the 3rd National Family Day Care Conference in Melbourne, from 15-19 June 2000, and the registration, accommodation, travel and any reasonable out-of-pocket expenses for conveyance and subsistence travel being borne by Council (KAA77RO).

Carried.

8.

DONATIONS - COMMUNITY AID ABROAD - REQUEST FOR FINANCIAL ASSISTANCE FOR TASTE OF THE NATION - 7 OCTOBER 2000 (2015944)

That arising from a joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 18 April 2000, Council approve the free use of Fitzroy Gardens (subject to the same conditions as last year) and also the meeting room in the Kings Cross Centre to support Community Aid Abroad's annual Taste of the Nation event in Kings Cross on 7 October 2000.

Carried.

9.

DONATIONS - LANDSCAPE MATERIALS - QUARTERLY REPORT - JANUARY TO MARCH 2000 (2003030)

That approval be given under the provisions of Section 356 of the Local Government Act, 1993, to donations in the form of plants and landscape materials to the value of \$900 to the various local bodies as detailed in the beforementioned report for the three month period ending 31st March 2000, and that the expenditure involved be added to the 1999/2000 Revenue Estimates - Account Code LFN.

(DPWS Report 17.4.00)

Carried.

10.

CONFERENCES - "THE TRAVEL BUG - TRANSPORTATION 2000" AITPM INTERNATIONAL CONFERENCE - GOLD COAST, QUEENSLAND, 7 - 9 JUNE 2000 - ATTENDANCE OF COUNCIL REPRESENTATIVES (2018533)

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

- (1) the attendance of Suzanne Baker and Bryan Willey at the Transportation 2000 AITPM International Conference to be held at the ANA Hotel on the Gold Coast, Queensland, from 7-9 June 2000, funds for the cost of registration fees, accommodation, travel and expenses (\$2400 plus travel and sustenance costs) being available in the 1999/2000 Traffic and Design Budget CBA. 77R0;
- (2) any interested Councillors attend the Transportation 2000 AITPM International Conference and that the registration fees and out of pocket expenses for travel and subsistence be borne by Council, for which funds are available from 1999/2000 Revenue Estimates EBE. 77R0.

Carried.

11.

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

That the matter of the erection of gates across Thomson Lane and the leasing of the Lane be further deferred and a report prepared for the Finance Committee Meeting of 7 June 2000.

(DPWS Report 17.4.00)

Carried.

12.

ADMINISTRATION - MANAGEMENT CONTROL - REVIEW OF COUNCIL'S STRUCTURE - J. HOWARD AND PARTNERS PTY LTD (2009377)

That arising from consideration of a report by the General Manager dated 27 April 2000, approval be given to the General Manager, Directors

GENERAL MANAGER

and the Joint Consultative Committee reporting on the recommendations submitted by J. Howard and Partners Pty Ltd., on the Management Review of Council's Structure for Council's consideration.

Carried.

At this stage and at 7.57 p.m., Councillor Waters left the meeting and did not return.

13.

ADMINISTRATION - CORPORATE SERVICES DEPARTMENT - INFORMATION TECHNOLOGY SECTION REVIEW - RECRUITMENT OF IT MANAGER (2022300)

That for the reasons set out in the report by the Acting Director of Corporate Services dated 27 April 2000, approval be given to:-

- (1) the position of Information Technology Manager being upgraded to a \$100,000 package for a three year contract;
- (2) quotations being called for a firm to source applicants for the position;
- (3) \$20,000 being added to the 1999/2000 Budget.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of clause (2) in the resolution and the insertion in lieu thereof of a new clause (2) of the recommendation, namely:-

- (2) That the position of Information Technology Manager be advertised both externally and internally of Council's service in accordance with Council's Recruitment Policy.

Motion, as amended by consent, carried.

14.

PARKS – RUSHCUTTERS BAY PARK, RUSHCUTTERS BAY – DRAFT PLAN OF MANAGEMENT - ADOPTION (2004818)

That approval be given to:-

- (1) the Draft Plan of Management accompanying the Acting Director of Public Works and Services report dated 26 April 2000, being adopted as the Rushcutters Bay Park Plan of Management;

GENERAL MANAGER

- (2) the proposed playground environs reflect the surrounding park character of level grass areas and trees and that further design development of the playground and other aspects of the masterplan be in conjunction with a community consultation process.

Carried.

15.

PROPERTIES - MANAGEMENT – BURROWS ROAD, NO. 25, ST. PETERS (2022753)

That further to resolution of Council of 12 April 2000, and for the reasons set out in the report by the Director of Public Works and Services dated 31 March 2000, approval be given to:-

- (1) adopt the Management Plan and Business Plan as the basis for the management of the operation of the Road Materials Recycling Depot;
- (2) the purchase of:
 - (a) an asphalt Recycling Machine and trailer at a cost of \$90,000 for which funds have been allocated in the 1999/ 2000 Plant and Assets Budget (0-2441140);
 - (b) a front end loader at a cost of \$150,000 for which funds are available from projected savings in the 1999/2000 Plant and Assets Budget;
 - (c) a mobile screening plant at a cost of \$150,000 for which funds are available by transferring savings in the 1999/2000 works program (CWK 9960 – Burrows Road Recycling depot) to the Plant and Assets Reserve;
- (3) the appointment of a Recycling Depot Supervisor (Grade 11) and a CW5 (Plant operator) to allow adequate staffing of the facility;
- (4) the inclusion in the 2000/2001 Operational Budget of an additional allocation of \$373,243 to fund the two staff appointments, materials, sundries and the material processing costs for the facility;
- (5) the allocation of a utility vehicle for the use of the supervisor, that is currently available in the Public Works and Services Department and for which no funding is required;

- (6) carry out general improvements to the depot as detailed in the Business Plan at a cost of \$60,000 for which funds are available in the 1999/2000 Budget (CWK 8920 – Outlying depot repairs/modifications);
- (7) adopt in the 2000/2001 Fees and Charges an item which allows for the sale of recycled road materials at a price to be determined from time to time by the Director of Public Works and Services depending on the quality of the material and market conditions.

