

253RD Meeting

Erskineville Town Hall
Erskineville
108268

Wednesday, 26 July 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.35 pm on Wednesday, 26 July 2000.

PRESENT

His Worship, The Mayor, Councillor John Fowler (Chairperson)

Councillors - John Bush, Peter Furness, Christine Harcourt, Jill Lay, Amanda Lennon, Shayne Mallard, Tony Pooley, Gregory Shaw.

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Bush, seconded by Councillor Lennon:-

That the minutes of the Ordinary Meeting of Council of 14 June 2000 and the Extraordinary Meetings of Council of 22 June and 12 July 2000, be taken as read and confirmed.

At the request of Councillor Furness, and by consent, the minutes were amended on Page 604 by the addition of the word "Chairperson" after the name "Councillor Peter Furness" in relation to the Gay and Lesbian Advisory Committee.

Minutes, as amended by consent, were then confirmed.

At this stage it was moved by Councillor Harcourt, seconded by Councillor Lay, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, to rearrange the seating of Councillors during Council Meetings.

Carried.

The following motion was put and the decision indicated made:-

COUNCIL CHAMBERS – SEATING OF COUNCILLORS DURING COUNCIL MEETINGS

That during all Council Meetings, Councillors' seating should be arranged according to Party affiliation, in alphabetical order, as follows:

From the right: Australian Democrat
 Greens
 Labor
 Liberal
 South Sydney Community Independent

After discussion on the matter, Councillor Harcourt, seconded by Councillor Lay, requested that the motion be put.

Motion to be put carried.

The Mayor requested a show of hands.

Councillors Furness, Harcourt, Lay, Pooley and Shaw voted for the motion. (5 votes.)

GENERAL MANAGER

The Mayor and Councillors Bush, Lennon and Mallard voted against the motion. (4 votes.)

Motion carried on the show of hands of 5 votes to 4 votes.

MINUTE BY THE MAYOR

24 July 2000

PLANNING - SOUTH SYDNEY DRAFT HERITAGE CONSERVATION LOCAL ENVIRONMENTAL PLAN - (LOCAL ENVIRONMENTAL PLAN 1998 - AMENDMENT NO. 3) (2018117)

On 20 October 1999 Council resolved to adopt the South Sydney Draft Heritage Conservation Local Environmental Plan and refer the document to the Secretary of the Department of Urban Affairs and Planning under Section 68(4) of the Environmental Planning and Assessment Act 1979, with a request to process the plan expeditiously.

In accordance with Council's resolution a report was forwarded on 5 November 1999 to the Department requesting gazettal of the draft plan as soon as possible.

The draft plan contains heritage provisions and a list of proposed and existing heritage items, conservation areas and heritage streetscapes, and provides a legal framework to implement and enforce the findings of the South Sydney Heritage Study completed for Council by Tropman and Tropman. The plan increases the number of heritage items from 431 to 1206.

After eight months the plan has still not been gazetted. This delay continues to limit Council's ability to give full consideration to heritage issues when dealing with development in much of South Sydney. I propose to write to the Minister requesting that the draft plan be gazetted as a matter of urgency.

On a related issue, I believe it appropriate that Council investigate the establishment of a heritage reference group or working party to ensure that on policy matters and development issues, views of interested qualified parties can be sought. It could be modelled on Council's Traffic Committee or Fire Safety Working Group and membership could include representatives from the R.A.I.A., Art Deco Society, South Sydney Heritage Society and the like. To progress this issue I would request that a report be brought forward to the Planning and Development Committee that identifies the options, benefits, resource requirements as well as membership of such a group.

GENERAL MANAGER

RECOMMENDATION:

- (1) That the Mayor write to the Minister for Urban Affairs and Planning requesting the gazettal of the Draft Heritage Conservation Local Environmental Plan as a matter of urgency.
- (2) That the Director of Planning and Building prepare a report for Committee regarding the establishment of a Heritage Reference Group or Committee.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Mallard:-

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

Carried.

At the request of Councillor Bush, the Mayor directed that the question by Councillor Bush re the demolition of the Heritage Building on Bourke Street, be investigated by the Director of Planning and Building.

MINUTE BY THE MAYOR

25 July 2000

CELEBRATIONS – MASCON 2000 “ICONS” FESTIVAL - THANKS (2023203)

On Saturday, 15 July 2000 the fifth annual Mascon Festival was held in Victoria Park, Camperdown. The theme of this year's festival was "Icons", that is those icons which have defined the South Sydney area.

The afternoon entertainment, programmed by Elise Hawthorne, featured a number of important Australian icons including HG Nelson, James Morrison, Vanessa Wagner, Mental As Anything and the Aboriginal and Torres Strait Islander Dance Troupe, the Ngaru Dancers. Council's Creative Arts Centre coordinated a community painting project around the theme of "Paint an Australian Icon". The day culminated in a spectacular lantern parade and fireworks display coordinated by Gordon Beattie from the University of Western Sydney and his Festival artistic team.

GENERAL MANAGER

One of the highlights of the lantern parade was the performance of composer Janet Swain's "Honk" for six Holden cars, drums and children's choir.

Over 150 people including volunteers, community groups, students from the University of Western Sydney, the Festival artistic team and Council employees worked in the weeks leading up to the Festival and on the day to ensure the success of the event.

RECOMMENDATION:

That Council agree to a letter being sent under the Mayor's signatures thanking all those people involved in the Mascon 2000 "Icons" Festival for their assistance in ensuring the success of the festival.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Bush, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Harcourt, the Mayor directed that all staff and all members of the Mascon Committee be thanked for their efforts.

MINUTE BY THE MAYOR

25 July 2000

**CELEBRATIONS – CENTENARY OF FEDERATION
LOCAL COMMITTEES – ESTABLISHMENT (2021177)**

The New South Wales Centenary of Federation has written to Council encouraging it to join the 104 other local councils who have established local committees to coordinate South Sydney's Centenary of Federation celebrations during 2001.

GENERAL MANAGER

The establishment of Local Committees is seen by the Centenary of Federation as being vital to enable communities to participate fully in the Centenary of Federation celebrations. Committees are responsible for organising local events and programs to occur in 2001.

The Centenary of Federation has suggested an appropriate representation of local committee members can include local government representatives, youth, senior citizens, indigenous, service clubs, historical societies and school groups

The Centenary of Federation model is not entirely appropriate for South Sydney given the diverse nature of our community and the employment by Council of a number of specialist staff working in the areas of aged services, youth, indigenous affairs, community liaison, children, special events and gay and lesbian liaison.

A more appropriate model and process for Council to adopt is for Council's specialist staff to liaise with their communities and establish what, if any projects, would be appropriate to celebrate the Centenary of Federation. These proposals along with their budgets would be put to Council's Centenary of Federation Committee for endorsement and funding.

It is proposed the composition of Council's Centenary of Federation Committee be the Mayor, the Chair of the Council's Cultural Committee, the General Manager, the Director of Community Services, the Media Manager and the Special Events Coordinator.

Additionally Finance Committee at its meeting on 19 July 2000 recommended to Council "That approval be given for a year long photographic display housed at Council libraries as part of Council's celebrations for the Centenary of Federation with funds available in the 2000/2001 Budget Estimates".

Further it is proposed Council support as a Centenary of Federation Project the reproduction on disc, CD-ROM and the internet of the Uniting Church Erskineville's publication "South Sydney – Shaping for the Future". This publication now out of print has been an invaluable historical research resource for many years for council staff, residents, historians and students and deserves a wider audience.

The Centenary of Federation has established a number of grant programs to support local projects in the areas of Archiving and Cataloguing, Aboriginal History and Community History. The final closing date for applications in Archiving and Cataloguing is Friday, 15 September and for Aboriginal and Community History Friday, 18 August. Grants for these programs are allocated within a range of \$5,000 to \$25,000 and are judged on merit.

GENERAL MANAGER

It is proposed applications be lodged under the Centenary of Federation's Community History program for the 18 August closing date to support two projects. The first project is an expanded South Sydney Centenary of Federation 2001/Heritage Exhibition at Council libraries. The second project is the reproduction on disc, CD-ROM and on the internet of the Uniting Church Erskineville's publication "South Sydney – Shaping for the Future".

RECOMMENDATION:

That Council agrees to establish a Centenary of Federation Local Committee composed of the Mayor, the Chair of the Council's Cultural Committee, the General Manager, the Director of Community Services, the Media Manager and the Special Events Coordinator to consider and recommend to Council for funding Centenary of Federation projects proposed by Council staff including Council's specialist staff in the areas of aged services, youth, indigenous affairs, community liaison, children, special events, gay and lesbian liaison and that Council further agrees to lodge an application under the Centenary of Federation's Community History program for the 18 August closing date to support an expanded South Sydney Centenary of Federation 2001/Heritage Exhibition at Council libraries and the reproduction on disc, CD-ROM and on the internet of the Uniting Church Erskineville's publication "South Sydney – Shaping for the Future".

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

26 July 2000

**PLANNING – OPEN SPACE – ACQUISITION OF PARKLAND –
DEVELOPER CONTRIBUTIONS UNDER SECTION 94 – REVIEW OF SECTION 94
PLAN – NORTHERN DISTRICTS (2021391)**

In recent years there has been significant development activity in the Northern Districts around Darlinghurst, Potts Point and Woolloomooloo. It is timely that a re-investigation of the opportunities for additional open space acquisition be

GENERAL MANAGER

undertaken as part of current reviews of Council's Development Control Plan and Section 94 Contributions Plan.

RECOMMENDATION:

That the Director of Planning and Building, in consultation with the Properties Manager, provide a report to the Planning and Development Committee, concerning scope for the acquisition of parkland from remaining development sites in the North Ward, the likely costs involved and the potential for inclusion in the current review of the Section 94 Contributions Plan.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Bush, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

25 July 2000

**PUBLIC RELATIONS – DEATH OF
BERNIE HOUGHTON – CONDOLENCES (2004380)**

It is with regret that I advise Council of the death of Bernie Houghton, a well known identity in the Kings Cross area.

Bernie arrived in Australia in 1967 and in November of that year opened the Bourbon and Beefsteak Restaurant. He later opened Harpoon Harry's and the Texas Tavern, the theme of these bars being of a "Texan" nature.

As well as establishing these famous restaurants and bars, he was also a strong supporter of all projects and festivals in and around the Kings Cross districts, including the Kings Cross Carnival, the Annual Charity Bed Race, the Kings Cross Community Centre, Woolloomooloo Police Boys Club, and in 1988 contributed to decorating Kings Cross by way of bud lighting of the trees in Darlinghurst Road.

GENERAL MANAGER

Bernie had no family and he will be sadly missed by all his friends who knew him.

It is recommended that a letter under the signature of the Mayor be forwarded to the Management of the Bourbon and Beefsteak Restaurant expressing condolences of the Council.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Bush, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

25 July 2000

PUBLIC RELATIONS - CITY TO SURF 2000 – CONGRATULATIONS TO COUNCIL STAFF (D53-00421)

On Sunday, 16 July 2000, the Annual Sydney City to Surf fun run was held with the participation of a number of Council Staff.

In all, 35 Council employees either ran or walked the famous 14 kilometre course. It is reported that due to three Council employees running times of an exceptional nature, South Sydney Council was awarded second place in the Government Teams Division.

It is recommended that all Council employees who participated in this year's City to Surf fun run be congratulated on their performances and that these congratulations be forwarded on by the General Manager.

Councillor John Fowler (SGD)

Mayor

GENERAL MANAGER

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

26 July 2000

PARKS – SECTION 68 – CONDITIONS OF AGREEMENT FOR OCCUPATION OF VICTORIA PARK (2023189)

On Friday 14th July 2000, a small group of Aborigines led by Ms Isabell Coe, an elder, set up tents on the Sydney University side of Victoria Park in Chippendale. A leaflet calling on people to visit the self-proclaimed 'tent embassy' listed a number of supporters, including South Sydney City Council. The Council is not a supporter of this action. No Aboriginal organisations were listed among the alleged supporters.

The Director of Health and Community Services, Mr Grahame Dearsley, has been in negotiations with Ms Coe at Victoria Park on consecutive days since Monday 24th July. Mr Dearsley gave a letter from Council to Ms Coe on Tuesday 25th July, which stated that while Council "supports the valid claim of Australian Aboriginal people to land rights, "the "protest camp" at Victoria Park constituted an unlawful activity and had not been approved by Council (see attachment one).

Council said however, that if an application was made under Section 68 of the Local Government Act, approval might be granted for use of a portion of Victoria Park, subject to 11 specific conditions. Those conditions included issues related to public safety and the safety of individuals, noise complaints from local residents, associated park damage from speeding vehicles, and the loss of amenity for daily park users.

Subsequent to receiving Council's letter, Ms Coe made a number of media contacts and issued a media release, headlined "Council Threatens Aboriginal Tent Embassy" (see attachment two). In which seven of the 11 conditions were specifically rejected.

GENERAL MANAGER

It is Council's view that specific legal responsibilities arise from the presence of the Aboriginal encampment in Victoria Park.

Council is continuing to negotiate with the organisers, but it is unlikely a satisfactory agreement will easily be reached.

RECOMMENDATION:

That Council continue to negotiate with the protestors and that the Mayor and General Manager be given the power to pursue to a satisfactory resolution.

J. W. Bourke (SGD)
General Manager

Moved by the Mayor, seconded by Councillor Bush:-

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

At the request of Councillor Shaw, and by consent, the motion be amended by the addition of the following words to the recommendation, namely, "and that all Councillors be advised prior to any actions being implemented".

Motion, as amended by consent, carried.

At the request of Councillor Lay, the Mayor directed that the General Manager organise a briefing on Wednesday, 2 August 2000, at Erskineville Town Hall prior to the Meetings of the Standing Committees to allow for an update of the current situation.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager, with approximately 560 signatures appended from residents and non residents of the Metropolitan area requesting that South Sydney Council change the name of the upper northern part of South Dowling Street, between Oxford and Flinders Streets to "Saint Sophia Avenue".

Received.

GENERAL MANAGER

2.

The Mayor tabled a petition received by the Planning and Development Committee on 19 July 2000, with approximately 111 signatures appended from residents of Zetland, objecting to the proposed development at No. 2 Portman Street, Zetland.

Received.

QUESTIONS WITHOUT NOTICE

1.

ANTI-SOCIAL ACTIVITIES – CLOSURE OF THE WOOLLOOMOOLOO POLICE STATION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A55-00009)

Question:

Last night I attended a community meeting in Woolloomooloo and the following points were raised:-

- Closure of the Woolloomooloo Police Station three months over the Olympic period
- Identified high crime area – car overturned by thieves this week
- Residents and visitors vulnerable to street crime and burglary
- Sufferers of mental illness who often need police support
- Homeless people
- Influx of tourists
- Mayor need to write to Premier, Police Minister and Olympic's Minister protest to reverse this crazy decision
- ALP colleagues to talk to their party mates to help the residents of Woolloomooloo
- Add concern about speeding vehicles on Cowper Wharf Road – Traffic Committee RTA

Could the Mayor write to the Premier regarding the Woolloomooloo Police Station?

Answer by the Mayor:

I will write to the Premier and the Minister for Police in relation to that matter.

GENERAL MANAGER

2.

PROFESSIONAL SERVICES – CATERING – OPTIONS TO COUNCIL REGARDING FOOD AND BEVERAGES AFTER COUNCIL MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2022737)

Question:

Could we have a report on options to make more equitable the provision of food and beverages after all Council meetings?

- Cost recovery of food
- Cash bar arrangement
- Meal allowance for staff
- Based on Federal and NSW parliament models

Answer by the Mayor:

There is a report coming to Committee next week in relation to the tender for the catering contract to Council. I will ask the General Manager to take your question and make that part of the report.

3.

STREETS – AUDIT OF THE QUALITY OF FOOTPATHS IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (S56-00626)

Question:

Could we get an audit on the quality of footpaths in the South Sydney area? There is a concern about the deterioration of our paving.

Answer by the Mayor:

I will ask the Director of Public Works and Services as to the feasibility and time frame that would be necessary for such an audit to take place on the footpaths.

4.

TRAFFIC – CLOSURE OF THE EASTERN DISTRIBUTOR OFF RAMP AT CLEVELAND STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (T02-00172)

Question:

In regard to reports in today's press about the closure of the off ramp at Cleveland Street on the Eastern Distributor, what can be done to relieve residents of further chaos and secondly, we should take note of this in terms of negotiations and involvement in the east-west under Sydney tunnel?

Answer by the Mayor:

Certainly, many of your comments are quite correct and it certainly begs logic to suggest that to access Surry Hills from the Eastern Distributor that you do it via Zetland or Woolloomooloo, which is the current situation if you cannot exit if the Cleveland Street exit is removed. Obviously this has something to do with the contract and the Member for Bligh has had a number of representations in the State House about this question and the contract and I will have the Director of Public Works and Services respond to your question through the Councillors Information Service or if it warrants through Committee.

5.

PARKING – SURRY HILLS – REQUEST FOR CHANGES TO CAR PARKING POLICIES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (P51-00105)

Question:

In response to a number of complaints from residents in west Surry Hills, I wish to request consideration of some minor changes in our car parking policies:

- (a) in new or conversion developments involving not more than 12 units, delete the requirement for visitor parking spaces and allow all residents to access one parking space;
- (b) allow a third resident parking sticker where the vehicle in question is a motor bike or motorised scooter and provide designated on-street motor bike parking areas as appropriate throughout the city.

GENERAL MANAGER

Answer by the Mayor:

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

6.

COUNCILLORS – COUNCIL POLICY ON LOAN CARS TO COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2002628)**Question:**

I understand Councillor Bush had the use of a Council car during the past two weeks prior to the matter of a car allowance being discussed in Council. What was the reason for making a car available to him? Does the loan of a car to Councillor Bush, apparently for private purposes, conform with previous practice in this Council?

Answer by the Mayor:

In regards to the second part of your question, it seems that it does comply with certain activities with the previous Council, however, I will have a report including your questions circulated in the Councillors Information Service.

7.

FINES – TRAINING, RESOURCING AND STRATEGIC DEVELOPMENTS MADE AVAILABLE BY COUNCIL TO DEAL WITH THE DUMPING OF RUBBISH - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (F52-00004)**Question:**

Litter and dumping are major issues in Sydney and South Sydney is not exempt. New litter fines have been imposed and the Environment Protection Authority is conducting a major campaign at this time.

What training, resourcing and strategic developments are being made available by Council to deal with dumping and the enforcement of anti-littering?

Answer by the Mayor:

You would be aware of most of the policies that exist, there hasn't been much change in two weeks. When the State Government says something in relation to policy change, you know the State Government says jump, then usually Local Government says again, how high? I will have the information you request circulated in the Councillors Information Service.

8.

SPORTS FACILITIES – ERSKINEVILLE – USE OF ABANDONED RAIL TRACK FOR PEDESTRIAN AND BICYCLE PATH - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S54-00147)**Question:**

Could Council investigate the possible use of the abandoned rail track in Erskineville for a pedestrian/bicycle path and an exercise run? It is currently used for dumping.

Answer by the Mayor:

As the Bicycle Committee under the previous administration didn't meet for two years, I certainly will have the information you requested in the Councillors Information Service.

9.

COUNCILLORS – DAMAGE TO COUNCIL VEHICLE ON LOAN TO COUNCILLOR BUSH - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2002628)**Question:**

Was a Council car broken into while it was on loan to Councillor Bush within the past two weeks?

If so, where was the car at the time? What Council business was Councillor Bush engaged in? What was the cost of the damage?

Answer by the Mayor:

I will have that information circulated through the Councillors Information Service.

GENERAL MANAGER

10.

CLEANING – LANEWAY ALONGSIDE ASTON HALL, BOURKE STREET, EAST SYDNEY – RELOCATION OF RUBBISH BINS - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (C56-00007)

Question:

Can Council investigate the relocation of rubbish bins (commercial) in the laneway along side Aston Hall, Bourke Street, East Sydney, to the rear of commercial premises, near the completed Eastern Distributor off ramp?

Answer by the Mayor:

I will ask the Director of Public Works and Services to respond to that question in the Councillors Information Service.

11.

INSURANCES – EDUCATION OF CHILDREN AS LEARNER DRIVERS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2006338)

Question:

Given recent media reports suggesting Councils will be involved in training parents so that they can appropriately educate their children as learner drivers, is South Sydney Council involved? If not, why not?

Answer by the Mayor:

Part of the work that Council is doing is in the cares facility that is to be operational in Sydney Park. I will ask the Director of Health and Community Services to comment on this matter and have a report circulated through the Councillors Information Service.

Answer by the Director of Health and Community Services:

I understand that it is normal for Local Government to follow State Government. State Government will send down instructions through the Department of Local Government as to how to do it. The only thing that I can relate to that is that we have some programs that we try to run on computer through the youth program for youths to learn how to drive.

12.

ELECTIONS – ELECTION RESULTS TO BE MADE AVAILABLE ON COUNCIL’S WEBSITE - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2012534)

Question:

Can the election results from the recent South Sydney Council election be posted on the website?

Answer by the Mayor:

I understand it is possible. I will have the question answered and a response prepared by the Acting Information Technology Manager for circulation in the Councillors Information Service.

13.

PERSONNEL – AMENDMENT OF CONTRACTS OR CONDITIONS OF SENIOR MANAGERS OR SALARIED EMPLOYEES OF COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2005999)

Question:

I refer to recent interviews conducted by you and subsequent enquiries from residents.

Is it your intention to terminate, amend or alter current employment contracts or conditions of employment of any Senior Managers of Council or salaried employees?

Answer by the Mayor:

If I had a dollar for every rumour I had to scotch in relation to what the new Council will be doing or planning, whether we will be leaving SSROC or other things being said, I have had to respond that there has been no change to current policy that existed at this Council before and what exists today. Certainly with employment there is no change to contracts that exist at Council. It is just media speculation.