At the request of Councillor Fenton, and by consent, a clause (8) be added to the recommendation, namely:-

- (8) That Council negotiate with other recycling companies regarding the hire of heavier equipment and nearby sites which require land fill [in order that the stock pile be cleared in a shorter period of time.

Motion, as amended by consent, carried.

16.

**GOODS AND EQUIPMENT – SUPPLY AND DELIVERY OF TURF –
ACCEPTANCE OF TENDER (G51-00269)**

That Council accept the Tender from Grech's Turf Supplies at the rates specified in the schedule accompanying the Director's report for the supply of Turf in Specification 5023/99 for a period of 24 months with provision for the expenditure for 12 months being made in the 1999/2000 Departmental estimates for Public Works & Services (Account Code FBA 58CY).

(DPWS Report 18.4.2000)

Carried.

17.

**CONFERENCES - THE TOWN CENTRE MANAGEMENT WORLD
CONGRESS "TAKE YOUR PLACE IN THE FUTURE", LONDON, ENGLAND,
14 - 16 JUNE 2000 - ATTENDANCE OF COUNCIL REPRESENTATIVES
(2021320)**

That Council's Strategic Planning Manager attend the 2000 Town Centre Management World Congress "Take Your Place in the Future" to be held in London, England, 14 - 16 June 2000, for which funds are available in the 1999/2000 Revenue Estimates.

GENERAL MANAGER

(DPB Report 28.4.00)

Carried.

18.

PUBLIC RELATIONS - PROSTITUTION - SOUTH SYDNEY AREA - SOCIAL HISTORY "WE NEVER HAD A HOTBED OF CRIME" - LAUNCHING (2022890)

- (1) That confirmatory approval be granted for commissioning the research by Dr Ashley Hogan to carry out the prostitution social history research and funded from Account Code GQB 66AO;
- (2) Appropriate preparations occur to launch the research concurrent with "We never had a Hotbed of Crime".

(GM Report 1.5.2000)

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of clause (2) of the recommendation and the insertion in lieu thereof of a new clause (2), namely:-

- (2) Appropriate preparations occur to launch the research at a time to be approved and similarly to launch "We Never had a Hotbed of Crime" separately.

Motion, as amended by consent, carried.

19.

DONATIONS - REQUEST FOR FINANCIAL SUPPORT FROM JILL KEYTE FOR REDFERN CHILDREN'S EVENT (2002408)

That arising from a report by the Director of Health and Community Services dated 2 May 2000, the request from Jill Keyte for financial assistance of \$1,000 towards a children's Community event on 20 May 2000, be refused.

Carried.

The Finance Committee Meeting terminated at 7.16 p.m.

GENERAL MANAGER

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)**WEDNESDAY, 3 MAY 2000 AT 7.17 PM**

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

Apology:

An apology for non-attendance was received from Councillor Greg Waters.

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

Item 1 - Property Matter

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

That the Report of the Finance Committee (Confidential Matter) of its meeting of 3 May 2000, be received and the recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**PROPERTIES – DOWLING STREET, NOS. 228 – 232 AND NOS. 236-242,
WOOLLOOMOOLOO - PROPOSED SALE AND APPOINTMENT OF REAL
ESTATE AGENTS (2017713)**

That the matter be deferred for a further report to Council that needs to detail:-

GENERAL MANAGER

- (1) the indicative sale prices of properties in the area;
- (2) quotations from other Real Estate Agents within the area.

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

That the matter be deferred to the Finance Committee Meeting to be held on 17 May 2000.

Motion, as amended by consent, carried.

The Finance Committee (Confidential Matter) Meeting terminated at 7.29 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

3 May 2000

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken

At the commencement of business at 7.30 pm those present were -

Councillors:- Deftereos, Fenton and Macken.

Apology:

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

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

That the Report of the Community Services Committee of its meeting of

GENERAL MANAGER

3 May 2000, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEE – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES – MINUTES OF MEETING HELD 11 APRIL 2000 (2017377)

That the report by the Director of Health and Community Services dated 27 April 2000, and the accompanying minutes of the Access Committee for People with Disabilities held on 11 April 2000, be received and that the undermentioned summary of recommendations of the Committee, be adopted, namely:-

That in relation to the recent public announcement of a free loop bus service that will be operational within the City of Sydney during the Olympic Games, the Access Committee for People with Disabilities, recommends that a letter, under the Mayor's signature, be forwarded to the State Minister for Transport and Minister for Roads, requesting information regarding the accessibility of these buses by people with disabilities; whether all buses on this route will be of the low-floor type; if not, will a timetable be organised for the frequency of accessible buses; and, is it intended to continue the loop bus service through to the end of the Paralympic Games.

Carried.

The Community Services Committee Meeting terminated at 7.34 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

3 May 2000

PRESENT**The Mayor, Councillor Vic Smith (Chairperson)****Councillors – John Bush, John Fowler, Christine Harcourt and Jill Lay.**

At the commencement of business at 6.42 pm, those present were -

The Mayor and Councillors – Bush, Fowler, Harcourt and Lay.

Moved by the Chairperson (the Mayor, Councillor Smith), seconded by Councillor Macken.

That the Report of the Planning and Development Committee of its meeting of 3 May 2000, be received and the recommendations set out below for Items 1 to 2 inclusive, 7, 9, 13 to 14 inclusive, 16 and 17 inclusive, be adopted. The recommendations for Items 3 to 6 inclusive, 8, 12, 15 and 18 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MACLEAY STREET, SHOP 1, NOS. 91 - 93C, POTTS POINT - USE PREMISES AS A CONVENIENCE STORE OPERATING 24 HOURS 7 DAYS - DEVELOPMENT APPLICATION (U00-00118)**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 by the Director of Planning and Building dated 13 March 2000.

Carried.

GENERAL MANAGER

2.

KELLETT STREET, NOS. 66 - 68, POTTS POINT - DEMOLITION OF STRUCTURE TO ALLOW EXPANSION OF EXISTING PARK (U00-00019)

- (A) That the Council as the responsible authority grants its consent to the application submitted by South Sydney City Council (owner), for permission to demolish a structure and expansion of existing part, subject to the following standard conditions, namely:-
- (1) That the requirements of the Work Cover Authority shall be complied with;
 - (2) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
 - (3) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
 - (4)
 - (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
 - (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
 - (5) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
 - (6) That the demolition work shall comply with Australian Standard 2601-1991;
 - (7) That all materials involved in the demolition process and departing the premises with demolition materials, spoil or loose matter shall have their loads fully covered before entering the public roadway;
 - (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;

GENERAL MANAGER

- (9) 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);
 - (10) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane).
- (B) That the persons who made representation with respect to the proposal to Council, be advised of Council's decision.

Carried.

3.

CORBEN STREET, NOS. 13 - 23, SURRY HILLS - ALTERATIONS TO RESIDENTIAL APARTMENTS - DEVELOPMENT APPLICATION (U00-00033)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fowler.

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Woodhouse and Danks P/L, with the authority of J S L Developments P/ L, to "Construct security grilles to the exterior of a residential flat building", subject to the following conditions:
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage to the 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

GENERAL MANAGER

that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.

- (2) That the development be generally in accordance with the plan labelled 9787 SS-1, dated 5 January 2000, stamped endorsed by Council and held in Council's file U00-00033, except as conditioned below;
 - (3) That the security grilles shall be of the type generally similar to the type attached to the Statement of Environmental Effects accompanying the plans (ie expandable steel security grilles);
 - (4) That all relevant sections of the BCA shall be complied with;
 - (5) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
 - (6) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
 - (7) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00 a m and 5.00 p m on Mondays to Fridays, and 7.00 a m and 3.00 p m on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
 - (8) That all proposed work shall be wholly within the boundaries of the site.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

PROSPECT STREET, NO. 38, SURRY HILLS - UPPER LEVEL DECK WITH LATTICE SCREENING - DEVELOPMENT APPLICATION (U00-00058)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt.

That the application submitted by S. Jelinek for permission to create an upper level deck on an existing roof with lattice screening, be deferred to allow Council Officers to further investigate the amended plans submitted by the applicant prior to the Council Meeting.

Carried.

5.

BOURKE STREET, NO. 414, SURRY HILLS - PROPOSED CONTINUATION OF EXTENDED HOURS OF SWINGERS CLUB (SEX ON PREMISES VENUE) - DEVELOPMENT APPLICATION (U00-00005)

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 by the Director of Planning and Building dated 13 March 2000.

Carried.

6.

PRIMROSE AVENUE, NO. 46, ROSEBERY - FRONT FENCE - DEVELOPMENT APPLICATION (U00-00254)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken.

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Frank Alafaci for permission to extend height of front fence to incorporate steel fencing and brick piers subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That the development shall be generally in accordance with plans numbered WD.01 and dated 8 March, 2000;

-and the following adopted standard conditions:

- (3) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (4) Noise and Vibration⁷⁰²⁶
- (5) Obstruction of Public Way³⁰²⁹
- (6) Delivery of Construction Materials³⁰³²
- (7) Refuse Skips⁶⁰⁰²
- (8) Construction Hours⁹¹⁵¹
- (9) Works Within Boundary⁹¹⁵²
- (10) Compliance with Building Code of Australia⁸⁵⁰¹
- (11) Residential Building Work⁸⁵⁰³
- (12) Construction Hours⁹¹⁵¹
- (13) Works Within Boundary⁹¹⁵²
- (14) Construction Certificate Required⁹¹⁵⁵
- (15) Building/Demolition Noise Control⁹¹⁵⁶

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

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

- (B) That the persons who made representations with respect to the proposal be advised of Councils decision.

Carried.

7.

OXFORD STREET, NOS. 107 - 111, DARLINGHURST - FIVE STOREY RESIDENTIAL FLAT BUILDING CONTAINING 20 UNITS AND GROUND FLOOR RETAIL - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00188)

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment (Amendment) Act 1997, to the development application submitted by Eastview Australia Pty Ltd, with the authority of Bell Developments Pty Ltd, for demolition of the existing premises and the erection of a residential flat building comprising 20 units and ground floor retail at 107-111 Oxford Street, Darlinghurst 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 3 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:
- (a) That submission of an Energy Performance Report indicating the total anticipated energy consumption of the proposal in Mega Joules per annum per square metre (MJ/am²) estimated using a computer program. Appropriate computer programs are BunYIP (CSIRO) or its recognised equivalent for commercial buildings; and NatHERS (CSIRO) or its recognised equivalent for residential buildings. At least 50% of the units shall have an energy rating of 3.5 stars;
- (b) That details shall be provided to include solar water heating or heat pumps throughout, in accordance with the Solar Water Heater Policy contained within Development Control Plan 1997 – Urban Design. In

GENERAL MANAGER

this respect an investigation shall be undertaken and full details of the proposed energy conservation measures be provided;

- (2) That the development shall be generally in accordance with plans numbered 1/11A – 11/11A inclusive, all dated May 1999, submitted on 25.2.00;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$11,250 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;
- (4) 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 \$3,500, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (5) Part A

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

| Contribution Category Account | Amount |
|---|-----------|
| Open Space: LGA Works Programme 2E97003.BGY0 | \$ 4,953 |
| Open Space: New Parks 2E97009.BGY0 | \$ 25,084 |
| Accessibility And Transport 2E97006.BGY0 | \$ 152 |

| | |
|----------------------------|----------|
| Management 2E97007.BGY0 | \$ 375 |
| Total | \$30,562 |

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.