14.

COMMITTEES – INTRODUCTION OF A ‘PRECINCT COMMITTEE’ SYSTEM IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C57-00005)**Question:**

Could Council have provided to it a report on options available for the introduction of a “precinct committee” system in the City of South Sydney based on that operating in the Municipality of Leichhardt?

Answer by the Mayor:

I will instruct the relevant Officer to enquire as to Precinct Committees at Leichhardt Council and the models that also exist at Waverley and North Sydney which I believe Council have the information on file, because that question has been asked by myself a number of times.

15.

CLEANING – DALMENY AVENUE, ROSEBERY – REQUEST FOR IMPROVEMENTS TO RUBBISH COLLECTION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C56-00056)**Question:**

Could rubbish collection from the Kimberley Estate on Dalmeny Avenue, Rosebery, be improved by providing an additional collection on Sundays, larger rubbish and recycling bins and instructions to residents in English, Chinese and Russian?

Answer by the Mayor:

I will ask the Director of Public Works and Services to look at the feasibility of the points that you raise in reference to Waste Management.

16.

STREETS – BUCKLAND STREET, CHIPPENDALE – WIDENING OF FOOTPATHS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2017553)**Question:**

As Buckland Street, Chippendale, is a major pedestrian thoroughfare and has extremely narrow footpaths which are in a state of disrepair, could the

GENERAL MANAGER

Department of Public Works and Services provide a widened footpath for the west side of this street?

Answer by the Mayor:

This is a Streetscape Masterplan which is in production and waiting for the final input from a number of Council Officers which does relate to the potential for expansion of footpaths and the refurbishment of them through landscaping and that Masterplan is coming to Committee in the near future. In relation to Buckland Street, I will have the matter investigated and a report prepared from the Councillors Information Service.

17.

COMMUNITY FACILITIES – PURCHASE OF A SUITABLE PROPERTY FOR THE RELOCATION OF COUNCIL'S KITCHEN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C59-00060)

Question:

Could the General Manager investigate the purchase of suitable property to relocate the proposed kitchen that was to be located at the Cliff Noble Centre?

Answer by the Mayor:

I will ask the General Manager to expeditiously look at that report in terms of the acquisition of appropriate properties so that we do not continue to over use our existing properties for services of Council.

18.

CELEBRATIONS – POSSIBLE LOCATIONS FOR FLAGPOLES TO CELEBRATE THE CENTENARY OF FEDERATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021177)

Question:

Can the Director of Public Works and Services bring a report to Council that identifies the possible locations for flagpoles to celebrate the Centenary of Federation?

Answer by the Mayor:

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

GENERAL MANAGER

19.

PLANNING – RETAIL AND COMMERCIAL POLICY – RETAIL PRECINCT DEVELOPMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022461)

Question:

Could the General Manager investigate the methodology of a retail/ commercial policy with a view of bringing a report to Council?

Answer by the Mayor:

I will ask the Director of Finance and the Director of Planning and Building to liaise with the General Manager in relation to appropriate town levies or any other measures that can be done for appropriate retail precinct developments.

20.

PLANNING – STRATEGIC PLANNING STUDIES – COMPLETION DATE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (5259777)

Question:

Can the Director of Planning and Building as a matter of urgency prepare a report for Committee outlining strategic planning studies currently under way, their current status and their likely completion date as well as a list of those studies programmed to commence this final year?

Answer by the Mayor:

Yes, I will have the Council Officer prepare a report for Committee on your behalf.

21.

DEVELOPMENT – PAYMENT OF ADDITIONAL FEE FOR THE EXPEDITIOUS ASSESSMENT OF DEVELOPMENT APPLICATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020130)

Question:

Council currently has a system in place where applicants for Section 149 Certificates can pay an 'urgency fee' for same-day service.

GENERAL MANAGER

I believe that this customer service initiative has been very successful and has parallels in other areas of Council's services.

In particular, at present there is no system that allows applicants the opportunity to pay an additional fee for the expeditious assessment of Development Applications.

I understand that other Councils offer this service to their customers. Could the Director of Planning and Building prepare a report addressing this initiative as a matter of urgency?

Answer by the Mayor:

Part of your question in terms of connecting Council processes to the I.T. is part of that, but I will ask the Director to prepare a report for you.

22.

PERSONNEL – RECRUITMENT OF TOWN PLANNING STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P53-00135)

Question:

I understand that Council's Town Planning contingent has been understaffed by some 20% over the last 12 months. The number of outstanding DAs now stands at some 400 applications.

Currently five planning positions remain vacant despite multiple attempts to attract new and replacement staff.

In South Sydney, the high quality demanded of new development and in our planning strategies equally demands high quality professional staff.

Clearly, the current remuneration structure fails to attract appropriately experienced and qualified planners to South Sydney.

Could the Director of Planning and Building prepare a report addressing this critical issue as a matter of urgency?

Answer by the Mayor:

There is a report coming to the next Committee.

GENERAL MANAGER

REPORT OF THE FINANCE COMMITTEE

19 July, 2000

PRESENT**Councillor Shayne Mallard (Chairperson)****Councillors – Peter Furness, Tony Pooley, Gregory Shaw**

At the commencement of business at 6.46 pm those present were:-

Councillors – Furness, Mallard, Pooley and Shaw.

Moved by the Chairperson (Councillor Mallard), seconded by Councillor Furness:-

That the Report of the Finance Committee of its meeting of 19 July 2000, be received and the recommendations set out below for Items 1 to 4, inclusive, 10 to 12, inclusive and 14, be adopted. The recommendations set out below for Items 6 to 9, inclusive, 13 and 15 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

DONATIONS - PADDINGTON PUBLIC SCHOOL – PADDINGTON TOWN HALL - REQUEST FOR FREE USE – 13 DECEMBER 2000 (2010531)

- (1) That arising from consideration of a report by the Acting Director of corporate Services dated 14 June 2000, Council support Paddington Public School by forgoing \$2,850 in income and \$500 in expenses, and allow the free use of Paddington Town Hall on Wednesday 13 December 2000 for their Annual Speech Day & Infants Concert;
- (2) That the Acting Director of Corporate Services submit a report to the next Finance Committee Meeting to be held on 2 August 2000, on how many occasions free use has been approved and how the free use has

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been costed against the Budget in respect of Income and Expenditure for the last financial year regarding Paddington Town Hall.

Carried.

2.

PARKS – VICTORIA PARK, CAMPERDOWN - APPLICATION FOR USE – 11 SEPTEMBER 2000 - COMMUNITY AID ABROAD (5237246)

That approval be given to Community Aid Abroad's Nike Watch Campaign to use an area of Victoria Park, Camperdown to conduct a function including choir, speeches and pageant involving up to 400 people to draw public attention to labour conditions in Nike contract factories abroad and homeworkers making clothes in Australia, on Monday 11 September 2000 between 6.30 p.m. and 8.15 p.m. subject to the following conditions, namely:-

- (1) That Council and Minister for Land and Water Conservation shall be indemnified against any claims for injury to persons or damage to property arising out of such approval and such indemnity shall be expressed in the form of a public risk insurance policy in the minimum amount of \$10,000,000. Such policy must be in the joint names of the applicant, the Council and the Minister for Land and Water Conservation;
- (2) That the hire fee of \$88 be paid to Council prior to the event;
- (3) That the applicant will take every precaution to ensure that no damage is caused to the park;
- (4) That the applicant shall agree to pay Council's costs for any necessary repairs to the area arising from the proposed use;
- (5) That no monies shall be collected or goods sold in the park;
- (6) That no handbills shall be distributed in the park;
- (7) That no structures shall be erected in the park;
- (8) That no vehicles shall be parked in the park, except for loading and unloading equipment;
- (9) That the area to be used shall be determined by the Parks Branch Manager;

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- (10) That the activity shall be contained within the park and shall not extend onto the surrounding footways;
- (11) That any amplified sound shall be kept to a reasonable level and restricted to the area being used and shall not give rise to any "offensive noise" as defined in the Noise Control Act, 1975;
- (12) That payment of the hire fee, evidence of the public risk insurance policy and written acceptance of the conditions of this approval to be received by Council prior to the event.

(DPWS Report 4.7.00)

Carried.

3.

PROPERTIES – UPGRADING – ALEXANDRIA PARK AMENITIES BLOCK – ACCEPTANCE OF TENDER (2019951)

That for the reasons set out in the joint report by the Acting Director of Corporate Services and the Director of Public Works and Services dated 4 July 2000, it be resolved that:-

- (1) approval be given to engage Les Moore Projects Pty Ltd to complete the upgrade to the Alexandria Park Amenities Building for a Contract Sum of \$162,290;
- (2) funds of \$17,710 be allocated as a contingency for variations (being approximately 10% of the contract sum),
- (3) funds for which are currently available in the 2000/2001 Parks Development Works Programme, account codes FWP 2008 and FWP 9141 (Management Plan Reference 45.002 and 45.022) Note that these account codes are the old numbers and will be converted to the new numbers when they become available.

Carried.

4.

CONFERENCES – MANAGEMENT PLAN REVIEW – FAIRMONT RESORT, LEURA, N.S.W., 3 – 5 NOVEMBER 2000 – ARRANGEMENT FOR CONFERENCE (2006310)

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 12 July 2000, confirmatory approval be given to the arrangements made for a Management Plan Conference to be held at the Fairmont Resort, Leura, from 3 November to 5 November 2000, and to the attendance of the Mayor, Councillors, Heads of Department, Civic Affairs Manager/Public Officer and the Supervising Committee Clerk, and that accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, involving an estimated expenditure of \$18,000, for which funds are available in the 2000/2001 Revenue Estimates (1.51.3210.12210.0 and 1.51.3210.12105.0).

Carried.

5.

CELEBRATIONS - CENTENARY OF FEDERATION 2001/HERITAGE EXHIBITION - COUNCIL'S LIBRARIES THE YEAR 2001 (2020573)

- (1) That approval be given for a year long photographic display housed at Council libraries as part of the Council's celebrations for Centenary of Federation 2001 with funds available in the 2000/2001 Budget Estimates (ENL0001.77F0);
- (2) That the exhibition focus on youth;
- (3) That the Mayor write to local schools when the exhibition is in the schools' area to invite them to the exhibition;
- (4) That a detailed breakdown of the program and the \$20,000 Budget for the exhibition be reported to the Finance Committee.

(CAM/PO Report 12.7.00)

At the request of Councillor Mallard, and by consent, the motion was amended by the insertion of the following clause (5), namely:-

- (5) Photographer's fee and brief:
 - historical photographic research on suitable local sites
 - preliminary photo shoots of locations
 - development and mounting of photos \$5,000

GENERAL MANAGER

6.

**COMMUNITY FACILITIES – UPGRADING – ALEXANDRIA ACTIVITY CLUB
– MEALS ON WHEELS DISTRIBUTION CENTRE – ALLOCATION OF
ADDITIONAL FUNDING (C59-00060)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That the report by the Director of Health and Community Services dated 13 July 2000, regarding the upgrading of the Alexandria Activity Club, Meals on Wheels Distribution Centre, be received and noted.