GENERAL MANAGER

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

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

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

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

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

(6) 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 Account | Amount |
|----------------------------------|--------|
|----------------------------------|--------|

Multi-Function Administration Centre \$8,101
2E97008.BGY0

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

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

where:

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

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

- (7) That the three units facing Oxford Street on levels 1-3 which have bedrooms adjacent to the internal lightwell shall be redesigned so as to have a layout similar to the other units as shown on drawing no. 3/11A - Levels 1-3 (ie bathrooms relocated to be adjacent to lightwell);
- (8) That the plans submitted with the Construction Certificate shall indicate all louvers proposed for the apartment windows on each elevation, demonstrating consistent elevational treatment;
- (9) That the face brickwork be painted to match the original brick colour without stripping the existing paint of the brick façade, which will cause damage to the façade;
- (10) Details of the proposed finishes and colours shall be submitted prior to the release of the Construction Certificate. In this regard if it is not feasible to strip the existing paint off the bricks of the façade at No 107-109 Oxford Street without

damaging them, the face brickwork is to be painted in a colour to match the original brickwork;

- (11) To ensure that the facade does not collapse during construction works, prior to the commencement of any works on the site, an Engineers Report is to be submitted to Council, prepared by a suitably qualified engineer experienced in dealing with heritage buildings. The report is to indicate how the façade is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the façade fabric. Details of all temporary supports and hoarding are also to be provided;
- (12) The applicant is to engage the services of a suitably qualified and experienced heritage professional and a structural engineer to supervise all works associated with the demolition of the existing building and the retention and restoration of the façade at 107-109 Oxford Street and its integration with the new development on the site;
- (13) That the screen on top of the original parapet of Nos.107-109 Oxford Street shall be removed;
- (14) That the advertising sign attached to the western face of Nos. 113-115 Oxford Street shall be removed;
- (15) That a separate development application shall be lodged for the specific use of the ground floor retail component;
- (16) That the new windows and doors in the front elevation including the ground floor shop-front shall be constructed in timber joinery;
- (17) That the residential access to the building in Arnold Place shall be suitably lit for security and identification purposes. Details shall be indicated to reflect such with the Construction Certificate;
- (18) That details shall be provided with the construction certificate indicating the proposed method of treatment to the existing windows on the western boundary wall of Nos. 113-115 Oxford street. The design shall ensure that the development does not result in a gap being created between the new development and the existing windows;

- (19) That the subject lots shall be consolidated to form one lot;
- (20) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668, Parts 1 and 2;
- (21) That the retail area shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (22) That the garbage room shall be constructed in accordance with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (23) That the storage and handling of garbage from the retail area shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (24) 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*;
- (25) 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 required mechanical ventilation systems;
 - (b) the garbage room and garbage room area;
 - (c) The recycling storage area;
 - (d) The location of exhaust and intake vents;
 - (e) Sanitary facilities;
 - (f) The layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;
- (25) That a dilapidation report on the adjoining properties, known as (Nos. 103-105 and Nos. 113-115 Oxford Street) shall be prepared, and copies be provided to Council, the Private Certifying Authority and to the property owners aforementioned, prior to the commencement of demolition works on the site;

and subject to the following standard conditions:

- (26) Builders Hoarding Permit¹⁰⁰⁸
- (27) Alignment Levels¹⁰¹⁶
- (28) Resident Parking Access³⁰⁰¹
- (29) Road Opening Permit³⁰²⁵
- (30) Cost of Signposting³⁰²⁶
- (31) Footway Crossing (Arnold Place)³⁰²⁸
- (32) Obstruction of Public Way³⁰²⁹
- (33) Traffic and Pedestrian Management³⁰³¹
- (34) Connection to Council's Stormwater System⁴⁰⁰⁵
- (35) Delivery of Construction Materials³⁰³²
- (36) Stormwater Standard⁴⁰⁰¹
- (37) Refuse Skips⁶⁰⁰²
- (38) Construction Hours⁹¹⁵¹
- (39) Preserve Existing Trees⁵⁰⁰⁶
- (40) Vegetation Survey⁵⁰⁰⁹
- (41) Fitout of Food Premises⁷⁰²⁰
- (42) Comply With BCA⁹¹⁰⁴
- (43) Comply With the WorkCover Authority⁹¹⁰⁵
- (44) Construction Certificate Required⁹¹⁵⁵
- (45) Building/Demolition Noise Control⁹¹⁵⁶
- (46) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (47) Works to be Within Allotment Boundaries⁹¹⁵⁹

GENERAL MANAGER

- (48) Excavations and Backfilling⁹¹⁶⁰
- (49) Excavations and Backfilling Safely⁹¹⁶¹
- (50) Guarding of Excavations⁹¹⁶²
- (51) Demolition to Comply With Aust Standard⁹¹⁶³
- (52) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (53) Works Within Boundary⁹¹⁵²
- (54) Hours of Work and Use of Cranes⁹¹⁵³
- (55) Work on Public Way⁹¹⁵⁴
- (56) Landscape Plan⁵⁰⁰¹
- (57) Street Trees⁵⁰⁰⁸
- (58) On Slab Planting⁵⁰¹³
- (59) Maintenance of Landscaping⁵⁰¹⁴
- (60) Final Inspection⁵⁰¹⁵
- (61) Recycling⁶⁰⁰⁷

NOTE

- (1) That the Applicant shall be advised that the application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulations.
- (2) That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for breach of a condition, or *Protection of the Environment Operations Act, 1997* if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or

GENERAL MANAGER

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.

- (2) That the applicant should be advised that any requirement of the Sydney Water Corporation Ltd for connection to sewer are to be complied with fully to that Corporation's satisfaction. The Wastewater Source Control Branch may be contacted at Plaza Level, the Interchange Building, 432 Victoria Ave, Chatswood, 2067 by telephone on 9952-0387 or by facsimile transmission on 9552-0382.
- (3) That the applicant may be liable to prosecution under the Local Government Act, 1993 for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.
- (4) That the excavated material, construction supplies and on-site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road.
- (5) That any fill being brought on to the site being compatible with soil already on the site.

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 those persons who made representations with respect of the proposal be advised of Council's decision.