It was moved by Councillor Pooley, seconded by Councillor Harcourt, that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof, namely:-

That arising from a joint report by the Director of Health and Community Services and the Acting Director of Corporate Services dated 13 July 2000, Council grants its approval to additional funds of \$40,000 being allocated to project No. 71014 for the refurbishment of Alexandria Activity Club to house a Meals on Wheels Distribution Centre and the Cliff Noble Community Centre.

Amendment negatived.

Motion carried.

7.

**COMMUNITY FACILITIES – WILSON BROS SITE, CHIPPENDALE –
FEASIBILITY STUDY – COMMUNITY FACILITY DESIGN – CALLING OF
TENDERS (2022971)**

That arising from a report by the Director of Health and Community Services dated 14 July 2000, approval be given to the appointment of a project worker to conduct community and governmental consultations relation to determining priority uses for the multi-purpose community facility on the Wilson Bros site, and the expenditure of \$6,000 for this purpose from Budget KW 99148.

It was moved by the Mayor, seconded by Councillor Bush, that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof, namely:-

GENERAL MANAGER

That the matter be deferred to allow consultation with the Redfern Residents on Reconciliation.

After discussion on the matter, Councillor Bush requested that the motion be put, seconded by Councillor Mallard.

Motion be put, carried.

The motion was then put.

Motion, as amended by consent, carried.

8.

FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENT FOR PERIOD ENDED 26 MAY 2000 (A52-00240)

(A) That the report of the Director of Finance dated 13 July, 2000 certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

(B) That a further report for the financial year ending 2000 be submitted in respect of:-

- (1) separate for income and expenditure;
- (2) covering Operating, Works and Capital areas for Council activities;
- (3) columns indicating budget, actuals, variance\$, variance%;
- (4) presented by Department broken down into Business Units.

-further, any Business Units that report a +/-25% variance in income or expenditure to Budget are required to submit a written explanation to the committee for the variance.

Carried.

9.

TRAFFIC - ROAD SAFETY GRANT - IPWEA/RTA LOCAL GOVERNMENT ROAD SAFETY PROJECT AND MOTOR ACCIDENT AUTHORITY – ACCEPTANCE (T52-00106)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

GENERAL MANAGER

That arising from consideration of a report by the Director of Public Works and Services dated 7 July 2000, it be resolved that:-

- (1) Council accepts the \$5,000 IPWEA/RTA Grant according to the terms and conditions that apply;
- (2) the \$5000 be credited to the Community Road Safety (Oracle) Account No. 1.43.2435.35020.0 and that the Budget be increased accordingly.

Carried.

(At the Finance Committee Meeting only, Councillor Pooley requested that his name be recorded as voting against the decision.)

10.

PERSONNEL – EMPLOYMENT ISSUES – OLYMPIC 2000 PERIOD (2019938)

That arising from consideration of a report by the Director of Organisational Development dated 14 July 2000, approval be given to:-

- (1) the use of the “spread of hours” clause of Council’s Salaried and Wages Award, by Managers, if required to change the start and finish times of employees ordinary hours of work for employees can be worked between 6.00am and 8.00pm with a core time coverage of between 10am to 4pm;
- (2) employees being allowed to accrue Rostered Recreational Days from their nine day fortnight or nineteen day month allocation for the purpose of attending or working at the Olympic Games during the September/October 2000 period;
- (3) that any changes to current work arrangements be made prior to the Olympic period through discussion and arrangement with their manager/supervisor which is then forwarded to their Director for final approval;
- (4) that these services already identified as being essential to Council are not to avail themselves of the above concessions.

Carried.

11.

**LICENSING – COWPER WHARF ROADWAY, SHOP 6, NOS. 7 – 41,
WOOLLOOMOOLOO – PROPOSED FOOTWAY LICENCE (L56-00321)**

That approval be given to:-

- (1) the granting of a licence to Sienna Marina Brasserie Pty Ltd over an area of 81.6 square metres of the footway of Cowper Wharf Roadway and Forbes Street adjacent to Sienna Marina Brasserie at Shop 6, Nos. 7-41 Cowper Wharf Roadway, Woolloomooloo, as shown stippled on Plan No S4-130 484E and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of five years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement.;
- (7) all outside furniture to be removed by 10.30pm Monday to Saturday and by 9.45pm Sunday.

(DPWS Report 4.7.00)

Carried.

GENERAL MANAGER

12.

LICENSING – FORBES STREET, NOS. 12 – 18, WOOLLOOMOOLOO – PROPOSED FOOTWAY LICENCE (2022881)

That approval be given to:-

- (1) the granting of a licence to Mark Whitehouse over an area of 16 square metres of the footway of Forbes Street adjacent to The Tilbury Hotel as shown stippled on Plan No S4-130/770A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of five years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) that the Licence not commence until the objection by the Health and Community Service Department is resolved.

Carried.

13.

COUNCIL – COUNCIL'S STANDING COMMITTEES MEETINGS AND COUNCIL MEETINGS – PROPOSED CHANGING OF MEETING DAY (5262801)

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by the Mayor, seconded by Councillor Mallard:-

That the matter be deferred to the Plan of Management Weekend Conference to be held in November 2000.

Carried.

14.

PUBLIC RELATIONS – COMMUNITY CONSULTATION MEETINGS 2000/2001 (P58-00295)

That arising from consideration of a minute by the Civic Affairs Manager/ Public Officer dated 17 July 2000, approval be given:-

- (1) to the reinstatement of 12 Community Consultation Meetings being conducted in 2000/2001, as per the following dates:

South Ward	late Oct 2000	Newtown Community Hall
South Ward	late Nov 2000	Alexandria Town Hall
North Ward	late Feb 2001	Paddington Town Hall
Central Ward	late Mar 2001	Redfern Town Hall
South Ward	late Apr 2001	Darlington Public School
South Ward	late May 2001	Gardeners Rd Public School
North Ward	late Jun 2001	Kings Cross Community Room
Central Ward	late July 2001	Waterloo Town Hall
South Ward	late Aug 2001	Erskineville Public School
South Ward	late Sep 2001	136 Joynton Ave Zetland
North Ward	late Oct 2001	Mary McDonald Centre
Central Ward	late Nov 2001	Crown St Public School or Surry Hills Neighbourhood Centre

-involving an expenditure of \$48,000 of which \$32,000 has been provided for in the 2000/2001 estimates and provision will be made in the 2001/2002 estimates for the balance of the expenditure (EBN account);

- (2) to the continuation of the Community Consultation Program under the revised arrangements and basis outlined above.

Carried.

GENERAL MANAGER

15.

COUNCILLORS – MEETING ROOMS, INTERVIEW ROOM, ADDITIONAL COMPUTERS AND CAR FOR DEPUTY MAYOR AND OTHER COUNCILLORS - PROVISION (2002628)

That arising from consideration of a report by the Civic Affairs Manager/ Public Officer dated 19 July 2000, it be resolved that:-

- (1) clauses (1) and (4) of the recommendation of the Civic Affairs Manager's report, be not approved;
- (2) clauses (2) and (3) be submitted to Council without recommendation.

It was moved by Councillor Furness, seconded by Councillor Harcourt, that the whole of the above resolution be deleted and the following new resolution be inserted, in lieu thereof, namely:-

That approval be given to the:-

- (1) allocation of one room on Level 11 of Council's Administration Offices, for use by Councillors and to the furnishing of the room with surplus desks and chairs (left over from No. 140 Joynton Avenue) and telephone;
- (2) allocation of a room on the ground floor of the Administration Offices for use as a general interviewing room for all Councillors and to the provision of a desk, chairs, computer/printer and telephone involving an estimated expenditure of \$16,000 and that such expenditure be added to the 2000/2001 Estimates;
- (3) purchase of nine lap top computers for Councillors to assist in the performance of their civic duties, involving an estimated expenditure of \$58,500, for which funds are available in the 2000/2001 Estimates;
- (4) provision of Cabcharge and the travel provision for Councillors as provided in Council's Policy for "Payment of Expenses and Provision of Facilities for the Mayor and Councillors", be endorsed.

Motion, as amended by consent, carried.

GENERAL MANAGER

The Mayor directed that the motion be recorded as being carried unanimously.

The Finance Committee Meeting terminated at 7.47 pm.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY, 19 JULY 2000 AT 6.36 PM

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

The 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 Mallard), seconded by Councillor Furness:-

That the Report of the Finance Committee (Confidential Matter) of its meeting of 19 July 2000, be received and the recommendations set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES – BROADWAY SITE - PROPOSAL REDEVELOPMENT – SIGNING OF TRANSACTION DOCUMENTS (P56-00048)

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by the Mayor, seconded by Councillor Mallard:-

That the Council resolve to meet as a Committee of the Whole.

At this stage and at 8.03 p.m., it was moved by the Mayor, seconded by Councillor Bush:-

That the Council resolve to meet as a Committee of the whole with Press and Public excluded to discuss the foregoing matter, as it dealt with a Property Matter.

Carried.

Those present at the meeting of the Committee of the Whole being:

The Mayor and Councillors Bush, Furness, Harcourt, Lay, Lennon, Mallard, Pooley and Shaw.

At 8.10 p.m. the Council meeting resumed.

The Mayor then asked the Supervising Committee Clerk to read out the recommendation of the Committee of the Whole.

The Supervising Committee Clerk read out the following recommendation, namely:-

That the matter be deferred for:-

- (1) finalisation of the wording for the first item of the Transaction Documents (Development Agreement) and subsequent execution;
- (2) Australand/Walker's withdrawal of the current Development Applications 514/00 (Residential component) and 515/00 (change of use for the Wool Store) for the site;
- (3) the re-submission of Development Applications by mutual agreement, within approximately three months;
- (4) the request by Australand to suspend the payment of \$40,000 per month until the Development Application is either formally approved or rejected, be negotiated by the Mayor and General Manager with Australand.

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The recommendation of the Committee of the Whole was then put and carried.

The Finance Committee (Confidential Matter) Meeting terminated at 6.45 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

19 July, 2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw

At the commencement of business at 7.48 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw

Moved by the Chairperson (Councillor Furness), seconded by Councillor Bush:-

That the Report of the Community Services Committee of its meeting of 19 July 2000, be received and the recommendations set out below for Items 1-4 inclusive be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES – GAY AND LESBIAN COMMUNITY ADVISORY COMMITTEE – MINUTES OF MEETING – 27 JUNE 2000 (2017729)

- (1) That a joint report be submitted to Council from the Gay and Lesbian Liaison Officer and Community Services Section, Health and Community Services Department, requesting that an edited and shortened version of the Gay Lesbian and Transgender Issues Paper be prepared for re-issue to the public;

GENERAL MANAGER

- (2) That the role of the Gay and Lesbian Community Advisory Committee is to develop policy, rather than to comment on Development Applications. However, the Committee will always accept referrals from the Planning and Building Department, if the specialists expertise of members of the Committee is being sought. The Committee supports the advice of the Sex Industry Liaison Officer that the DA regarding the use of premises at No. 304-308, King Street, Newtown for use as a gay lounge fits within Council's Sex Industry Policy Guidelines and refers any further discussions on the DA to the SILO.