It was moved by Councillor Lay seconded by Councillor Harcourt that the motion be amended by the addition of the following new conditions (62) and (63) to the recommendation namely:-

(62) That prior to the release of the Construction Certificate, submission of details plans showing the exact location of the scaffolding or other safety precaution that are proposed to be situation on No. 105 Oxford Street;

- (63) That prior to the release of the Constructive Certificate submission of detailed engineering drawings by a suitably qualified structural engineer identifying the method of structural support to the party wall with No.105 Oxford Street both during demolition and construction.

Amendment, carried.

It was moved by Councilor Fowler, seconded by Councillor Deftereos that the motion be amended by the deletion of Condition (14) of the recommendation.

Amendment negatived.

Motion, as amended by Councillor Lay, carried.

8.

ALBION AVENUE, NO. 31, PADDINGTON - INTERNAL ALTERATIONS TO SINGLE DWELLING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U00-00169)

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 by the Director of Planning and Building dated March 2000.

Carried.

9.

RYDER STREET, NO. 10, SURRY HILLS - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U99-01374)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt.

- (A) That the Council refuses to grant its consent to the application submitted by Rodney John McRae for alterations and additions to the dwelling, including construction of front and rear dormer windows for the following reasons, namely:-

GENERAL MANAGER

- (1) That Council cannot grant consent to the application as the building works have already been undertaken.
- (B) That Council take no further action with regard to the unauthorised building works provided the applicant submits a structural certificate within 1 month detailing the structural stability and safety of the rear, side and front boundary fences.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

WATSON STREET, NO. 12, PADDINGTON – DEMOLISH EXISTING DWELLING AND CONSTRUCT A THREE STOREY SINGLE DWELLING – DEVELOPMENT APPLICATION (U99-01013)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Dale and Anastasia Clarke to demolish the existing single storey dwelling and construct a new 3 storey dwelling, subject to the following conditions, namely:-
 - (1) That the planter on the second floor balcony be increased in width, where it adjoins No. 10a Watson Street from 449 mm to 600 mm, details to show on the construction certificate."
 - (a) That the second level deck and planter box facing Watson Street be deleted and replaced with a pitched/curved roof element or similar form. This roof form shall have a gutter line that generally aligns with the gutter line of adjoining properties facing Watson Street;
 - (b) That the proposed garage door shall not be totally solid in appearance

GENERAL MANAGER

- (2) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes, for approval, in respect of the following:-
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;
 - (f) and such materials shall respect and be consistent with the attributes and character of the surrounding area;

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (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 \$400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (5) That the development shall be in accordance with the plans labelled GA-01-A, GA-02-A, GA-03-A, GA-04-A, GA-05-A, dated May 1999, marked by Council in red, and stamped endorsed by Council, except as conditioned elsewhere;

- (6) That prior to the demolition of the dwelling, measured drawings and photographs shall be prepared in accordance with the NSW Heritage Office's Guidelines. A copy of this report shall be submitted with the Construction Certificate;

- (7) That the applicant shall note that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulation;

- (8) That the dwelling shall have a solar hot water system. Where this is unsuitable, then an "heat pump" system or energy efficient natural gas system shall be installed. Details shall be submitted with the construction certificate;

and the following adopted standard conditions:

- (9) Builders Hoarding Permit¹⁰⁰⁸
- (10) Alignment Levels¹⁰¹⁶
- (11) Cost of Signposting³⁰²⁶
- (12) Footway Crossing³⁰²⁸
- (13) Obstruction of Public Way³⁰²⁹
- (14) Stormwater Standard⁴⁰⁰¹
- (15) Refuse Skips⁶⁰⁰²
- (16) Ventilation⁷⁰²³
- (17) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (18) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (19) Survey Certificate at Completion⁹⁰⁰²
- (20) Drainage Design Certificate⁹⁰¹¹
- (21) Comply With BCA⁹¹⁰⁴
- (22) Comply With the WorkCover Authority⁹¹⁰⁵
- (23) Construction Hours⁹¹⁵¹
- (24) Works Within Boundary⁹¹⁵²
- (25) Construction Certificate Required⁹¹⁵⁵
- (26) Building/Demolition Noise Control⁹¹⁵⁶
- (27) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (28) Works to be Within Allotment Boundaries⁹¹⁵⁹

- (29) Excavations and Backfilling⁹¹⁶⁰
- (30) Excavations and Backfilling Safely⁹¹⁶¹
- (31) Guarding of Excavations⁹¹⁶²
- (32) Demolition to Comply With Aust Standard⁹¹⁶³
- (33) Natural light and ventilation⁹⁶¹³
- (34) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶

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

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

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

Carried.

Councillor Deftereos requested that her name be recorded as voting against the foregoing motion.

11.

LANG ROAD, NO. 108, CENTENNIAL PARK – ALTERATIONS AND ADDITIONS TO RESIDENTIAL DWELLING – DEVELOPMENT APPLICATION (U00-00274)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Roger and Lin Leppinus for alterations and additions to a dwelling, subject to the following conditions, namely:
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,275 in the form of

GENERAL MANAGER

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

- (2) That prior to issuing the 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 \$170 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered AR.DA01(A), dated January 2000 except as amended by the conditions below;
- (4) That the northern first floor balcony shall not be used for entertainment purposes;
- (5) That the depth of the proposed first floor balcony at the rear of the dwelling shall not exceed a depth of 1200 mm. The balcony shall have privacy screens erected at the western and eastern ends to a minimum height of 1800 mm constructed of horizontal overlapping louvers angled at 45° into the subject property and the privacy screen at the eastern end shall be aligned to run parallel to the property boundary. Details of these changes shall be shown on the construction certificate plans.;
- (6) That balustrades shall comply fully with the requirements of Part 3.9.2 of the B.C.A;
- (7) That an alternative solution to the abovementioned conditions would be acceptable if it addresses all of the performance requirements of the BCA;
- (8) That the existing swimming pool shall comply fully with the requirements of the Swimming Pool Regulation 1992;

and the following adopted standard conditions:

- (9) Comply With BCA⁹¹⁰⁴
- (10) Construction Certificate Required⁹¹⁵⁵
- (11) Protection from Termites⁹²⁰³
- (12) Smoke alarms⁹⁵²³
- (13) Protection of walls and floors in wet areas⁹⁶⁰²
- (14) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (15) Damp and weather proofing⁹⁶⁰⁵
- (16) Ceiling heights of rooms⁹⁶¹¹
- (17) Natural Light and Ventilation/Skylights⁹⁶¹⁴
- (18) Construction of External Walls for Dampness⁹⁶²⁴
- (19) Structural Design Certificate⁹⁰⁰⁶
- (20) Drainage Details with Construction Certificate⁹⁰¹³
- (21) Comply With the WorkCover Authority⁹¹⁰⁵
- (22) Works Within Boundary⁹¹⁵²
- (23) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (24) Building/Demolition Noise Control⁹¹⁵⁶
- (25) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (26) Commencement of Structural Works⁹²⁰²
- (27) Glazing Provisions⁹³³⁰
- (28) Natural light and ventilation⁹⁶¹³
- (29) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (30) Noise and Vibration⁷⁰²⁶
- (31) Obstruction of Public Way³⁰²⁹

- (32) Delivery of Construction Materials³⁰³²
- (33) Refuse Skips⁶⁰⁰²
- (34) Construction Hours⁹¹⁵¹
- (35) Work on Public Way⁹¹⁵⁴
- (36) Works Within Boundary⁹¹⁵²
- (37) Stormwater Standard⁴⁰⁰¹

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

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

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

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

That the matter be deferred to allow the applicant to amend plans regarding the balconies.

Amendment negatived.

Motion carried.

12.

SUTTOR STREET, NO. 35, ALEXANDRIA – DEMOLITION OF EXISTING SHEDS AND ERECTION OF TWO STOREY DWELLING WITH ROLLER DOOR AT REAR LANE – DEVELOPMENT APPLICATION (U00-00243)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

GENERAL MANAGER

(A) That the Council as the responsible authority grants its consent to the development application submitted by Mark Swadling, with the consent of the owners Mark and Christopher Swadling for permission to demolish the existing sheds and erect a 2 storey dwelling with roller door at the rear lane, subject to the following conditions, namely:-

(1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1650 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.

(2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$220, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.

(3) Part A

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

| Contribution Category | Amount | Account |
|--|--------|--------------|
| Open Space: LGA Works Programme | \$592 | 2E97003.BGY0 |
| Open Space: New Parks | \$2921 | 2E97009.BGY0 |
| Accessibility And Transport Management | \$18 | 2E97006.BGY0 |
| | \$48 | 2E97007.BGY0 |
| Total | \$3579 | |

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.

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment;
 and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of 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 documentation and detailed cost estimates of the works based on established industry standards.

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

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

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

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

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

| Contribution Category Account | Amount |
|--|--------|
| Multi-Function Administration Centre 2E97008.BGY0 | \$885 |

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

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

where:

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

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

- (5) That the development shall be in accordance with the plans numbered 1091 dated March 2000 except where amended by conditions of consent;
- (6) That the proposed roof is to be amended to be generally in accordance with the proposed roof amendment marked in green on the plans. The front of the dwelling is to have a pitched roof at approximately 30 degrees, the rear of the dwelling over bedroom 1 is to have a skillion roof and there is to be a small skillion roof over the front verandah;
- (7) The front façade is to be in accordance with the overlay dated 8 May 2000 attached to the plan numbered 1091;
- (8) 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) Regulations;
- (9) That all relevant sections of the BCA shall be complied with;
- (10) 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;

- (11) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (12) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (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 all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (15) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (16) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (17) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (18) That the demolition work shall comply with Australian Standard 2601-1991;
- (19) That the requirements of the Work Cover Authority shall be complied with;
- (20) 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;
- (21) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (22) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;

- (23) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (24) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (25) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (26) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (27) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (28) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (29) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (30) That 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);

- (31) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (32) That all proposed work shall be wholly within the boundaries of the site;
- (33) 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.

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

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

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

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

Carried.

13.

FLINDERS STREET, NOS. 7-9, SURRY HILLS – (AKA 7-9 PATTERSON LANE) – USE VACANT BUILDING AS A CAFÉ – DEVELOPMENT APPLICATION (U99-01442)

- (A) That the Council as the responsible authority grants its consent to the application submitted by John Philip Mangraviti, with the authority of Julie, Amelia and Carolyn Cho, for permission to use existing vacant retail premises as a café, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$5,250 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;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$700 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with the plans numbered DWG 100-106, 200-203, 300, 400 and 500, dated 16 March 2000, as amended by the conditions below;
 - (4) That the proposed balcony to the first floor elevation to Flinders Street shall be deleted and does not form part of the approval;
 - (5) That the existing openings to the Flinders Street frontage on the first floor level shall remain;
 - (6) That the proposed opening and operable ladder (fire egress) on the second floor shall be deleted;

GENERAL MANAGER

- (7) That no doors shall swing over the boundary onto the public footway;
- (8) That the existing first floor double hung timber windows to the Patterson Lane elevation shall be retained, however the glass and timber may be repaired and replaced if necessary in a similar size and shape;
- (9) That the hours of operation shall be restricted to between 8am to 12 midnight Monday to Saturday, and 8am to 10pm Sunday;
- (10) That a separate application shall be made to Council's Public Works and Services Department for any seating which encroaches onto the public way;
- (11) That the required stairways in this building shall be constructed in accordance with D2.3 of the BCA;
- (12) That natural light and ventilation shall be provided in accordance with the requirements of Part 4 of the BCA;
- (13) That access for people with disabilities shall be provided;
- (14) That all exit doors shall comply with D2.20 of the BCA;
- (15) That structural details and a certificate from a registered engineer shall be submitted prior to the commencement of building works;
- (16)** 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 and required mechanical ventilation systems;
 - (b) the location of exhaust and intake vents;
 - (c) the garbage room;
 - (d) the recycling storage area;
 - (e) the coolroom;
 - (f) 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;

- (17) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with Australian Standard 1668, Parts 1 and 2;
- (18) That noise emissions from internal activities associated with the development shall comply with the following criteria:

That the L_{A10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

That the L_{A10} noise level emitted from the licensed premises shall not exceed the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court the more stringent condition shall prevail.