Carried.

2.

**COMMITTEES – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES
– MINUTES OF MEETING HELD 13 JUNE 2000 (2017377)**

That the report by the Director of Health and Community Services dated 30 June 2000, and the accompanying minutes of the Access Committee for People with Disabilities held on 13 June 2000, be received and noted.

Carried.

3.

**PROFESSIONAL SERVICES - AGED AND DISABILITY SERVICES –
DELIVERY – MEALS ON WHEELS – OUTSOURCING – USE OF COURIERS
– ACCEPTANCE OF TENDER (P55-00121)**

That arising from a report by the Director of Health and Community Services dated 4 July 2000, approval be given to:-

- (1) accepting the tender by D&C Deliveries, to deliver meals from our Kepos Street Kitchen at a total cost of up to \$97,570 per annum as outlined in the report above with the option to renew for one more year from 1 July 2001 or to cease at any time with three months notice on either side;
- (2) an amount of \$14,570 being added to Budget item (1.26.6720.16110.0) for the current Financial year for which funds are not available.

Carried.

4.

**CLEANING – DRAFT AEROSOL ART AND GRAFFITI POLICY - ADOPTION
(C56-000023)**

That for the reasons set out in the joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 12 July 2000, it be resolved that:-

- (1) the Draft Aerosol Art and Graffiti Policy attached accompanying the above report be adopted by Council, and the initial strategies detailed in the report be approved;
- (2) the draft policy be advertised, to invite comments from the broader South Sydney community, which would be referred to the Aerosol Art and Graffiti Working Group for consideration in finalising the policy.
- (3) a joint report be prepared for submission to Committee by the Director of Health and Community Services and the Director of Public Works and Services in respect of advocating a policy using young offenders who have been given Community Service Orders.

Carried.

The Community Services Committee Meeting terminated at 8.00 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

19 July, 2000

PRESENT

The Mayor, Councillor Fowler (Chairperson)

Councillors – John Bush, Christine Harcourt, Jill Lay and Amanda Lennon

At the commencement of business at 6.38 p m, those present were -

The Mayor and Councillors Bush, Harcourt, Lay and Lennon

Moved by the Chairperson (the Mayor, Councillor Fowler), seconded by Councillor Bush:-

GENERAL MANAGER

That the Report of the Planning and Development Committee of its meeting of 19 July 2000, be received and the recommendations set out below for Items 1, 2, 4, 5, 8 to 12, inclusive, 17 and 21, be adopted. The recommendations for Items 3, 6, 7, 13 to 16, inclusive, 18 to 20, inclusive, and 22 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LIVERPOOL STREET, NO. 441, DARLINGHURST – ALTERATIONS AND ADDITIONS TO TERRACE – DEVELOPMENT APPLICATION (U00-00080)

- (A) That the Council, as the responsible authority, grants its consent to the development application submitted by Mr Vladimir N Ivanow Architecture & Interiors, with the authority of Mr Anthony Winley, for permission to alterations and additions to terrace, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered A01-A06 inclusive, dated 1 November, 1999 submitted 27 January and as amended by plans 1 and 2 submitted 10 April, 2000 (by fax);

GENERAL MANAGER

- (4) That the height of the addition shall not exceed the height of the existing party wall to the south;
- (5) That the paint colour shall be of a colour in keeping with the streetscape character;
- (6) That the demolition work shall comply with Australian Standard 2601-1991;
- (7) 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;
- (8) 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;
- (9) 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);
- (10) That all proposed work shall be wholly within the boundaries of the site;
- (11) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- (12) That a building or part of a building shall not be occupied until a

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occupation certificate has been issued in respect of the building or part;

- (13) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (14) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (15) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (16) That floor wastes are to be provided to the floors for each bathroom and laundry in accordance with the requirements of Part F1.11 of the BCA;
- (17) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (18) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes.

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 the Mayor, and by consent, the motion be amended by the addition of condition (19) to the recommendation, namely:-

- (19) That the rear of the building shall be funded in a light colour and details shall be provided with the construction certificate application.

Motion, as amended by consent, carried.

GENERAL MANAGER

2.

HENDERSON ROAD, NO. 146, ALEXANDRIA – EXTEND THE HOURS OF TRADING OF HOTEL TO 24 HOURS DAILY – DEVELOPMENT APPLICATION (U00-00283)

That the development application submitted by Adella Wright (owner), for permission to extend the hours of operation of the existing hotel to 24 hours daily be deferred to meeting of the Planning and Development Committee to be held on 2 August 2000 as requested by applicant in fax dated 19 July 2000.

Carried.

3.

LAYTON STREET, NO. 7, CAMPERDOWN – PROPOSAL TO ESTABLISH BACKPACKERS – DEVELOPMENT APPLICATION (U99-01392)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay:-

That the application submitted by Glen Cremer for permission to use the existing building at 7 Layton Street Camperdown for Backpacker Accommodation, be deferred for the applicant to finalise on acceptable management plan in conjunction with Council staff.

Carried.

4.

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

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 July 2000.

Carried.

GENERAL MANAGER

5.

PLANNING – LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NSW – REQUEST FOR FINANCIAL SUPPORT – LAND & ENVIRONMENT COURT (2002879)

That Council resolves to contribute \$554 to the Local Government & Shires Associations of NSW for financial support arising from costs associated with Byron Shire Council's appeal in the Land and Environment Court.

(A/DPB Report 12.7.00)

Carried.

6.

MISSENDEN ROAD, NOS. 155-179, NEWTOWN – CHANGE OF USE TO A FLORIST AND CONVENIENCE STORE OPERATING 24 HOURS – DEVELOPMENT APPLICATION (U00-00566)

(A) That the Council, as the responsible authority, grants its consent to the development application submitted by Mr Fraud Al-Jabi, with the authority of Richard Parkinson, for permission to change use of premises to a convenience and florist store, 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 \$320 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 Council endorsed plans submitted on 22 May, 2000;
- (3) That the hours of operation shall be restricted to between 6.00a.m. and 10.00p.m., 7 days a week;

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- (4) That the proposed signage shall:
 - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
- (5) That the sign shall be within the recessed frontage of the building;
- (6) That only one lightbox underawning sign shall be erected to the right of the entrance to the shop;
- (7) That there shall be no stickers affixed to the building;
- (8) That there shall be no external fluorescent lighting;
- (9) That the intensity of the lighting shall be altered at the discretion of Council if at any time it is deemed to be inappropriate;
- (10) That the customers of the store shall not loiter outside of the premises and shall leave quietly, this is the responsibility of the manager of the store;
- (11) That the existing loading dock shall be maintained for use in connection with the proposed development;
- (12) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and As1668, Parts 1 and 2;
- (14) That an air lock, in accordance with the provisions of Part F4 of the Building Code of Australia, shall be provided to the toilet and ventilated in accordance with AS1668, Parts 1 and 2;

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- (15) 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 AS1668, Parts 1 and 2;
- (16) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (17) That storage of garbage shall be within the existing facilities of the site;
- (18) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997;
- (19) That the use of the premises shall not give rise to:
- Transmission of 'offensive noise' to any place of different occupancy, and,
 - 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,
 - A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or,
 - A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises. (NSW, EPA Draft Stationary Noise Source Policy).
- (20) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:

(i)	All proposed mechanical ventilation systems.	Building Code of Australia and AS1668. 1 &2.
(ii)	All required mechanical ventilation systems.	Building Code of Australia and AS1668. 1 &2.
(iii)	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.	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997.
(iv)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
(v)	The recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets.

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

and the following adopted standard conditions:

- (21) Separate Application for Signs²⁰⁰¹
- (22) Lighting on Signs²⁰⁰²
- (23) Signs/Goods on Footpath²⁰⁰³
- (24) Intensity of Sign Lighting²⁰⁰⁴

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- (25) Obstruction of Public Way³⁰²⁹
- (26) Delivery of Construction Materials³⁰³²
- (27) Refuse Skips⁶⁰⁰²
- (28) Construction Hours⁹¹⁵¹
- (29) Works Within Boundary⁹¹⁵²
- (30) Work on Public Way⁹¹⁵⁴
- (31) Fitout of Food Premises⁷⁰²⁰
- (32) That the hours of operation after 6.00 p.m. shall cease after a period of 12 months of the date of this consent. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed hours after 6.00 p.m.

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

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

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

Carried.

7.

TELOPEA STREET, NO. 10, REDFERN – DEMOLISH DWELLING AND ERECT 2 X2 STOREY PLUS ATTIC TERRACE STYLE DWELLING WITH STUDIO AT REAR – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U99-00880)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Capital Pty Ltd, with the authority of Eleni Georgou (owner), for permission to demolish the existing dwelling and

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erect 2x2 storey plus attic terrace style dwellings with separate laundry at rear at 10 Telopea Street, Redfern subject to the following conditions, namely:

(1) 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.

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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.

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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.

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

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

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

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

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 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.

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6,000 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

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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 instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$800, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the development shall be generally in accordance with the plans stamped 9 May 2000 except where amended by conditions of consent;
- (6) That the dwellings shall be setback from Telopea Street in line with the setback of No.16-20 Telopea Street;
- (7) That the studio shall be reduced in height to have a maximum height to the ridgeline of 3.5m with a 30⁰ pitched roof; with storage being permitted within any roof space created;
- (8) That the balcony on the attic level is to be at the rear of the dwelling facing north and the dormer window facing the street to the south;
- (9) That the party wall on the front facade shall extend to the ridgeline and be shown on plans submitted with the construction certificate;
- (10) That the front dormer windows of the attic shall be vertically proportioned at a ratio of 1.5:1 (height:width). The window is to be a double hung sash window. There is to be no glazing within the gable or sides of the dormer. The dormer is to be centrally located within the roof plane and the gable area of the dormer is to be a minimum of 200mm below the ridge height of the roof. Amended plans shall be submitted for approval with the construction certificate;
- (11) That details of the location of a solar hot water heating system or a heat pump system shall be submitted with the construction certificate. If a solar hot water heating system

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is installed on the site, a tank with a minimum capacity of 300 litres (one panel system) shall be provided on the site for each dwelling;

- (12) That a statement from a suitably qualified energy advisor shall be submitted with the construction certificate, indicating the suitability of the proposed hot water system in terms of orientation, location and capacity;
- (13) That the front doors shall be recessed back 1m to be in line with the front wall of the dwelling;
- (14) That the roof shall have a corrugated metal profile;
- (15) That a minimum of 50% of the landscaped area is soft/porous landscaping;
- (16) 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;
- (17) That all relevant sections of the BCA shall be complied with;
- (18) 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;
- (19) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (20) 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;
- (21) 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;

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- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (24) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (25) That the demolition work shall comply with Australian Standard 2601-1991;
- (26) 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;
- (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 the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (30) 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;
- (31) 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

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way (contact Council's One Stop Shop for a list of approved suppliers);

- (32) 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);
- (33) That all proposed work shall be wholly within the boundaries of the site;
- (34) 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;
- (35) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (36) 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;
- (37) That the use of each dwelling shall remain as a dwelling in single occupation only;
- (38) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;

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

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

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

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

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

Carried.

8.

PLANNING - CHIPPENDALE – HERITAGE STUDY AND DRAFT DEVELOPMENT CONTROL PLAN (2014717)

That Council resolve to:-

- (1) exhibit the Chippendale Heritage Study, dated December 1999, prepared by Architectural Projects;
- (2) prepare an amendment to the South Sydney (Heritage Conservation) Development Control Plan 1998 to incorporate specific controls and guidelines for Chippendale and to extend the controls for the conservation of industrial buildings relating to the whole of the Council area; and

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- (3) exhibit, in accordance with section 51A (4) of the Environmental Planning and Assessment Act and Part 3 of the Environmental Planning and Assessment Regulation 1994, concurrently with the Chippendale Heritage Study, the draft amending Development Control Plan.

(A/DPB Report 13.7.00)

Carried.

9.

MARTIN ROAD, CENTENNIAL PARK CONSERVATION AREA STUDY AND DRAFT DEVELOPMENT CONTROL PLAN (2022111)

That Council resolve to:-

- (1) exhibit the Martin Road Conservation Area Study, dated June 2000, prepared by Kemp and Johnson Heritage Consultants and Planning Strategies Pty Ltd;
- (2) prepare an amendment to the South Sydney (Heritage Conservation) Development Control Plan 1998 to incorporate specific controls and guidelines for the Martin Road Conservation Area and to extend these controls to cover those properties on the western side of Land Road from Centennial Square to Cook Road, and Nos 149-159 Cook Road, which fall within the Lang Road Conservation Area ; and
- (3) exhibit, in accordance with section 51A (4) of the Environmental Planning and Assessment Act and Part 3 of the Environmental Planning and Assessment Regulation 1994, concurrently with the Martin Road Conservation Area study, the draft Development Control Plan.

(A/DPB Report 12.7.2000)

Carried.

10.

**FLINDERS STREET, NOS. 11-21, SURRY HILLS – MODIFICATION TO
CONSENT FOR 27 RESIDENTIAL UNITS AND RETAIL SPACE –
DEVELOPMENT APPLICATION (U97-00374)**

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 July 2000.

Carried.

11.

**THOMAS STREET, NO. 35, DARLINGTON – REAR TWO STOREY
ADDITION TO AN EXISTING TERRACE HOUSE IN A CONSERVATION
AREA – DEVELOPMENT APPLICATION (U99-01071)**

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 July 2000.

Carried.

12.

**BOURKE STREET, NOS. 563-565, SURRY HILLS – CARRINGTON HOTEL –
DEVELOPMENT APPLICATION (U99-01342)**

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 13 July 2000.

Carried.

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13.

ELIZABETH BAY RD, NOS. 19-23, ELIZABETH BAY – DEMOLITION OF EXISTING SEBEL TOWNHOUSE HOTEL AND ERECTION OF A MIXED USE DEVELOPMENT CONTAINING 78 RESIDENTIAL APARTMENTS, GROUND FLOOR RETAIL SPACE AND 94 CAR PARKING SPACES - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT U00-00259)

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by the owner Mirvac Projects Pty Limited for permission to demolish the existing Sebel Townhouse Hotel and construct 78 residential units with basement parking and associated facilities, 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 \$94,500 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 \$44,550, 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 DA001 – DA027 (including streetscape perspectives, photomontages, landscape plan, and terrace garden view) all dated 6 March 2000, sketch plan SK01 dated 22 May 2000 and the Elizabeth Bay Road perspective with Council date May 2000;

(4) 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

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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: New Parks	\$1,938	2E97009.BGY0
Accessibility And Transport	\$ 15	2E97006.BGY0
Total	\$1,953	

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 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.

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Part B

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

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

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

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.

- (5) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City

Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$58,977	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.

- (6) That the applicant shall engage a suitably qualified hydraulic engineer to conduct an assessment of the likely affect of the development in the watertable with recommendations to mitigate any impact and this shall be submitted with the construction certificate for consideration;
- (7) That a dilapidation survey of the rock face between the subject site and 41-49 Roslyn Gardens carried is to be carried out by the applicant prior to commencement of works and a copy submitted to the owners of 41-49 Roslyn Gardens,
- (8) That significant trees, such as the large fig positioned at the rear of 29-35 Roslyn Gardens and others identified in the vegetation survey required by condition (9), are not to be cut without Council's permission and that of the relevant land

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owner. If permission is not forthcoming to partly lop a tree then alternative hoarding arrangements will need to be established;

- (9) That the developer/owner shall submit a survey of the site which indicates all existing trees, their species, height, caliper and their proposed status (i.e. to be retained, pruned or removed). This survey shall also include details of any street trees adjoining the site (NB a tree is classified as any plant higher than 3.4m);
- (10) That it is the responsibility of the developer to ensure that the integrity of the cliff face between the subject property and 41-49 Roslyn Gardens is maintained at all times;
- (11) That prior to closure of the existing hotel, an inventory of the memorabilia (eg photos, CD's, records, clothing, autographed items, etc) within the building relating to its use by famous political, sporting and entertainment, personalities shall be made. All such memorabilia shall be moved from the site and stored in a secure place prior to any work commencing on the site. The developer shall investigate options for the public display of the material in a suitable venue and present these options for Council's approval. Any cost involved in the removal, storage, relocation and re-display of the material shall be borne by the developer;
- (12) That a professionally prepared photographic record of the existing buildings is to be provided to Council prior to demolition of the structure;
- (13) That all management plans submitted to Council by the applicant for the proposed development are to be strictly complied with throughout the demolition and construction process and after completion of the project;
- (14) That noise from construction/demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not

exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

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

- (i) Mondays to Fridays, 7.00 am to 5.00 p m;
- (ii) Saturdays, 7.00 a m to 3.00 p m;

No construction work outside of the above hours is permissible without the prior approval of Council and no power tools shall be operated before 9 am Monday to Saturday;

- (15) That dilapidation reports shall be undertaken in accordance with the submitted construction management plan prior to the commencement of demolition;
- (16) That a separate development application is required for each proposed use within the retail/commercial spaces;
- (17) That the bicycle racks, rails and wall mounted brackets are to be constructed in accordance with AS2890.3;
- (18) That the bicycle rack located at the entrance to the carpark at Bradley Lane is to be relocated in between carparking spaces V8 and V9 on level B4;
- (19) That two wall mounted brackets for bicycles are to be installed on the external northeastern wall of the vehicle entry at Bradley Lane;
- (20) That two wall mounted brackets for bicycles are to be installed on the external wall near the vehicle entry off Elizabeth Bay Road;
- (21) That the applicant is to provide an adequate means of privacy to the rooftop garden at unit 10/37 Roslyn Gardens to a value up to \$15,000. The owner of flat 10/37 Roslyn Gardens must provide consent in writing to Council of the proposed means of privacy;
- (22) That the vehicular entry area at Elizabeth Bay Road is to have the roller shutter door 6m and a visitor intercom 4m inside the building line;

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- (23) That if a pipe or connection is proposed for drainage of adjoining sites through the subject site they shall be covered by suitable drainage or sewer easements;
- (24) That the residential garbage storage area shall be of sufficient size to accommodate 13 x 360 litre sulo bins for domestic refuse and 10 x 240 litre sulo bins for recycling with sufficient separation;
- (25) That domestic refuse bins shall be presented for kerbside collection in Bradley Lane;
- (26) That bins are not to be stored on the footway after collection days;
- (27) That a separate garbage storage area shall be provided to accommodate anticipated number of bins required for refuse and recycling generated by commercial tenants;
- (28) That commercial tenants shall engage services of private waste contractor for removal of waste and recycling;
- (29) That a plaque or small interpretive display shall be installed in the public area at the entrance to the foyer area on Elizabeth Bay Road that recognizes the history of the Sebel Townhouse and indicates where memorabilia from the former use can be viewed;
- (30) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (31) That prior to the commencement of demolition/building activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted during the demolition/construction stage. The EMP shall include but not be necessarily limited to the following measures:
 - (i) measures to control noise emissions from the site,
 - (ii) measures to suppress odours and dust emissions,
 - (iii) selection of traffic routes to minimise residential noise intrusions,

- (iv) soil and sediment control measures,
 - (v) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (vi) community consultation.
- (32) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (33) That the garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (34) That the use of the premises shall not give rise to:
- Transmission of 'offensive noise' to any place of different occupancy, and,
 - 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,
 - A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or,
 - A sound pressure level at any effected 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);
- (35) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act, 1997*;
- (36) That a maximum of 94 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each

space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

- (37) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (38) That an Environmental Site Assessment (Land Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No. 55 (SEPP55) prior to excavation. The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. The environmental site assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process;

NOTE: Where remediation if required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning and Assessment Act, 1979 and SEPP55;

- (39) 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:

No	Health Aspect	Standard or Requirement
(i)	All required mechanical ventilation systems.	Building Code of Australia and AS1668, 1 & 2.
(ii)	All proposed mechanical ventilation systems and fire precaution features.	Building Code of Australia and AS1668, 1 & 2.