- (19) That the business proprietor shall enter into a contract with a commercial trade waste operator for the daily removal of trade waste from the premises;
- (20) That during demolition, excavation and construction drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the stormwater drainage system;

- (21) That a garbage/recyclable materials room or a garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (22) That natural light and ventilation shall be provided in accordance with requirements of Part F of the Building Code of Australia;
- (23) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;
- (24) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (25) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (26) That wastewater arising from the food handling area and from cleansing facilities shall be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The applicant is advised that pre-treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporations requirements should be obtained prior to the commencement of work;
- (27) That the mechanical exhaust ventilation system from the toilets must exhaust at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s per sanitary fixture and at least 5 l/s per square metre of floor area from each privacy lock. Each 0.6m length of urinal or part thereof shall be equivalent to one fixture;
- (28) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgment of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required

prior to the issue of an occupation certificate. The certificate of performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of:

(a) ventilation.

- (29) That the kitchen and toilet exhaust vents shall be designed, installed and operated to discharge the effluent air in a vertical direction above roof ridge level in a position in accordance with Australian Standards 1668, Parts 1 and 2 where no nuisance will be created and at least six metres from the boundary of the adjacent allotments and any fresh air intake vents;
- (30) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;

and the following adopted standard conditions:

- (31) Separate Application for Signs²⁰⁰¹
- (32) Obstruction of Public Way³⁰²⁹
- (33) Refuse Skips⁶⁰⁰²
- (34) Construction Hours⁹¹⁵¹
- (35) Works Within Boundary⁹¹⁵²
- (36) Compliance with Building Code of Australia⁸⁵⁰¹
- (37) Building/Demolition Noise Control⁹¹⁵⁶
- (38) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (39) Protection of Public Places⁸⁵⁰⁷
- (40) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (41) Excavations and Backfilling⁹¹⁶⁰
- (42) Protection of Openings⁹³⁰⁷
- (43) Glazing Provisions⁹³³⁰

- (44) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (45) Damp and weather proofing⁹⁶⁰⁶
- (46) Number of toilets to be provided⁹⁶⁰⁸
- (47) Sanitary facilities for people with disabilities⁹⁶¹⁰
- (48) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (49) Emergency lighting⁹⁵¹⁸
- (50) Exit signs⁹⁵¹⁹
- (51) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (52) Sprinkler System⁹⁸⁶⁹
- (53) Protection of walls and floors in wet areas⁹⁶⁰¹
- (54) Ceiling heights of rooms or spaces⁹⁶¹²
- (55) Mechanical ventilation⁹⁶¹⁵
- (56) Construction of Switchboard (non-combustible)⁹⁸⁰⁷

NOTE 1:

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 the applicant's employees, agents or subcontractors cause, permit or allow 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 adequate sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment and waste matter. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council upon request.

NOTE 2:

The applicant should be advised of Council's Food Seminar Lectures that are given to promote best practices within the food handling industry and minimise the occurrence of food poisoning. Arrangements to attend a lecture can be made by contacting Council's Health Promotion Officer by telephone on 9288-5239 or by facsimile transmission on 9288-5994.

NOTE 3:

The applicant needs to be advised prior to the Construction Certificate that any requirement of the Sydney Water Corporation Ltd for grease arrestors should be complied with fully to that corporation's satisfaction. The Wastewater Source Control Branch maybe contacted at Level 2, 552 Princes Highway, Rockdale, 2216, or by telephone on 9551-4620, or by facsimile transmission on 9551-4388 between 8.00am and 4.30pm.

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.

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

That the application be deferred as requested in the fax dated 5 May 2000 to allow for the applicant to further investigate issues regarding heritage, urban design and the proposed balcony.

Motion, as amended by consent, carried.

14.**BOURKE STREET, NO. 780 (LOT 143 IN STRATA PLAN 5472) – TO USE PREMISES AS A RESTAURANT – DEVELOPMENT APPLICATION (U00-00223)**

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Lay, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Clive Taylor with the authority of Dealruby Pty Ltd for permission to operate a café/restaurant subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$80, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans submitted 2 March 2000 and held on file U00-00223;
 - (4) That the hours of operation shall be restricted to be between 6.30am and 9.00pm Mondays to Wednesdays and 6.30am to 10.00pm Thursdays to Sundays with no outdoor seating before 7.00am Monday to Saturdays or 9.00am Sundays with the outdoor seating to be on a 12 month trial from the date of this consent.
 - (5) That four car spaces shall be dedicated in the open parking area located to the satisfaction of the Director of Planning and Building. Such spaces shall be marked for use in conjunction with the commercial space in the ground and mezzanine floor;
 - (6) That separate approval needs to be obtained from the Liquor Licensing Board in order to serve alcohol on the premises;

- (7) That a privacy screen in the form of planter boxes of table height be erected on the northern section of the outdoor seating area. Details regarding location, structure height and species of shrubs to be submitted for approval and to the satisfaction of the Director of Planning and Building prior to release of the Construction Certificate;
- (8) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (9) That an automatic sprinkler installation complying with the requirements of AS2118 and E1.5 of the BCA shall be installed throughout the building;
- (10) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (11) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;
- (12) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia;
- (14) That the construction, fitout and finishes of the premises shall comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (15) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (16) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (17) That the storage and handling of garbage shall comply with the requirements of Council's "Waste Minimisation Fact Sheets";

- (18) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (19) That noise and vibration from the use of any plant and equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the Protection of the Environment Operation Act 1997;
- (20) That the maximum number of persons seated be limited to 70 inside and 32 outside.