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(iii)	Car park ventilation systems.	Building Code of Australia and AS1668, 1 & 2.
(iv)	The garbage room and garbage chute.	SSCC Waste Management/ Minimisation Fact Sheets.

and the following standard conditions, namely:-

- (40) Exhaust for Food⁷⁰²¹
- (41) Recycling⁶⁰⁰⁷
- (42) Trade Waste⁷⁰⁶⁵
- (43) Sewer Discharge⁸⁰⁰⁴
- (44) Cooling/Water Systems⁷⁰³⁹
- (45) Separate Application for Signs²⁰⁰¹
- (46) Intercom for Visitors³⁰¹¹
- (47) Loading Within Site³⁰¹⁴
- (48) Construction Traffic³⁰³⁰
- (49) Garbage on Public Way⁶⁰⁰¹
- (50) Disabled Entry³⁰²⁴
- (51) Loading/Parking kept clear³⁰¹⁶
- (52) Vehicles Enter/Leave in Forward Direction³⁰²⁰
- (53) Moving Trees⁵⁰⁰⁷
- (54) Tree Preservation Order⁵⁰⁰⁵
- (55) Support for Neighbouring Buildings⁸⁵⁰⁶
- (56) Comply With BCA⁹¹⁰⁴
- (57) Hours of Work and Use of Cranes⁹¹⁵³

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- (58) Construction Certificate Required⁹¹⁵⁵
- (59) Comply With the WorkCover Authority⁹¹⁰⁵
- (60) Building/Demolition Noise Control⁹¹⁵⁶
- (61) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (62) Works Within Boundary⁹¹⁵²
- (63) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (64) Excavations and Backfilling⁹¹⁶⁰
- (65) Excavations and Backfilling Safely⁹¹⁶¹
- (66) Guarding of Excavations⁹¹⁶²
- (67) Demolition to Comply With Aust Standard⁹¹⁶³
- (68) Commencement of Structural Works⁹²⁰²
- (69) Structural Report – Retain Building¹¹²
- (70) Landscape Plan⁵⁰⁰¹
- (71) Street Trees⁵⁰⁰⁸
- (72) On Slab Planting⁵⁰¹³
- (73) Maintenance of Landscaping⁵⁰¹⁴
- (74) Final Inspection⁵⁰¹⁵
- (75) Builders Hoarding Permit¹⁰⁰⁸
- (76) Alignment Levels¹⁰¹⁶
- (77) Resident Parking Access³⁰⁰¹
- (78) Road Opening Permit³⁰²⁵
- (79) Cost of Signposting³⁰²⁶
- (80) Obstruction of Public Way³⁰²⁹

- (81) Delivery of Construction Materials³⁰³²
- (82) Stormwater Standard⁴⁰⁰¹
- (83) On Site Detention –Stormwater⁴⁰⁰³
- (84) Overland Flowpaths⁴⁰⁰⁴
- (85) Connection to Council's Stormwater System⁴⁰⁰⁵
- (86) Refuse Skips⁶⁰⁰²
- (87) Construction Hours⁹¹⁵¹
- (88) Works Within Boundary⁹¹⁵²
- (89) Work on Public Way⁹¹⁵⁴
- (90) Footway Crossing³⁰²⁸
- (91) Breakdown of materials on site⁷⁰⁰¹
- (92) Emissions⁷⁰⁰⁴
- (93) Noise⁷⁰²⁸
- (94) Smoke control⁹⁵¹²

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

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

NOTE 1: The owner's attention is drawn to the advisability of having periodic tests made of the pool/spa water as to its suitability for bathing purposes.

NOTE 2: 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

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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 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.

NOTE 3: The Cleansing Section of the Public Works and Services must be contacted for arrangements for the removal/access of domestic waste.

NOTE 4: Attention is directed to the requirements of the Public Health Act, 1991 and New South Wales Department of Health, Code of Practice for the Control of Legionnaires Disease.

NOTE 5: 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.

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

At the request of Councillor Bush, and by consent, the motion was amended by the following:-

- (a) That an additional condition be added, namely:-
- (95) That the developer shall meet the cost of supplying and installing a convex safety mirror at the bend in Bradley Lane to the specifications of the Director of Public Works and Services prior to the occupation of the development;
- (b) That the dollar amount in condition (5) be amended to \$57 024;
- (c) That condition (23) be replaced with the following condition:
- (23) That if a pipe or connection is proposed for the drainage of adjoining sites through the subject site, they shall be covered by suitable drainage easements;

- (d) That condition (36) shall be deleted and replaced with the following condition, namely:-
- (36) That a maximum of 94 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m over aisles and 2.1m over car spaces and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No.11;

Motion, as amended by consent, carried.

14.

PORTMAN STREET, NO. 2, ZETLAND - REFURBISHMENT OF CORNER SHOP AND RESIDENCE – SUBDIVIDE LAND INTO 2 LOTS AND ERECT NEW DWELLING ON REAR LOT (U99-00319)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Furness:-

- (A) That Council as the responsible authority refuse the application submitted by D Hatzis to refurbish the existing shop and residence and to erect a new dwelling on the corner of Navins Lane and Christies Lane and to subdivide the land into 2 lots for the following reasons, namely:-
- (1) That the proposal will have an adverse impact on the amenity of the neighbourhood and in particular numbers 4, 6 and 8 Portman Street as a result of the location and size of the proposed new dwelling and that given the context of the site any new dwelling should comply with Council's policy on Residential Development on Rear Lanes in DCP 1997.
- (2) That the proposal does not comply with:-
- (a) the maximum permissible Floor Space Ratio provided for in the DCP for Green Square Stage 1; and
- (b) the minimum subdivision standard set out in DCP 1997 Urban Design.

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- (3) That the proposal does not make adequate provision for off-street car parking.
- (4) That given the circumstances of the case the proposal is not considered to 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.

**ABERCROMBIE STREET, NOS. 122-130, CHIPPENDALE –
DEVELOPMENT APPLICATION (U00-00389)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

- (A) That Council as the responsible authority refuses its consent to the development application submitted by Fay Flevaras, to use Shop 2 on the ground floor as a florist and Shop 3 on the first floor as restricted premises for the following reasons, namely:-
 - (1) That the proposed development is contrary to Clause 21(1)(f) of South Sydney Local Environmental Plan 1998 in that the proposed use will impact on the quality of life of residents in the area;
 - (2) That the proposed development is contrary to Section 2.1 of the Sex Industry Policy 2000 in that the location is in proximity to licensed premises and a children's playground;
 - (3) That the proposed development is contrary to Section 2.7 of the Sex Industry Policy 2000 in that the location is near predominantly residential uses;
 - (4) That the proposed development is contrary to Section 2.7 of the Sex Industry Policy 2000 in that parking requirements are not met;
 - (5) That the proposed development does not comply with Section 3.1 of Development Control Plan No. 11 - Transport Guidelines for Development;

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- (6) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

It was moved by Councillor Harcourt, seconded by Councillor Lay 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:-

Deferred as requested by the applicant in fax dated 24 July 2000.

Amendment negatived.

Motion carried.

16.

RAGLAN STREET, NO. 56A, WATERLOO – USE HALL ON WEDNESDAY EVENINGS AS OVERNIGHT SHELTER FOR HOMELESS MEN – DEVELOPMENT APPLICATION (U99-01341)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard: -

- (A) That the Council, as the responsible authority, refuses its consent to the application submitted by the Uniting Church Property Trust (NSW) (owner) for permission to use the existing community hall at the rear of the church as a shelter on one night per week (Wednesday) between 7.00 p m. and 7.30 a m. for up to 18 homeless men, for the following reasons, namely:-
 - (1) That the location of the community hall is such that the proposed use will impact unreasonably on the privacy and existing and future amenity of residential properties in the vicinity of the site;
 - (2) That the nature of the operation of the shelter and the type of accommodation provided to the homeless persons who will use the facility are not sufficient to provide the quality of care required for the on-going health and wellbeing of the patrons and accordingly the granting of consent would be contrary to the public interest.

- (B) That the Cana Communities Incorporated, operators of the shelter, be given two months to cease the unauthorised use of the subject premises.
- (C) That the persons who made representations regarding the proposal be notified of Council's decision.

At the request of Councillor Harcourt, and by consent, 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 application be approved with the following conditions, namely:-

- (a) A plan of Management based on "Guidelines for Shelters" be done;
- (b) Compliance with BCA – Fire Regulation and Showers;
- (c) Meeting with residents (facilitated by Council) to discuss issues and seek consensus on conduct of shelters. Develop a model for other areas of South Sydney;
- (d) Form a Working Party, including interested Councillors to develop a SSCC Homelessness Strategy, in collaboration with Sydney City Council, other inner cities Council, service providers (including Cana Community) and relevant state instrumentalities.

After discussion on the matter, Councillor Bush seconded by Councillor Mallard, requested that the motion be put.

Motion to be put, carried.

Motion, as moved by Councillor Bush, lost on the show of hands, 6 votes to 3 votes.

Motion, as amended by Councillor Harcourt, carried.

It was further moved by Councillor Lay, seconded by Councillor Harcourt, that the application be deferred to the next Planning and Building Committee for suitable conditions of approval.

Amendment negatived.

It was moved as a further amendment by the Mayor, seconded by Councillor Bush, that the motion be amended by the deletion of the whole of the resolution and that:-

- (1) the application be deferred for a legal opinion on the drafted conditions for approval of the application, and such legal opinion to give advise on the liability to Council if approved;
- (2) Council form a working party including interest of Councillors to develop a South Sydney City Council Homelessness Strategy in collaboration with Sydney City Council, other Inner City Council, Service Providers including Cana Community and relevant State instrumentalities.

Motion, as amended by the Mayor, carried.

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

17.

MACLEAY STREET, NO. 14, POTTS POINT – APPLICATION TO ERECT RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION (U00-00335)

That the application by Winten (No.5) Limited for the erection of a residential flat building to contain 30 units, be deferred as requested in the fax dated 19 July 2000.

Carried.

18.

BOURKE STREET, NOS. 782 – 822, WATERLOO – MIXED USE DEVELOPMENT – STAGE 1 (PRECINCT D) FORMER ACI SITE – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U99-00763)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Pooley:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Meriton Apartments Pty Ltd, to construct Precinct D of the ACI site comprising a mixed use development of 335 residential

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units above ground level retail/commercial floor space, a basement car park and the first stage of ACI Park, subject to the following conditions:

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$113,300 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 prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$71,400, or first instalment (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	\$ 147,160	2E97003.BGY0
Open Space/Green Square	\$1,659,950	2E99001.BGY0
Accessibility And Transport	\$ 4,386	2E97006.BGY0
Road Infrastructure/Green Square	\$1,399,734	2E99006.BGY0
Community Facilities/Green Square	\$ 198,823	2E99004.BGY0
Management	\$ 11,992	2E97007.BGY0
TOTAL	\$3,422,045	

The above payments, with the exception of the land acquisition components and Management, will be adjusted

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according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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

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

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

Part B

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved

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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	Amount	Account
Multi-Function Administration Centre	\$216,033	2E97008.BGY0

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

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

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)

That the western section of ACI Park shall be dedicated to Council 12 months after the date of the final inspection by Council's Parks Section.

(5) AFFORDABLE HOUSING CONTRIBUTION (contribution in cash)

In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.2) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning, Central Corporate Services Unit Cashier (Level 15 Governor Macquarie Tower, 1 Farrer Place, Sydney), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$2,462,636 based on the in lieu monetary contribution rate for residential development at \$66 per square metre of total floor area [36,868 sqm] and in lieu monetary contribution rate for non-residential development at \$22 per square metre of total floor area [1,334 sqm]). Contributions may be indexed in accordance with the formula set out below.

Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. In accordance with the Green Square

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Affordable Housing Development Control Plan, adopted by Council on 10 February 1999 (section 2.7 *Indexation of Contributions*), the amount of the contribution will be indexed in accordance with the formula set out below.

NOTE:

The contributions will be adjusted accordingly on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

Contributions at Time of Payment = C x HPI 2/ HPI 1, where:
C is the original contribution amount

HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment

HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being the 1 March 9;

- (6) That car parking for visitors shall be clearly indicated with marking and signage, and that shall not be located in areas without dead-end aisles;
- (7) That the balconies of the one bedroom units within the southern elevation of Block B shall be amended to ensure the provisions of a minimum of 8sqm in accordance with the requirements of DCP 1997;
- (8) That the residential apartments shall be constructed taking into account the matters specified in the NATHERS report to enable the minimum 3.5 star rating to be achieved;
- (9) That a detailed roof/landscape plan shall be submitted indicating the roof treatment of the communal terrace areas on the roof of the buildings, incorporating sufficient provision for shading;
- (10) That solar hot water heating for the residential apartments shall be provided in accordance with the requirements of DCP 1997 - Urban Design;
- (11) That 114, 34 and 3 bicycle parking spaces shall be provided for residents, visitors and commercial users respectively in the form of individual secure lockers (Class 1 facilities of AS2890.3) in locations that are near lifts and street entrances; and that bicycle parking spaces be provided for visitors in the form of inverted U stands or equivalent (Class 3

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facilities of AS2890.3) in convenient, surveillable and clearly signed locations on the ground level;

- (12) That the car park shall be designed in accordance with AS2890 Parking Facilities - Part 1: Off-Street Car Parking and South Sydney DCP No.11 - Transport Guidelines for Development. The following aspects require modification:
- a) A near-level street transition of at least 6m length at a maximum grade of 1:20 is required inside the building at each of the vehicular access points in addition to the ramp grades and associated transitions;
 - b) The access driveway widths on New Cross Street shall be 6.0m entry width and 4.0m exit width with minimum 2.0m separation between the two;
 - c) The access driveway on North-South Avenue shall be a minimum 6.5m wide;
 - d) Columns shall be set back a minimum of 0.75m inside edge of the parking spaces;
 - e) Internal ramps shall be a minimum of 6.0m width and aisles at each end widened to 6.6m to allow for the swept path of turning vehicles;
- (13) That the loading dock at New Cross Street shall be designed to accommodate the manoeuvring requirements of a standard South Sydney Council garbage vehicle (length 9.5m, height 3.6m) such that it can enter in a forward direction, reverse to the garbage room door and leave in a forward direction. The area shall also be able to accommodate two service/furniture vans of similar dimensions and manoeuvring requirements clear of other car park activity. The loading dock on North-South Avenue shall be designed to accommodate one service/furniture vans of similar dimensions and manoeuvring requirements clear of other car park activity;
- (14) That before entering a purchase/lease/occupancy agreement, all occupiers and tenants of the development are to be advised by the owner of the building and owners of the individual units once on-sold, that residents are not eligible to participate in any on-street resident parking schemes. A sign to this effect shall be located in a prominent place such as on a directory board or notice board, where it can be easily be observed and read by persons entering the building. This

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exclusion is to appear on Section 149 Certificates of the EP&A Act (1979)”

- (15) That the development shall be generally in accordance with plans numbered DA1:00 (Issue C) dated 20 January 2000, DA2:11 (Issue A) dated 20 January 2000, DA2:12 (Issue A) dated 14 January 2000, DA1:01 (Issue A) dated 3 September 1999, DA2:00 (Issue B) dated 14 January 2000, DA2:01 (Issue A) dated 3 September 1999, DA2:02 (Issue A) dated 6 September 1999, DA2:03 (Issue A) dated 6 September 1999, DA2:04 (Issue A) dated 6 September 1999, DA2:05 (Issue A) dated 6 September 1999, DA2:06 (Issue A) dated 6 September 1999, DA2:07 (Issue B) dated 14 January 2000, DA2:08 (Issue B) dated 14 January 2000, DA2:09 (Issue B) dated 14 January 2000, DA2:10 (Issue A) dated 14 January 2000, DA3:00 (Issue B) dated 14 January 2000, DA4:00 (Issue B) dated 14 January 2000, DA4:01 (Issue B) dated 14 January 2000, DA4:02 (Issue B) dated 14 January 2000 and DA4:03 (Issue B) dated 14 January 2000, except where amended by conditions of consent;
- (16) That a separate development application shall be lodged for the specific use of ground floor commercial/retail tenancies;
- (17) That any external glazing shall have a reflectivity not exceeding 20%;
- (18) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (19) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (20) That a maximum of 393 off-street car parking spaces including three car wash bays shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council’s Development Control Plan No 11;
- (21) That the parking spaces shall be allocated on the basis of 318 residents, 56 visitors and 19 commercial/retail

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(appropriately line-marked and labelled prior to issuing an Occupation Certificate);

- (22) That of the required car spaces, at least 3 measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (23) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (24) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (25) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (26) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (27) That a separate landscape plan shall be submitted for the western section of ACI Park, and shall contain the relevant details noted in Condition 26 above. The plan shall also detail the treatment of the car park walls;

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- (28) That a cross-sectional diagram shall be submitted clearly indicating the soil depth above the basement car park at a depth of 1000mm;
- (29) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a construction or occupation certificate;
- (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the location of exhaust and intake vents;
 - (d) the garbage room and garbage chute;
 - (e) the recycling storage area;
 - (f) sanitary facilities;
 - (g) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises.
- (30) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1668.1 and 2;
- (31) That the construction, fitout and finish of any premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (32) That the car park shall be ventilated in accordance with Australian Standard 1668.1 and 2, Sections 7 and 4 respectively;
- (33) That the recommendations outlined in the report prepared by Renzo Tonin and Associates, Report No. T919-02F01 Rev 5 dated 19 July 1999, shall be incorporated into the development;
- (34) That prior to the issue of an occupation certificate an acoustic validation assessment shall be undertaken by a suitable qualified acoustic consultant demonstrating compliance with the criteria recommended in Sections 2.1 and 8 of the report prepared by Renzo Tonin and Associates, Report No. T919-02F01 Rev 5 dated 19 July 1999. The validation assessment

shall also demonstrate compliance with the inter tenancy Sound Transmission Class requirements of the BCA;

- (35) That the site works be carried out in strict compliance with the conditions contained in Site Audit Statement No. SA5/2 prepared by CM Jewell & Associates dated 7 September 1999 appurtenant to land described within the statement as Stage 1AA. The conditions reproduced hereunder shall be certified as being complied with by the EPA accredited auditor prior to the issue of occupation certificates:
- (36) This site audit statement should be used in conjunction with the accompanying Summary Site Audit Report, which contains important supporting information.
- (37) A minimum of 500mm of imported topsoil shall be placed on the site prior to its development as public open space. The thickness of this soil layer shall be confirmed by level surveys conducted before and after placement.
- (38) Where soil is imported to the site to form public or private open space areas, such soil shall be validated as meeting the criteria set out in Table 2 of the summary site audit report.
- (39) A management plan that ensures the integrity of the capped areas shall be developed and implemented by the proponent at the proponent's expense. The plan and all aspects associated with it shall be to the satisfaction of Council and endorsed by the EPA accredited auditor as appropriate prior to the dedication of land.

Note: With respect to conditions (35) to (39) these conditions be imposed on all future development consents for the ACI Site;

- (40) 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:

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(a) fire precautions

and the following adopted standard conditions:

- (41) Street Trees⁵⁰⁰⁸
- (42) On Slab Planting⁵⁰¹³
- (43) Maintenance of Landscaping⁵⁰¹⁴
- (44) Final Inspection⁵⁰¹⁵
- (45) Comply With BCA⁹¹⁰⁴
- (46) Construction Certificate Required⁹¹⁵⁵
- (47) Building/Demolition Noise Control⁹¹⁵⁶
- (48) Excavating Below Base of Footings⁹¹⁵⁸
- (49) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (50) Excavations and Backfilling⁹¹⁶⁰
- (51) Guarding of Excavations⁹¹⁶²
- (52) Demolition to Comply With Aust Standard⁹¹⁶³
- (53) Construction Hours⁹¹⁵¹
- (54) Hours of Work and Use of Cranes⁹¹⁵³
- (55) Stormwater Certificate at Completion⁹⁰¹⁶
- (56) Drainage Details with Construction Certificate⁹⁰¹³
- (57) Noise and Vibration⁷⁰²⁶
- (58) Mechanical Exhaust - Laundries⁷⁰³⁴
- (59) Mechanical Ventilation - Design/Installation⁷⁰³⁵
- (60) Air Handling⁷⁰³⁸
- (61) Soil and Sediment Prosecution Note⁷⁰⁶⁹

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- (62) Soil and Sediment Control/Drains, Gutters etc⁷⁰⁷⁰
 - (63) Soil and Sediment Control/Building Operations⁷⁰⁷¹
 - (64) Soil and Sediment Control/Stockpiles⁷⁰⁷²
 - (65) Storage/Garbage⁶⁰⁰⁹
 - (66) Exhaust for Food⁷⁰²¹
- (B) That the applicant prior to Council accepting dedication of the road system, provide to Council a certificate prepared by an EPA accredited auditor stating that the road network, including any fill beneath the roads, has been remediated to the appropriate standard for roads as recommended by the EPA accredited auditor.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

PLANNING – DELEGATIONS – DETERMINATION OF DEVELOPMENT MATTERS (2023146)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

- (A)
- (1) That Council delegate to the Planning and Development Committee the authority to determine those applications where members are unanimous in respect of the application.
 - (2) That Council delegate to the General Manager, under Section 377 of the Local Government Act Authority to determine development applications and modification applications under Section 96 of the Act, where there are submissions from no more than five separate properties and provided that three or more Councillors have not, prior to determination, requested in writing that the matter go to Committee.
 - (3) That the delegations be further reviewed in consultation with the Director of Planning and Building within twelve months to determine if the process is functioning to the satisfaction of Council and the Department.

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- (B) That the matter be referred to the Management Plan Conference Weekend to be held in November 2000.

It was moved by Councillor Mallard, seconded by the Councillor Bush, that the motion be amended by the deletion:-

- (a) of the words "three or more Councillors" where appearing in the fifth line of Clause (2) of the recommendation and the insertion in lieu thereof of the following new words "one or more Councillors".
- (b) of the words "five separate properties where appearing in the fourth line of clause (2) of the recommendation, and insertion of the words in lieu thereof, of the words "one property".

Amendment negatived.

Motion carried.

20.

PLANNING – EVELEIGH NORTH RAIL YARD REZONING – COMMUNITY REFERENCE PANEL – COUNCILLOR NOMINATION (2021763)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

That the matter be deferred to the next Planning and Development Committee meeting to be held on 2 August 2000.

Carried.

21.

BARCOM AVENUE, NOS. 136-142, DARLINGHURST – ERECT 25 UNITS AND RETAIL SPACE – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00047)

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 14 July 2000.

Carried.

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22.

ALEXANDER STREET, NO. 25, SURRY HILLS – ALTERATIONS AND ADDITIONS TO TERRACE HOUSE – DEVELOPMENT APPLICATION (U99-01034)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That Council as the responsible authority refuses its consent to the application submitted by Michael Eastwood of No. 25 Alexander Street, Surry Hills, for permission to alterations and additions to the terrace house, for the following reasons, namely:-
- (1) That the proposed development would result in an unacceptable amount of overshadowing to the private open spaces of the adjoining dwellings in Arthur Street, Surry Hills, particularly Nos. 40 and 42;
 - (2) That the proposed development would result in an unacceptable sense of enclosure and overbearing when viewed from adjoining properties.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision

Carried.

The Planning and Development Committee Meeting terminated at 9.10 p.m.

The Council Meeting terminated at 8.58 p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON

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