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

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

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

Carried.

15.

MARRIOTT STREET, NO. 105, REDFERN – DEMOLITION OF EXISTING COTTAGE AND SHED AND ERECTION OF SIX 2 BEDROOM TOWNHOUSES (U99-01320)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the application submitted by Cracknell Lonergan Architects to demolish the existing dwelling and erect a residential flat building containing 6 units at 105 Marriott Street Redfern be deferred as requested by the applicant in fax dated 10 May 2000.

Carried.

16.

GREENKNOWE AVENUE, NO. 19, POTTS POINT – ALTERATIONS AND INTERIOR OF COMMUNITY HALL TO ALLOW USE AS A THEATRE/PLACE OF PUBLIC ENTERTAINMENT (U00-00141)

- (A) That Council, as the responsible authority, grants its consent to the development application submitted by Darlinghurst Theatre, with the authority of South Sydney City Council, for permission to alter the interior of the Reginald Murphy Hall to create a theatre performance space, as a place of public entertainment, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the 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 \$160, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the premises shall be vacated by 12.00 midnight, including exit of patrons, bump-out and cleaning;
 - (4) That the balcony facing Greenknowe Avenue shall not be open to patrons after any evening performance;
 - (5) That the serving of alcohol shall cease at 11.00 P.M.;
 - (6) That the authorised capacity shall not exceed 111 persons;
 - (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1668 Parts 1 and 2;

GENERAL MANAGER

- (8) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (9) That use of the premises shall not give rise to:
- (a) transmission of “offensive noise” to any place of different occupancy;
 - (b) a sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{A10, 15min}$ and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
 - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Environmental Noise Control Manual;
 - (d) a sound pressure level at any affected premises that exceeds the NSW EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises. (NSW EPA Draft Stationary Noise Source Policy);
- (10) That plans and specifications demonstrating compliance with the nominated standards and requirements for all proposed mechanical ventilation systems shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate;
- (11) That all works shall be carried out within the boundaries of the allotment;
- (12) That the light box shall be separated from all other internal parts of the building by construction having an FRL of not less than 60/60/60;
- (13) That the walls and ceilings of the storage cupboard under the stairs shall have a fire resistance level of 60/60 and be fitted with a 60/30 fire door, complying in all respects with the requirements of AS1905; or alternatively, the area shall be permanently sealed against use of any kind;

- (14) That access for people with disabilities shall be in accordance with part D3 of the BCA;
- (15) That the new stairway shall be constructed in accordance with D2.3 of the BCA;
- (16) That Smoke Hazard Management shall be provided to the proposed entertainment areas in accordance with the requirements of part E2 of the BCA;
- (17) That all internal areas including toilets for both sexes shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (18) That a system of emergency lighting shall be installed to provide sufficient light in an emergency, in accordance with the requirements of Clause E4.2 of the BCA and AS2293.Part 1;
- (19) That all existing Essential Services shall be maintained to the effect of form 15A "Annual Fire Safety Statement" of the Environmental Planning and Assessment Act 1979;
- (20) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval and shall comply with the requirements of clause H101.14 of the BCA;

and the following adopted standard conditions:

- (21) Construction Hours⁹¹⁵¹
- (22) Construction Certificate Required⁹¹⁵⁵
- (23) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (24) Section 124 Warning⁹⁰²¹
- (25) Structural Design Certificate⁹⁰⁰⁶
- (26) Commencement of Structural Works⁹²⁰²
- (27) Display of Approval⁹⁷⁰¹
- (28) Maintenance of Premises⁹⁷⁰⁴

- (29) Construction Certificate Required⁹⁷⁰⁶
- (30) Promoter's Responsibility re Provision of Fire Safety Officers⁹⁷⁰⁷
- (31) Access to Exits⁹⁷¹³
- (32) Edges of Treads of Strairs⁹⁷¹⁹
- (33) Promoter's Responsibility re Main Entrance Door⁹⁷²⁰
- (34) Curtains or Blinds⁹⁷²²
- (35) Fabric Used for Chairs⁹⁷²³
- (36) Separation of Entertainment Area⁹⁷²⁶
- (37) Electric Mains Installation⁹⁷³⁴
- (38) Lighting⁹⁷³⁵
- (39) Seating Arranged in Rows⁹⁷⁴⁷
- (40) Chairs Used for Seating⁹⁷⁴⁸
- (41) Aisle and Cross-Over Requirements⁹⁷⁵⁰
- (42) Platform and Step Requirements⁹⁷⁵¹
- (43) Dangerous Performances⁹⁷⁵⁹
- (44) Glazing Provisions⁹³³⁰
- (45) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (46) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (47) Coverage of Fire Fighting Equipment⁹⁴²⁸
- (48) Protection of walls and floors in wet areas⁹⁶⁰¹
- (49) Sanitary facilities for people with disabilities⁹⁶¹⁰
- (50) Ceiling heights of rooms or spaces⁹⁶¹²

- (51) Exit signs⁹⁵¹⁹
- (52) Directional signs⁹⁵²⁰
- (53) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (54) Hose Reels be Installed⁹⁵⁰⁶
- (55) Hydrants be Installed⁹⁵⁰⁷
- (56) Obstruction of Public Way³⁰²⁹
- (57) Delivery of Construction Materials³⁰³²
- (58) Works Within Boundary⁹¹⁵²

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

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

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

Carried.

17.

PLANNING - WATERLOO INCINERATOR CHIMNEY STACK – COMMUNITY SURVEY (2019509)

That Council approve to provide \$2276 to the South Sydney Development Corporation to cover the costs of the community survey on the Waterloo Incinerator Stack, and that funds be sourced from the 1999/00 Strategic Planning Budget Account GW99011 - Green Square Affordable Housing.

(DPB Report 1.5.2000)

Carried.

GENERAL MANAGER

The Planning and Development Committee Meeting terminated at 8.30 p.m.

The Council Meeting terminated at 8.31p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER