

258TH Meeting

Erskineville Town Hall
Erskineville
111514

Wednesday, 13 September 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.36 pm on Wednesday, 13 September 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.

INDEX TO MINUTES

Subject	Page No.
Urgency Motion - Properties - Council's Broadway Properties - Occupation by Squatters	871
Urgency Motion - Anti-Social Activities – World Economic Forum held in Melbourne, Victoria	872
Confirmation of Minutes	872
Minutes by the Mayor	873
Petitions	881
Leave of Absence	882
Questions Without Notice	882
Report of Finance Committee	894
Report of Community Services Committee	909
Report of Planning and Development Committee	912

GENERAL MANAGER

At this stage it was moved by Councillor Lennon, seconded by Councillor Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the following motion in relation to the occupation of Council's Broadway properties by squatters.

PROPERTIES - COUNCIL'S BROADWAY PROPERTIES – OCCUPATION BY SQUATTERS – URGENCY MOTION

That Council, with regard to procedural fairness, and the disparity in wealth between the Council and Respondent occupiers, withdraw the application for an order that the Respondents pay the Applicant's costs of the proceedings: South Sydney City Council –v- Sullivan & Others, Premises Nos. 147 – 151 Broadway, Ultimo, Land and Environment Court Proceedings No. 40136 of 2000.

The Chairperson ruled that the business to be brought forward was not of great urgency and that he would have the matter of eviction referred to Committee for consideration.

At this stage the Chairperson called the Public Gallery to order and said that he would have the Gallery cleared if there was any more disruption.

Councillor Lay moved a Point of Order and said that Council should decide on whether the business was urgent or not.

Councillor Harcourt indicated that it was inappropriate to take no action as the court case was being heard tomorrow, 14 September 2000.

The Chairperson indicated this was not a Point of Order and said that the costs involved in the court case were not urgent.

At this stage the Chairperson called the Public Gallery to order and again warned them that he would have the gallery cleared if they continued to disrupt the meeting.

Councillor Harcourt, seconded by Councillor Lennon, then moved that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely:-

That Council agree to a stay of court proceedings to enable more information to be presented from the squatters and be considered by Council.

The Chairperson ruled that this motion was not of great urgency and indicated that as stated earlier he would have the matter referred to Committee for consideration.

At this stage it was moved by Councillor Mallard, seconded by Councillor Bush, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, World Economic Forum held in Melbourne, Victoria.

Carried.

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

ANTI-SOCIAL ACTIVITIES – WORLD ECONOMIC FORUM HELD IN MELBOURNE, VICTORIA – URGENCY MOTION

That South Sydney City Council condemns the violence perpetrated by protestors at the World Economic Forum in Melbourne, Victoria, this week.

Motion negatived.

Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the minutes of the Ordinary Meeting of Council of 23 August 2000, be taken as read and confirmed.

Carried.

Moved by Councillor Furness, seconded by Councillor Fowler:-

That the minutes of the Extraordinary Meeting of 1 September 2000, be taken as read and confirmed.

At the request of the Mayor, and by consent, the minutes of the Extraordinary Meeting of 1 September 2000, were amended on Page 842 by the deletion of the name "Harwon" where appearing in the third line of the first paragraph and the insertion in lieu thereof of the name "Harwin".

The minutes were further amended by consent on Page 863, only insofar as will provide for "Councillor John Bush and Councillor Gregory Shaw" being nominated as alternative members on the Sydney Coastal Council Committee.

Minutes, as amended by consent, were then confirmed.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the minutes of the Extraordinary Meeting of Council of 7 September 2000, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

8 September 2000

PUBLIC RELATIONS – DEATH OF MR IRWIN DIEFENTHALER - CONDOLENCES (2004380)

It is with regret that I inform Council of the death of Mr. Irwin Diefenthaler

Irwin was a foundation member of the Metropolitan Community Church, Darlinghurst and also a foundation member of the Bobby Goldsmith Foundation and the Community Support Network.

He was well respected by the community and was a tireless worker in promoting gay and lesbian community activities in the South Sydney area.

It is recommended that a letter under the signature of the Mayor be forwarded to Irwin Diefenthaler's family expressing the condolences of Council.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Shaw:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

11 September 2000

PUBLIC RELATIONS – CITY OF BOTANY BAY MAYORAL CHARITY GOLF DAY 2000 - COUNCIL'S PARTICIPATION (2015942)

A communication dated 1 September, 2000 has been received from the Mayor of the City of Botany Bay asking Council to sponsor teams in the 2000 City of Botany Bay Mayoral Charity Golf Day to be held on Thursday 5th October, 2000. The Charity Golf Day will raise much needed funds for the Sydney Children's Hospital.

Council sponsored 4 teams in the 1997, 1998 and 1999 Charity Golf Days. The cost of sponsoring 4 teams for 2000 is \$2,240.

Council has in the past supported Touch Football, Tennis and Cricket Days between local Councils and in anticipation of other Councils sponsoring teams in the Charity Day, it will provide the opportunity to get together and exchange ideas.

RECOMMENDATION:

That approval be given to Council sponsoring 4 teams in the 2000 City of Botany Bay Mayoral Charity Golf Day at a cost of \$2,240 and that such amount be added to the 2000/2001 Revenue Estimates under Section 356.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Bush, seconded by Councillor Mallard:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

13 September 2000

CELEBRATIONS – SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES “LOOK PROGRAM” – INSTALLATION OF “COUNCIL PROGRAM” BANNERS (2021754)

On 8 December 1999, Council resolved to approve the purchase of 25 sets of “host Council” banners for display at up to 4 key sites in South Sydney during September/October 2000.

Council requested a further report on the 4 nominated sites, on completion of current investigations.

Those investigations have only recently been completed, as a result of extensive delays by the Olympic Coordination Authority in completing and announcing its own banner program for declared Olympic Routes.

OCA’s banner program for the South Sydney area encompasses:

- City – Rushcutters Bay Sailing Base, via William Street, Kings Cross Road, Bayswater Road, and Craigend Street;
- City – Bondi Junction/Bondi Beach, via Oxford Street;
- City – Centennial Park/Moore Park, via Oxford Street, Flinders Street, Moore Park Road, and Anzac Parade;
- City – Airport, via Eastern Distributor, South Dowling Street, and Southern Cross Drive;
- Darling Harbour venues, via Cleveland Street, Regent Street, Parramatta Road and Broadway;
- Central – Moore Park, via Albion Street, Fitzroy Street, and Foveaux Street.

This coverage with the OCA banner program, coupled with our proximity to the Sydney CBD banner program by Sydney City Council, has forced a revision of South Sydney Council’s banner program.

After further investigations and negotiations by Council’s staff, arrangements were made to display Council’s “Look Program” banners as follows:

- Darlinghurst Road, Kings Cross – Bayswater Road to Fitzroy Gardens;

GENERAL MANAGER

- Taylor Square, Darlinghurst – as part of the interim upgrading works;
- Devonshire Street and Parkham Street, Surry Hills – Holt Street to South Dowling Street, along the proposed Central-Moore Park “Olympic Pedestrian Route”;
- City Road, Chippendale, and Victoria Park;
- Sydney Park, at the “Brick Kilns” corner;
- Green Square;
- Erskineville Road, in front of the Council Chambers;
- Council’s premises, Joynton Avenue, Zetland.

Each of these sites is prominent to passing traffic and pedestrian flows. Display of Council’s “Look Program” banners will add colour to the local area and help promote Council’s image to local and overseas visitors.

Of the 100 banners involved, 60 have been installed by Energy Australia, because of proximity to overhead power cables. The remaining 40 banners are being installed by Council’s own crews. Funds are available in the Budget Estimates for 2000 – 2001 to cover the costs involved.

RECOMMENDATION:

That Council endorse the Council “Look Program” banner display outlined in the Minute by the Mayor dated 13 September 2000 for the South Sydney area for the period of the Sydney 2000 Olympic and Paralympic Games.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

5 September 2000

PUBLIC RELATIONS – SSROC INAUGURAL AWARDS PROGRAM (2014116)

The winners of the inaugural SSROC Awards Program were announced on Thursday evening, 17 August 2000. The awards recognise innovation of councils in the Southern Sydney Region in the following categories: community partnership; environment protection; management excellence; and heritage protection.

South Sydney City Council took out the award for Innovation in Community Partnership for Council's "Waste to Feast" project and in the Environmental Protection category Council received a "Highly Commended Award" for the "Background Noise Survey".

When presenting Council with the Community Partnership Award, the judging panel commented, "Waste to Feast is extremely innovative and offers both community and environmental benefits. With South Sydney Council's support, it appears to have been placed on a sustainable, long-term footing. The staff and councillors concerned deserve high praise for their vision".

The "Waste to Feast" project, which was an initiative of Council's Environmental Health Unit, was a unique program which salvaged surplus edible food from South Sydney's food outlets and distributed it to emergency food relief services in Council's area, such as the Salvation Army and St Vincent de Paul Society. Council then contributed significant resources to establish the "Waste to Feast" Program under the auspices of NSW FoodBank Ltd., as a self sustaining regional initiative. I also noted that following the announcement of the awards, the project received a glowing account in the local government section of the Sydney Morning Herald.

The Officers responsible for the development and success of this project were Alex Kiss and Peter Schneider (former project officer and now Waste to Feast Manager at FoodBank).

Peter Goaley and Gordon Downey were the Officers responsible for Council's Background Noise Survey.

RECOMMENDATION:

- (a) That Council acknowledges the Officers responsible for securing the SSROC Awards for Innovation for Community Partnership and Innovation for Environmental Protection; and

GENERAL MANAGER

- (b) That the General Manager, on behalf of the Councillors forward letters of congratulations to the Officers responsible for securing the SSROC Awards.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Bush:-

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

Carried.

The Mayor then presented the awards to Council's Officers responsible for the projects on the acclamation of those present.

MINUTE BY THE MAYOR

13 September 2000

COMMITTEES – SOUTH SYDNEY CITY COUNCIL – WASTE SERVICES AND RECYCLING DIRECTORY (2014530)

A new Waste Services and Recycling guide has been developed by Council's Waste Education Officer. This guide is highly visual and has also been translated into our 10 most frequently spoken languages. It will be made available for distribution through the Ethnic Communities Council and Council's Waste Services Branch.

The guide has been delivered to most households in South Sydney during the month of August. Delivery to Newtown, Erskineville, Alexandria, Beaconsfield and Rosebery will take place in early September.

The information contained in this brochure includes a map, service days and time for garbage and recycling collection, how to recycle, how to obtain bins and crates, how to access and clean up service for household goods, how to join a community garden, and education courses on worm farming and composting.

I believe the production of this brochure reflects the positive image of Council's Waste Services initiatives and would like to congratulate Council's

GENERAL MANAGER

Waste Education Officer, Janet Broady, for the effort she has put in to producing this well presented and informative guide.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE MAYOR

13 September 2000

LEGAL – REVIEW OF THE LAND AND ENVIRONMENT COURT (L53-00120)

The Attorney General recently established a Working Party to review the role and operation of the Land and Environment Court.

In July, 2000 SSROC made a submission to the Working Party on behalf of its member Councils, a copy of that submission was circulated through the Councillors Information Service. This submission was co-ordinated by South Sydney Council following a series of discussion with representatives from the member Councils. The views of those representatives on a number of issues were varied so it is true to say that the final SSROC submission sought a middle ground position acceptable to all of the representatives.

Although the period for making representation to the Working Party has formally closed, it would, given a newly elected Council, be appropriate to make a further submission to the Working Party. Four points that I believe should be raised, but which were not raised in the SSROC submission would form the basis of this representation:

- (1) That the Land and Environment Court should have jurisdiction solely on questions of law, i.e. judicial review of statutory processes and obligations. If a breach is found to have occurred the matter would be referred back to Council to be rectified. By confining the Court to questions of law, merit issues would be left to Councils;
- (2) In the event that the Court continues to deal with merit issues, consideration should be given to limiting the Courts powers to a test of whether the Council decision was so unreasonable that no reasonable Council could have come to that decision. A process to test whether

GENERAL MANAGER

any given case potentially qualified on this basis would need to be introduced;

- (3) Other options to ensure a more balanced view from the Court could be through the establishment of independent panels of experts. The Court could rely on the advice of such panels on recurrent matters of professional expertise such as design, heritage, and traffic without having to rely solely on strongly conflicting viewpoints of advocate witnesses. Representatives from professional bodies and the Local Government Association could be engaged to form the appropriate panels.
- (4) Another mechanism to help minimise the vagaries of the court's decisions is to have matters of merit heard by more than one assessor.

I, therefore, recommend that I write to the working party outlining these views.

RECOMMENDATION

The Mayor write to the Land and Environment Court Review Working Party expressing this Council's concern that the Working Party should investigate the options (1 to 4) outlined in this minute.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE MAYOR

13 September 2000

PLANNING – LOW COST ADAPTABLE FLOORSPACE FOR ARTISTS - COUNCIL'S LAND HOLDING (2011709)

Councillors have recently been required to address issues associated with homelessness, the increasing lack of housing in South Sydney that is affordable, as well as the loss of low cost adaptable space that can provide the diversity of South Sydney and its strength culturally and socially has been the ability to accommodate those types of uses. Committee were addressed by Pamille Berg, (MGT Architects) who have been appointed by Council to develop a public arts and water features policy.

GENERAL MANAGER

Central to her presentation was the need for low cost adaptable spaces for artists to live and work in South Sydney if the Council was to develop a robust public arts policy. She cited the opportunity that exists for underutilised buildings in South Sydney and particularly Green Square and the southern industrial area to fulfil this role in the short term pending redevelopment.

I believe it appropriate for Council to investigate the opportunity Council's land holdings could play in this and therefore recommend that Council's Acting Director of Corporate Services have this matter investigated and a report prepared for Committee. I also recommend that a report be prepared on the opportunities to amend our current Development Control Plan to give more encouragement to the provision of this type of accommodation.

RECOMMENDATION:

- (1) That the Acting Director of Corporate Services prepare a report for Committee on the opportunity for Council's land holding providing low cost adaptable living and working space for artists;
- (2) That the Director of Planning and Building prepare a report for Committee on options for giving greater encouragement in Council's Development Control Plan to low cost adaptable floor space for artist to live and work in South Sydney.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the minute by the Mayor, be approved and adopted and the reports be submitted to the next Committee Meeting.

Carried.

PETITIONS

1.

The Mayor tabled a petition with approximately 64 signatures appended from residents of the Metropolitan area objecting to the banning in some areas, and limiting off-leash times for dogs, in Sydney Park.

Received.

GENERAL MANAGER

2. The Mayor tabled a petition with approximately 72 signatures appended from residents of Newtown and surrounding suburbs objecting to the business operations at No. 66 Brocks Lane, Newtown.

Received.

3. Councillor Mallard tabled a petition with approximately 200 signatures appended from residents of the North Ward requesting Council remove the upgrading work in respect of floral displays undertaken in McElhone Reserve, Elizabeth Bay, and be replaced with the taller shrubs and trees which used to be there.

Received.

Leave of Absence - Councillor Harcourt

A request was received from Councillor Harcourt for leave of absence from the Planning and Development Committee meeting on 4 October 2000.

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

That leave of absence be granted to Councillor Harcourt from the Planning and Development Committee meeting on 4 October 2000.

QUESTIONS WITHOUT NOTICE

1. **BOUNDARIES - SYDNEY CITY COUNCIL AND SOUTH SYDNEY CITY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (B52-00002)**

Question:

The Mayors of Liechhardt, Woollahra and Waverley have recently requested the results of a survey conducted regarding community attitudes to any changes to existing inner city council boundaries.

Mr. Mayor you seem conspicuous by your absence from this debate. What is your view to any proposal to change existing Council boundaries which may have an impact on those of North Ward?

Answer by the Mayor:

GENERAL MANAGER

Councillor as you would know that the debate exhumed from the press comments of the Lord Mayor I don't bite when the media requests some comment about what the Lord Mayors most recent acquisition might be in terms of his area and as you would know any of the issues about the changes on boundaries must go to the boundaries commissioner from the Minister and that is where the current proposal from the north ward change of boundaries is. Maybe I am conspicuous because possibly because the media hasn't bothered to come and get me.

2.

DEVELOPMENT/PROPOSALS/SOUTH SYDNEY AREA - SYDNEY PARK - ESTABLISHING OF MARKET STALLS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2000383)

Question:

Could a report be prepared for Council on the feasibility of and options for establishing market stalls in Sydney Park on a Saturday or Sunday each week with the view to having such markets operating before the end of this year?

Answer by the Mayor:

I don't know about the ability to have them operating towards the end of this year but certainly I will put that matter to the Committee.

3.

PROPERTIES - MANAGEMENT- COUNCILS COMMERCIAL PROPERTY ACTIVITIES - OUTSOURCING - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P56-00044)

Question:

Can the General Manager prepare a report for the contracting out of Council's commercial property activities and present this report to the Finance Committee?

Answer by the Mayor:

Yes I will have that matter put to the Committee.

GENERAL MANAGER

4.

**BUSINESS PAPERS - PREPARATION AND DISTRIBUTION
ELECTRONICALLY - QUESTION WITHOUT NOTICE BY COUNCILLOR
MALLARD (C63-00006)**

Question:

Can Councillors elect to receive all Council Meeting and Committee papers by Email attachments as well as hard copy delivered?

This should not be difficult to do as they are already electronically prepared by the Council secretariat. Other Councils (such as Sutherland) provides papers electronically including building plans scanned in. Electronic papers would more readily allow Councillors the ability to distribute the Council Meeting paper to interested community members as well as maintain space efficient filing for our future reference.

Answer by the Mayor:

Well it has certainly been used in other Councils. However, we have a new IT Manager whose been in the position for some 4-5 weeks. I would believe it is best for him to have that report . I believe that should go to the committee and i will have the matter about the IT. reference to the Council Business Papers put to the committee.

5.

**PARKS - SOUTH SYDNEY AREA - NATURE STRIPS -FOOTPATH
RECONSTRUCTION PROGRAM - QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (2004457)**

Question:

Earlier this year the Sydney Morning Herald carried an article on greening the inner city. The article quoted Graham Jahn, President of the Institute of Architects lamenting the ongoing concreting the paving of footpaths in the inner city. With our new Council's \$4 million footpath reconstruction program about to be implemented across the city could Council Officers prepare a report to green the inner city with the objective to replace 20% of all Council's footpaths with garden verges within the next 3 years?

The report should specifically cover:

- Establishment of Council criteria of assessing resident applications to green the footpath taking into account other services, bus stops, car parking access, fire hydrants etc.

GENERAL MANAGER

- The target to systematically remove approximately 20% of all footpath paving in the Council area to allow garden verges throughout the inner city
- Prioritising paving removal where requested by residents and assessed as suitable by Council Officers
- Where footpath reconstruction is to take place an objective for at least 20% of the path area not be paved but development for verge gardens
- Larger garden areas be allocated around street trees where possible
- Planting of suitable low maintenance preferably native plants in footpath verges and tree surrounds
- An education campaign to encourage residents, church groups, schools and any other interested groups to adopt a footpath garden
- All existing traffic islands, roundabouts etc audited for greening by Council
- All new traffic islands and roundabouts etc under design or construction to be green as a priority rather than concrete, brick or bitumen etc.

Answer by the Mayor:

I am sure Councillor Lennon would be very happy to look at that report. I will certainly have that question raised through the committee paper.

6.

TRAFFIC - MANAGEMENT - SOUTH SYDNEY AREA - PEDESTRIAN CROSSING - MACLEAY STREET, KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T52-00167)

Question:

Through the Mayor could Ron Wilcoxon investigate the possibility of opening a pedestrian crossing in McLeay Street near Rockwall Place. If the 50 km hour speed sign could be changed for a pedestrian crossing sign, as it is a very dangerous intersection?

Answer by the Mayor:

I will have that matter dealt with and prepare a report for Councillors Information Service

7.

TRAFFIC - MANAGEMENT - SOUTH SYDNEY AREA - TO REINSTATE PEDESTRIAN CROSSING AT BAYSWATER ROAD, KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T52-00167)

Question:

Could we investigate the possibility of reinstating the Pedestrian crossing at the bottom of Bayswater Road that has been marked over going on to the footbridge?

Answer by the Mayor:

I will have this matter responded to by the Councillors Information Service.

8.

WELFARE - HOMELESS PERSONS - SOUTH SYDNEY AREA - AN AUDIT ON COUNCIL' S PROPERTIES/BROADWAY AND COMMONWEALTH STREET, SURRY HILLS - DEVELOPMENT FOR HOUSING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (W51-00065)

Question:

In light of the issues relating to Council's property in Broadway and the Commonwealth Street development on tonights paper, could Council immediately institute an audit of our properties, to ascertain their current status and availability for housing?

Further I am, and my labour colleagues have already commenced work towards a homelessness and emergency accommodation policy. Could the Mayor actually take the formal steps necessary to establish the Committee which we all supported several meetings ago?

Answer by the Mayor:

Well Councillor all you have to do is email me with the things that you are doing and certainly that can become part of the agenda item.

Comment by Jill Lay

Mr. Mayor we talked about formulating a committee and you were going to bring it back to the Committee to establish the Committee. Could we do that?

Answer by the Mayor:

Well on the first issue, the committee can be formed and if you would like to give me the information how that committee might be made up and will take up that. I believe the comments that you have raised in relation to properties is similar to the first question Councillor Mallard asked and I will have that report go to Committee in relation to the properties.

9.

TRAFFIC - MANAGEMENT - CROSS CITY TUNNEL - PARTICIPATION OF SOUTH SYDNEY COUNCIL IN PLANNING ISSUES ON THE PROPOSED WILLIAM STREET TUNNEL - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2022189)**Question:**

I refer to recent press reports in which the Mayor of Sydney Councillor Frank Sartor was urging a joint State Government/Sydney City Council planning committee to deal with the huge number of issues that the proposed William Street Tunnel will create. Would you ensure that South Sydney Council's submission on William Street could insist that representatives of South Sydney Council participate in any such Planning Committee?

Answer by the Mayor:

I am unfamiliar with this kind of committee which the Lord Mayor may have suggested. There did exist previously under legislation Central Sydney Planning Committee which there was one representative from this Council and if there is to be any form of State and Local Government committee that there will be examining the cross city tunnel certainly this council will be represented on it. However I cannot say definitely on your question because I am unaware of it, unaware of what we can do. However I will certainly follow it up for you.

10.

PROFESSIONAL SERVICES - AFTER HOURS TELEPHONE NUMBERS - HOTLINE - FRIDGE MAGNETS WITH TELEPHONE NUMBER - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2011323)**Question:**

Associated with your announcement of the Council hotline to operate through the Olympic games period was a detailed funded communication strategy for this important initiative. One aspect of this strategy was the production of fridge magnets obviously enough containing the Hotline number. I haven't seen one, who's got them, where are they hiding?

Answer by the Mayor:

I don't think they've been made yet Councillor Pooley. We are having difficulty making sure the hotline is on everyday at the moment.

11.

PROFESSIONAL SERVICES - AFTER HOURS TELEPHONE NUMBER - QUESTION OF OPERATION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2011323)**Question:**

On Sunday I received a complaint about building noise on the St. Vincent's Hospital site. I called the hotline number four times but the ringing tone terminated each time. Eventually I called the duty Ordinance Inspector. Is there a problem with the hotline at weekends?

Answer by the Mayor:

Councillor Harcourt, yes. The General Manager informed me on Monday what the cause for it was. It has been rectified.

GENERAL MANAGER

12.

MANAGEMENT - SOUTH SYDNEY AREA - MEETING ROOM AND STORAGE FOR SOUTH SYDNEY HERITAGE - DISCUSSIONS FOR THE GATEHOUSE VICTORIA PARK TO BE THE VENUE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (P56-00210)

Question:

The South Sydney Heritage Society has been seeking an agreement with Council on some modest accommodation to store its papers and hold occasional meetings etc. The gatehouse in Victoria Park has been mentioned often as a possible site. Can we expect an early decision on this matter?

Answer by the Mayor:

I'll ask the Property Manager to inform you of the availability of spaces through the Councillors Information Service of the availability of that space.

13.

PUBLIC RELATIONS - ADVERTISING - CHANGING OUR COLOUR SCHEME TO BE COST EFFECTIVE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2023036)

Question:

It is commendable that this Council now has a notice page in the Courier group of papers. However, I note we have a full colour page whereas, Botany, Woollahra and Waverley have a much more modest, but I believe equally effective colour scheme. How much money would we save by changing our page to black and white?

Answer by the Mayor:

The Media Manager will give you a report through the Councillors Information Service that relates to the facts that how we gained that particular facility which was course slightly different that Randwick gained. Glad to see you are getting some questions from some colleagues and other LGA's.

14.

**BOUNDARIES - SYDNEY CITY COUNCIL AND SOUTH SYDNEY COUNCIL
- A REQUEST TO RELEASE BOUNDARY RESULTS FROM A SURVEY
HELD BY THE LORD MAYOR FRANK SARTOR. - QUESTION WITHOUT
NOTICE BY COUNCILLOR HARCOURT
(B52-00002)**

Question:

The Mayors of Leichhardt, Woollahra and Waverley have asked the Lord Mayor, Frank Sartor, to release the results of the boundary survey he conducted among our residents. Do you intend to make a similar requests for information?

Answer by the Mayor:

Lets presuming that the boundary survey that the Lord Mayor keeps on talking about exists outside of something on his desk. I believe that you do protest too much. I don't think Councillor this is a real issue outside of the media management of the Lord Mayor.

Comment By Councillor Harcourt

He certainly did a survey on which he rang people up. I think it would be good to ask him to give us the results if he went to that trouble, it would be nice to know what it is about.

Answer by the Mayor:

Councillor I am happy to write on your behalf requesting that to the Lord Mayor.

15.

**TRAFFIC - MANAGEMENT - SOUTH SYDNEY AREA 40KPH AND 50KPH
SIGNS MARKED - QUESTION WITHOUT NOTICE BY COUNCILLOR
HARCOURT (T52-00167)**

Question:

On Crown Street at Cleveland Street, intersection there is a 40 kph area sign plus 50 kph sign painted on the road. As you proceed up the road, Crown Street and other places 40kph & 50kph signs alternate up the street. This is a very confusing for drivers. Can the signs be rationalised?

GENERAL MANAGER

Answer by the Mayor:

Councillor I was in the area at Riley street, and Marlborough and Belvoir streets and Bourke street and Devonshire street with council officers in relation to the sign in question. As you know yourself that many of them are required because of state legislation and that is particularly the case but the misleading and confusing nature of the signs has been drawn to the attention of the council officers and I am hoping that once the Olympic signs are down that we will get some rationalisation of the signs on the footpath.

16.

PLANNING - EPT - DEVELOPMENT CONTROL AMENDMENTS IN CERTAIN LOCALITIES SUCH AS KINGS CROSS, SYDNEY PARK VILLAGE AND DCP FOR GREEN SQUARE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013557)

Question:

It has always been envisaged that the DCP 1997, was to be constantly fine tuned. Certain localities throughout South Sydney Council could be considered investigated in light possible amendments and to be advertised in community for comment. Areas such as Kings Cross, Sydney Park Village and the DCP for Green Square to be included?

Answer by the Mayor:

I will ask the Director of Planning to respond to you through Councillors Information Service.

17.

ADMINISTRATION - GENERAL MANAGER - QUESTION OF EXTENSION OF EMPLOYMENT CONTRACT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020700)

Question:

Is the General Manager going to seek an extension of his employment with Council. If not can the General Manager bring a report forward to Council describing the process and plan needed to appoint a successor and that a report be submitted to Management Review weekend?

Answer by the Mayor:

Councillor there is quite a lot of business on that review which has now extended to Friday afternoon. I have already had some discussions

GENERAL MANAGER

with the general manager and I am happy to take your question up with him and I think it may be more appropriate to deal with that matter through committees.

18.

STREETS - NAMING - SOUTH SYDNEY AREA - STERLING DRIVE THE OLD CHILDREN'S HOSPITAL - CAMPERDOWN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2011371)

Question:

A request to name a street in the new development of the old Childrens Hospital in Camperdown, Sterling Drive, conflicts with Council's Policy of Developers advertising their product. Can the Director of Public Works and Services revisit the policy in light of trivality of the policy being enforced in this case and be drawn in historical sense which has happened in the surrounding area?

Answer by the Mayor:

I'll have the Director response through the Councillors information Service in relation for that matter.

19.

PARKS - VICTORIA PARK - TENT EMBASSY OFFER OF ASSISTANCE. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023189)

Question:

Police Commissioner Ryan has described the qualities and co-operation of the occupiers in Victoria Park as extremely commendable. He also brought to Council's attention that a number of buses S11 protesters will be arriving in Sydney to join this peaceful protest in light of the methods used by elements of those protesters. Can Council please offer assistance to Miss. Coe in the event that any unwelcomed protesters attempt to change the nature of Victoria Park protest?

Answer by the Mayor:

Well I wonder whether Miss Coe has requested you to ask that question, however, I will have that response given to you in the Councillors Information Service.

GENERAL MANAGER

20.

PUBLIC TRANSPORT - GEORGE STREET, REDFERN - NOS. 9 AND 11 - DAMAGED BY VIBRATION FROM TRAINS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023419)

Question:

This is in relation to a fax that arrived, just as I was leaving and it is to do with George Street, Redfern. The four trains a minute going past those buildings around George Street, has caused the collapse of some of Council's garden walls and also caused the collapse of the walls internal ceilings of the building there under the extreme vibration. There is a request for Council's Building Assessors to visit that site urgently to assess the damage or condemn the site or enforce possible action.

Answer by the Mayor:

I assume that you have the details of the address and properties that are involved.

Answer by Councillor Bush:

That is in the letter that has been tabled.

Answer by the Mayor:

I will request the Director of Planning and Building to follow that matter up in the morning as a matter of urgency.

21.

TREES - STREET - ROSLYN STREET AND WARD AVENUE, POTTS POINT - REMOVAL OF TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2005246)

Question:

A number of North ward, residents have complained about a Council plan to cut down the trees on the corner of Roslyn Street and Ward Avenue, Potts Point. Can Council refrain from cutting down the trees until a Council meeting has had the opportunity to properly consider all the facts and options?

Answer Ron Wilcoxon:

Coming forward to Council will be a report, asking for Council to endorse a contractor to be appointed for that purpose of rebuilding that

GENERAL MANAGER

reserve or that park. What I will continue to do is to seek a briefing for the Councillors prior to the Committee, which would be the Committee of 4 October 2000, if that suffices, I will supply all the information of relevant details at that meeting

REPORT OF THE FINANCE COMMITTEE

6 September 2000

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Peter Furness, Tony Pooley, Gregory Shaw

At the commencement of business at 6.39 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 6 September 2000, be received and the recommendations set out below for Items 1, 2, 4, 6, 7, 10, 11, 14, 16 to 18, inclusive, and 20 to 26, inclusive, be adopted. The recommendations set out below for Items 3, 5, 8, 9, 12, 13, 15, 19 and 27 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LEASING – ADELAIDE STREET, SURRY HILLS - STRATUM - PROPOSED LEASE OF PART (2002630)

That approval be given to:-

- (1) the termination of the lease approval with Readers Digest Services Pty Limited of the stratum above Adelaide Street, Surry Hills, as shown stippled on Plan No. S4-130/541;
- (2) the granting of a lease to Readers Digest (Australia) Pty Limited or their successors in title under Part 10 Division 1 (Section 149) of the Roads Act 1993, over part of Adelaide Street, Surry Hills

GENERAL MANAGER

as shown stippled on Plan No. S4-130/541 for a period of 5 years at a rental of \$3,750 per annum and subject to the conditions in the schedule accompanying the Director's report;

- (3) the date of commencement of the lease in (2) above being 1 January 1996;
- (4) all relevant plans and documents being signed by Council's Attorney;
- (5) this approval lapsing 3 months from the date of Councils approval to the granting of a lease if the applicant has failed to sign the Lease Agreement.

(DPWS Report 10.8.00)

Carried.

2.

LEASING – VACANT LAND REAR NO. 40A ROSLYN GARDENS, ELIZABETH BAY – PROPOSED SALE OF VACANT LAND (L52-00041)

That approval be given to the acceptance of an offer received from the Proprietors of Strata Plan 14253 to purchase Council owned land at the rear of 40A Roslyn Gardens, Elizabeth Bay, for an amount of \$30,000 for use by the Strata Plan as a turning circle for motor vehicles subject to the following terms and conditions, namely:-

- (1) That the outstanding rental arrears of \$1,531.50 are to be waived in this instance;
- (2) That the payment be made over a period of five years;
- (3) That the first instalment payment of \$6,000 will be due on 1 September 2000, and each instalment is to be paid on 1st September annually;
- (4) That the Certificate of Title be amended to be in the name of the Proprietors of Strata Plan 14253, when the final instalment payment has been made;
- (5) That the sale of this land is subject to the Goods and Services Tax;
- (6) That Council's Legal Officer, prepare a Contract for Sale in respect to the land.

GENERAL MANAGER

(A/DCS Report 17.8.00)

Carried.

3.

**PROPERTIES – PLUNKETT STREET, NOS. 1 – 7, WOOLLOOMOOLOO
(COUNCIL'S WOOLLOOMOOLOO DEPOT) – MOBILE TELEPHONE
TRANSMISSION FACILITY - INSTALLATION (2009257)**

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Mallard:-

That approval be given to enter into a lease with Lucent Technologies Pty Ltd for a five year period with two further five year options, for an annual rental of \$20,000 (subject to annual CPI adjustment) and an up front payment of \$5,000 to cover the cost of preparation of the leased area, subject to their agreement to make the necessary minor amendments to the lease conditions and the payment of a further up front amount of \$5,000 to cover Council's legal and administrative costs.

(DPWS Report 22.8.00)

It was moved by Councillor Lennon, seconded by Councillor Furness, that when future applications are received to erect mobile telephone transmission facilities, the question of installation and erection be referred to the Planning and Development Committee also.

Amendment negatived.

Motion carried.

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

4.

**LICENSING – MACLEAY STREET, NOS. 61 – 63, POTTS POINT –
PROPOSED FOOTWAY LICENCE (L56-00695)**

That approval be given to:

- (1) the granting of a licence to Bluewater Hospitality Pty Ltd over an area of 11.5 square metres of the footway of Challis Avenue and Macleay Street adjacent to @pottspoint at Nos. 61-63 Macleay Street, Potts Point, as shown stippled on Plan No. S4-130/601B

GENERAL MANAGER

and subject to the conditions in the schedule accompanying the Director's report;

- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993, at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (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 three 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.

(A/DPWS Report 2.8.00)

Carried.

5.

COMMITTEES – STANDING – CHANGE OF SCHEDULE OF MEETING DATES –18 OCTOBER TO 19 OCTOBER 2000 (5262801)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Mallard:-

That approval be given to:-

- (1) amending Council's resolution of 26 July 2000, in the schedule of dates for Committee and Council meetings, by the deletion of the date 18 October 2000, and the insertion in lieu thereof of the date 19 October 2000;
- (2) the General Manager's Unit notifying the public regarding the change of date of the Standing Committees by way of notices at Council's Libraries, Erskineville Town Hall and One Stop Shop

GENERAL MANAGER

and by advertising the change in the appropriate local press and Council's website.

(A/CAM/PO Report 25.8.00)

Carried.

6.

DONATIONS – REG BARTLEY OVAL, RUSHCUTTERS BAY - REQUEST FOR FREE USE OCTOBER 2000 TO MARCH 2001 VARIOUS DATES – ST VINCENT DE PAUL SOCIETY, MATTHEW TALBOT HOSTEL CRICKET CLUB (2015127)

That arising from consideration of a report by the Director of Public Works and Services dated 23 August 2000, approval be given to the free use of Reg Bartley Oval, Rushcutters Bay by the Matthew Talbot Hostel Cricket Club for cricket training on Wednesday evenings between 5.30 p.m. and 7.30 p.m. from 4 October 2000 to 28 March 2001, on occasions when the Oval is not required for other sports and the availability of the Oval to be determined by the Director of Public Works and Services.

Carried.

7.

CELEBRATIONS – 2001 MASCON FESTIVAL – WORKING PARTY – ESTABLISHMENT – APPOINTMENT OF MEMBERS (2023203)

That Council approves:-

- (1) the continuation of the Mascon Festival to be held on Saturday, 14 July 2001;
- (2) the expansion of the arts outreach workshops to include a wider representation of individuals, educational institutions and other community groups in all Wards of the South Sydney LGA;
- (3) the inclusion of multimedia in the 2001 festival;
- (4) a review by Cultural Committee of the future role of the Mascon Festival beyond 2001 in the context of total support given to community festivals and special events;

-for which funds have been allocated in the 2000/2001 Forward Estimates (\$85,000 to partially fund the 2000 and 2001 Mascon Festivals) and that funds of \$85,000 be included in the 2001/2002 Budget Estimates to cover the costs of the 2001 Mascon Festival and an as yet unnamed 2002 community festival/ special event, additionally

GENERAL MANAGER

Council consider the allocation of additional funds of up to \$15,000 in the 2001/2002 Budget

Estimates to cover the cost of the inclusion of multimedia in the 2001 Mascon Festival.

(GM Report 21.8.00)

Carried.

8.

COMMITTEES – SYDNEY WATER CORPORATION – COUNCIL VACANCY – QUESTION OF COUNCIL NOMINATION (2011376)

That Councillor John Bush be nominated as Council's representative.

It was moved as an amendment by Councillor Lay, seconded by Councillor Harcourt, that Councillor Tony Pooley be nominated as a Council representative on the Sydney Water Corporation in lieu of Councillor Bush.

Motion, as amended, carried.

9.

DONATIONS – CITY TO SURF 2001 – SPONSORSHIP OF COUNCIL TEAM (D53-00421)

That arising from consideration of a report by the Director of Health and Community Services dated 1 September 2000, it be resolved that:-

- (a) Council sponsor an official South Sydney City Council team comprising of Councillors and Staff, in the annual City to Surf Footrace to be held on Sunday, 12 August, 2001;
- (b) each member of the official Team have his/her entry fee paid and be supplied with an appropriate Council running uniform;
- (c) an amount of \$4,000, be allocated in the 2001/2002 Estimates to meet the fun run expenses, including refreshments at the conclusion of the run.

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

- (d) That the proposed change of colours of Council's running uniform to a pastel coloured singlet and black shorts be not approved and that Council's traditional colours of red

GENERAL MANAGER

and green be continued to be used for the singlets and shorts.

Motion, as amended by consent, carried.

10.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JULY 2000
(2022607)**

That arising from a report by the Director of Finance dated 15 August 2000, approval be given to the confirmation of the payment of the accounts totalling \$9,377,401.07 as detailed in the Summary of Warrants for the Month of July, accompanying the report.

Carried.

11.

**COMMITTEES – PRECINCT COMMITTEES – QUESTION OF
INTRODUCTION (C57-00005)**

That the matter of creating precinct committees be referred to the November Management Plan Weekend Conference.

(A/DCS Report 30/8/00)

Carried.

12.

**LEASING – OXFORD STREET, NO. 58, DARLINGHURST – NEW
DIMENSIONS TECHNOLOGIES PTY LTD AND SUNSHINE CONVENIENCE
STORE PTY LTD – REQUEST FOR ABATEMENT OF RENT (L52-00008)**

That approval be given to New Dimensions Technologies Pty Limited and Sunshine Convenience Store Pty Limited being offered a rent abatement of two months rental (viz. \$12,736) in connection with their lease of Council's shop front premises, No. 58 Oxford Street, Darlinghurst, for refurbishment work to such premises.

(A/DCS Report 30.8.00)

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

GENERAL MANAGER

That the matter be deferred and be referred back to the Finance Committee for a further report.

Motion, as amended by consent, carried.

13.

LEASING – OXFORD STREET, NO. 68, DARLINGHURST (SHOPFRONT) – CLAITRACK PTY LIMITED – REQUEST FOR RENT ABATEMENT (L52-00045)

That approval be given to Claitrack Pty Limited being offered a rent abatement of two months rental (viz. \$14,550) in connection with their lease of Council's shopfront premises, No. 68 Oxford Street, Darlinghurst, for refurbishment work to such premises.

(A/DCS Report 30.8.00)

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

That the matter be deferred and be referred back to the Finance Committee for a further report.

Motion, as amended by consent, carried.

14.

(1) DEVELOPMENT – APPLICATION MATTERS – ADDITIONAL FEES FOR EXPEDITED DEVELOPMENT APPLICATION ASSESSMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020130)

(2) PERSONNEL – PLANNING AND BUILDING DEPARTMENT – TWO GRADE 10 PLANNER POSITIONS – PERMANENCY

(1) That the advice from Pike, Pike and Fenwick be received and noted.

(2) That the two Grade 10 planner contract positions due to lapse in June 2001, be converted to permanent Grade 10 positions, with additional funds being voted to the Planning and Building Department Budget Estimates for the purchase of 2 lease back vehicles, as and when the incumbent contract staff vacate these positions for which \$46,000 be added to the 2000/2001 plant replacement fund Estimates;

GENERAL MANAGER

- (3) The cost of implementing a fast track system of approving Development Applications on a six months trial basis;
- (4) Contact being made with Councils who currently have the fast track system of approving Development Applications operating, to find out the waiting time for processing these applications.

(DPB Report 31.8.00)

Carried.

15.

- (1) **DONATIONS – WOOLLOOMOOLOO CHAMBER OF COMMERCE – REQUEST FOR SEEDING GRANT FOR ESTABLISHMENT**
- (2) **PROPOSED LOCAL MARKET IN WOOLLOOMOOLOO BAY (2023290)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That Council provide a seeding grant of \$10,000 to the Woolloomooloo Chamber of Commerce to help in their establishment and that such amount be matched on a dollar for dollar basis by the Woolloomooloo Chamber of Commerce.

(A/CAM/PO Report 31.8.00)

It was moved as an amendment Councillor Shaw, seconded by Councillor Harcourt, that a seeding grant be not given to the Woolloomooloo Chamber of Commerce.

Following discussion on the matter, Councillor Furness, seconded by Councillor Lay requested that the motion be put.

Carried..

Motion, as amended, carried.

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

GENERAL MANAGER

16.

COMMUNITY SERVICES - RECONCILIATION - 2001 ABORIGINAL ART POSTER PROJECT (2023117)

That arising from a report by the Director of Health and Community Services dated 1 September 2000, Council approve:-

- (a) the rescheduling and development of the Reconciliation 2001 Poster Art Project – Competition and Exhibition;
- (b) the expenditure of up to \$25,000 from the 2000/2001 Arts and Cultural Development Budget code 1.22.6310.16630.0, to be offset by any partner contributions and sponsorship;
- (c) the involvement of the Sydney Opera House in the project, and the linking of the exhibition/launch with their *Message Sticks 2001*, Reconciliation Week 2001 Program.

Carried.

17.

COMMUNITY SERVICES - SOCIAL HISTORY PROJECT - RE-VOTE FUNDS FOR COMPLETION FROM 1999/2000 TO 2000/2001 BUDGET (2020961)

That arising from a report by the Director Health and Community Services dated 31 August 2000, approval be given to revoting of unexpended funds totalling \$45,000 (KW97014.66EO) from last year's Budget into the 2000/2001 Budget to complete the Council's social history project and launch the book "There Never Was A Hotbed of Crime".

Carried.

18.

DONATIONS - REQUEST FROM KINGS CROSS COMMUNITY AND INFORMATION CENTRE (D53-00353)

That arising from a report by the Director of Health and Community Services dated 1 September 2000, approval be given to providing a donation of \$4,350 towards the development of a Business Plan for the service.

Carried.

GENERAL MANAGER

19.

LEASING - BROADWAY NOS. 153-157 AND NO. 161, ULTIMO - LEASES TO BISHOPS STOVES PTY LTD AND MASTERPIECE PICTURES PTY LTD. (L52-00132)

That approval be given to:-

- (A) Bishops Stoves Pty Limited being offered a month to month lease of Council owned premises, Ground and First Floors, Nos. 153-157 Broadway, Ultimo, at a rental of \$500 per month commencing on Friday, 1 September, 2000;
- (B) Masterpiece Pictures Pty Limited being offered a month to month lease of Council owned premises, Ground and First Floor, No. 161 Broadway, Ultimo, together with yard area of No. 149 Broadway, Ultimo, at a rental of \$500 per month commencing on Friday, 1 September, 2000, subject to the following conditions, namely:-
 - (1) Either party giving one months notice in writing to the other party may terminate their lease;
 - (2) The lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars (\$10,000,000.00) indemnifying both Council and the lessee against any claims that may arise during the term of the Lease;
 - (3) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer are to be borne by the lessees;
 - (4) That all relevant documents are to be executed, by Council's Attorney;
 - (5) This approval lapsing in three months from the date of Council's approval to the granting of the lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance as required, or has failed to execute the lease documents.
- (C) That the rental arrears for the period Saturday, 1 January 2000 to Thursday, 31 August 2000, be waived on this occasion.

(A/DCS Report 1.9.00)

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

GENERAL MANAGER

- (D) That Council's Waste Services Section visit the businesses to ensure that trade waste contracts are in order and that appropriate measures are in place.

Motion, as amended by consent, carried.

20.

FINANCE - TRANSACTIONAL BANKING SERVICES -(BPAY) PAYMENT OPTIONS (A52-00146)

- (1) That Council approves the implementation of BPAY for the payment of rates by Council's ratepayers and that the service be made available from November 2000 for payment of the second rates instalment;
- (2) That Council approves the re-introduction of the Post Office payment method facility, for payment of rates, and further, that the Post Office service be introduced as soon as possible.
- (3) The Director of Finance to submit a report to the Finance Committee on how other forms of revenue can be collected using B.Pay facilities and other credit facilities.

(DF Report 23.8.00)

Carried.

21.

CELEBRATIONS - SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES - APPLICATION OF PROVISIONS OF "OLYMPIC ARRANGEMENTS ACT 2000" TO CONTROL SALE AND DISTRIBUTION OF ARTICLES IN CERTAIN PLACES (2023097)

That, pursuant to Section 27 of Part 7 of the Olympic Arrangements Act 2000, Council prohibits the sale or distribution of any article during the Games period (2 September 2000 to 29 October 2000 inclusive), except with the approval of the Council, on or from those public places within the City of South Sydney and within 3 kilometres (but not less than 500 metres) of the following sites satisfying the provisions of Section 27(1) of the Act:

Competition Venues

Darling Harbour Competition venues
 Sydney Football Stadium
 Rushcutters Bay Sailing Base
 Triathlon Course
 Road Cycling Course

GENERAL MANAGER

Marathon Course

Major Transport Nodes

Central Railway Station
Town Hall Railway Station

Olympic Live Sites

Custom House Square
Martin Place
The Domain
Belmore Park
Tumbalong Park
Pymont Point

(DPWS, DHCS & A/DCS Joint Report 25.8.00)

Carried.

22.

LICENSING - OXFORD STREET, NOS. 54-56, DARLINGHURST (AKA NO. 1 BURTON STREET) - PROPOSED EXTENSION OF LICENCE (L56-00204)

That approval be given to:-

- (1) the granting of a licence to Wendy McLean over an additional area of 12 square metres of the footway of Oxford Square near "The Burton" as shown stippled on Plan No. S4-130/479D and subject to the conditions in the schedule accompanying the Director's report for a trial period of three months;
- (2) the additional licence area in (1) above, 12 square metres, being rent free for a period of three months;
- (3) the Licensee paying Council's legal costs and disbursements incidental to the amendment of the current licence agreement;
- (4) a further report being submitted to Council at the end of the three month period to determine the effectiveness of the proposal.

(DPWS Report 29/8/00)

Carried.

GENERAL MANAGER

23.

STREETS - ARNOLD PLACE, DARLINGHURST - PROPOSED CLOSURE AND SALE OF PART (2021521)

That approval be given to:-

- (1) the closure under Part 4 Division 1 of Roads Act 1993 of part of Arnold Place, Darlinghurst as shown stippled on Plan No. S6-280/247 and its subsequent sale to the adjoining owners or their successors in Title and subject to the conditions in the schedule accompanying the Director's report;
- (2) all public utility authorities being advised of Council's decision;
- (3) all relevant documents and plans being executed by Councils Attorney;
- (4) all adjoining owners being advised of Council's decision.

(DPWS Report 31.8.00)

Carried.

24.

STREETS – FOOTPATHS - WORKS PROGRAMME - SUPPLEMENTARY REPORT (2015562)

That the matter of consideration of the sustainability of employing additional staff resources to facilitate the completion of expanded Footpath Reconstruction Programmes over the next 3-4 years be included in the comprehensive report on a long term strategy for the maintenance of Council's footpaths to be submitted at the November, 2000 Management Review Weekend.

(DPWS Report 4/9/00)

Carried.

25.

LICENSING - RILEY STREET, NOS. 233-235, SURRY HILLS - PROPOSED FOOTWAY LICENCE (2022896)

That approval be given to:-

- (1) the granting of a licence to The Porterhouse Pty Ltd over an area of 17.6 square metres of the footway of Campbell Street adjacent to The Porterhouse Restaurant at Nos. 233-235 Riley Street, Surry Hills as shown stippled on Plan No S4-130/773A

GENERAL MANAGER

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) this approval terminating if entertainment is provided on the premises.

(DPWS Report 30/08/00)

Carried.

26.

STREETS – DRAINAGE - STORMWATER QUALITY AND QUANTITY STUDY - ACCEPTANCE OF TENDER (2000704)

That Council:-

- (1) accepts the Tender price submitted by Hughes Trueman Reinhold & Perrens Consultants for the amount of \$283,101.50 + \$25,000 (insurances and survey work) to undertake the South Sydney Stormwater Quality and Quantity Study;
- (2) re-allocate \$181,000 from Unspecified Drainage Works (Budget Ref 41-002) to Stormwater Investigations (Budget Ref 43-007);

GENERAL MANAGER

- (3) increase the budget for Stormwater Investigations (Budget Ref 43-007) by a further \$53,000 to include the contribution made to this study by Sydney Water.

(DPWS Report 5.9.00)

Carried.

27.

PUBLIC RELATIONS – SOUTH SYDNEY DISTRICT CRICKET CLUB INC. – SPONSORSHIP AT LUNCHEON (2019355)

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by the Mayor:-

That the sponsoring of a table at the fundraising luncheon for the South Sydney District Cricket Club to be held at the N.S.W. Parliament House on 12 September 2000, be received and noted.

(CAM/PO Report 6.9.00)

Carried.

The Finance Committee Meeting terminated at 7.59 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

6 September 2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw

At the commencement of business at 8.00 pm those present were -

Councillors:- Furness, Mallard, Pooley, Shaw

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

GENERAL MANAGER

That the Report of the Community Services Committee of its meeting of 6 September 2000, be received and the recommendations set out below for Items 1, 2 and 4, be adopted. The recommendations set out below for Items 3 and 5 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**COMMITTEES – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES
– MINUTES OF MEETING HELD 8 AUGUST 2000 (2017377)**

That the report by the Director of Health and Community Services dated 28 August 2000, and the accompanying minutes of the Access Committee for People with Disabilities held on 8 August 2000, be received and that the undermentioned recommendation of the Committee, be received and noted, namely:-

Council's Access Committee For People With Disabilities requests that Council re-schedule its Committee Meetings to be held 18 October 2000, due to the opening of the Paralympic Games on that evening and the Committee considers that by re-scheduling the meetings, Council would be acknowledging the significance of the occasion.

Carried.

2.

WELFARE – SOCIAL PLAN – PROGRESS REPORT (W51-00086)

That arising from a report by the Director of Health and Community Services dated 1 September 2000, Council accept the progress report and approve the revised time frames for the South Sydney City Council Social Planning Project.

Carried.

3.

**COMMUNITY SERVICES - SOUTH SYDNEY CREATIVE ARTS CENTRE,
PINE STREET, CHIPPENDALE - PROJECTS/PROGRAMS & PARTNERS
"MAKE A MOVIE" PROJECT (2023323)**

That arising from a report by the Director of Health and Community Services dated 1 September 2000, Council approve the joint "Work for the Dole" project as outlined in the beforementioned report with Wesley Uniting Employment, based on the Draft Agreement accompanying the abovementioned report.

It was moved by Councillor Lennon, seconded by Councillor Furness, that Council not proceed with this project as it involves Work for the Dole participants.

Amendment negatived.

Motion carried.

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

4.

**(1) DONATIONS - PROPOSAL TO CO-LOCATE D4 AT COUNCIL'S
JUANITA NEILSEN CENTRE, WOOLLOOMOOLOO**

**(2) COMMUNITY SERVICES - COUNCIL'S CHILDRENS PROGRAMME -
RE-LOCATE TO PLUNKETT STREET SCHOOL (D53-00283)**

That arising from a report by the Director of Health and Community Services dated 31 August 2000, Council approve for negotiations to occur between Council and Plunkett Street School to relocate Council's Children's Program to premises at the school, and Council and D4 to provide space for D4 Family Support Service to operate from the Juanita Neilsen Centre, on leases, and that a further report be submitted to Council on the outcomes of these negotiations.

Carried.

5.

**PUBLIC RELATIONS - EAST TIMOR AND SOUTH SYDNEY COUNCIL -
LOCAL GOVERNMENT LINKS - PARTICIPATION (2022141)**

That approval be given to:-

GENERAL MANAGER

- (1) the General Manager writing to the President of SSROC expressing South Sydney City Council support in the establishment of local government links with a region or town in East Timor as per the resolution adopted on Thursday 31st August, 2000 by that organisation;
- (2) investigations being held at a later date on the establishment of sister city or friendship agreements with a suitable town.

(CAM/PO Report 4.9.00)

It was moved by Councillor Lay, seconded by Councillor Harcourt, that clause (2) of the recommendation be deleted and a new clause (2) be inserted in lieu thereof, namely:-

- (2) That investigations be held as soon as practicable with SSROC on the establishment of Sister City or friendship agreements with a suitable town.

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 8.07 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

6 September 2000

PRESENT

The Mayor Councillor John Fowler (Chairperson)

Councillors - John Bush, Christine Harcourt, Jill Lay, Amanda Lennon

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

The Mayor and Councillors - Bush, Harcourt, Lay and Lennon.

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

That the Report of the Planning and Development Committee of its meeting of 6 September, 2000, be received and the recommendations set out below for Items 4 to 8 inclusive, 11, 12, 16 to 18 inclusive, 20 and 21 inclusive, be adopted. The recommendations for Items 1 to 3

GENERAL MANAGER

inclusive, 9,10,13,15 inclusive and 19 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

HARCOURT PARADE, NO. 21, ROSEBERY – CONSTRUCTION OF A CARPORT AT THE FRONT OF THE DWELLING (U00-00620)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness.

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by Mr L Veriopoulos to construct a car port at the front of the dwelling, subject to the following conditions:
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage 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 proposal shall be constructed generally in accordance with the plan labelled “Proposed New Timber & Tile Car Port At: 21 Harcourt Ave, Roseberry For: Mr & Mrs Louis Veriopoulos” dated March 2000, except where amended by the conditions of this consent;
 - (3) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance criteria can be satisfied:
 - (a) that the roof covering and any ceiling lining shall be non-combustible in accordance with clause 3.7.1.6(d)(ii) of the BCA;
 - (4) That stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;

GENERAL MANAGER

- (5) That approval for the connection of the stormwater shall be obtained from Council's Public Works and Services Department prior to the work being carried out;
- (6) 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;
- (7) That all relevant sections of the BCA shall be complied with;
- (8) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;and the certifying authority shall be immediately informed in writing if:-
 - (a) a contract is entered into for the work to be done by a different licensee; or
 - (b) arrangements for the doing of the work are otherwise changed;
- (9) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00 a m and 5.00 p m on Mondays to Fridays, and 7.00 am and 3.00 p m on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (10) That all proposed work shall be wholly within the boundaries of the site;

GENERAL MANAGER

- (11) 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;
 - (12) 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;
 - (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 new work including footings shall not project beyond the street alignment or boundaries of the allotment;
 - (15) 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;
 - (16) 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;
 - (17) 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;
 - (18) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers).
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

GENERAL MANAGER

2.

GEORGE STREET, NOS. 106 – 110, REDFERN – ALTERATIONS AND ADDITIONS TO HOTEL – CHANGE OF USE TO GROUND FLOOR SHOPS AND VARIATION OF TRADING HOURS (BAR AND GAMING) (U00-00734)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt.

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by SOMA Design Partnership with the authority of Ventule Partners Pty Ltd to undertake alterations and additions, change of use of the existing ground floor shops and increase trading hours of the hotel at Nos. 106-110 George Street, Redfern, subject to the following conditions, namely:-
- (1) That the development shall generally be in accordance with plans numbered DA01 (revision A) and DA02 (revision A), dated 27 June, 2000 and drawn by FF of Fortey & Grant Architecture, as well as the Statement of Environmental Effects (incorporating the Management Plan), prepared by SOMA Design Partnership, dated June 2000, except where varied by any of the following conditions;
 - (2) That the operation of the hotel (including the Gaming Room) beyond midnight shall be commenced within 6 months of the date of this consent and shall cease after a period of 12 months from the date of commencement. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed use (it should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period). In this regard, Council will be able to determine whether the proposed increased hours will have an impact on the amenity of the area;
 - (3) That licensed uniformed security personnel shall be employed by the applicant to patrol the area in the immediate vicinity of the Hotel and ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood when the Hotel (including the gaming area) is trading. Such personnel are also to have suitable arrangements for communications with Redfern Police (being a telephone, two-way radio or the like) and shall be employed from

GENERAL MANAGER

9.00 p.m until cease of trading and hold appropriate qualifications and licences;

- (4) The security personnel referred to above shall number no fewer than two during periods of live entertainment and no fewer than one during other times after sunset and until cease of trading. Additional security referred to in the applicant's Management Plan shall be at the discretion of the licensee;
- (5) That the hours of operation of the Hotel (including the Gaming Room) shall be restricted to the following:

Mondays to Wednesdays - 7.00am to midnight;
 Thursdays - 7.00am to 1.00am the following morning;
 Fridays and Saturdays - 7.00am to 3.00am the following mornings; and
 Sundays - 11.00am to 10.00pm;
- (6) That the existing entertainment licence conditions be adhered to. Specifically, the hours of live entertainment shall be restricted to: 7.00pm to 11.30pm Thursdays to Saturdays; and 4.00pm to 9.30pm Sundays;
- (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS 1668, Parts 1 and 2;
- (8) That appropriate signage shall be displayed within the Hotel at all normal egress points advising patrons that they shall respect the amenity of the surrounding area upon departure from the Hotel and shall act in a quiet and orderly manner. Details of the wording of the signs shall be submitted to Council with the Construction Certificate;
- (9) That the construction of the ground floor bar shall comply with Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (10) The construction certificate plans complying with all aspects of the Building Code of Australia, in particular those requirements outlined in the report prepared by Barry Johnson & Associates Pty Ltd, dated 30 June, 2000;
- (11) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be

GENERAL MANAGER

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;

- (12) 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 \$400, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (13) That access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia;
- (14) That hydrants shall be installed throughout the building in accordance with the requirements of Part E1.3 of the Building Code of Australia. Alternatively, a certificate shall be submitted from an authorised person along with pressure inquiry that the external hydrants, if any, serving the building comply with relevant clauses of the Australian Standards;
- (15) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (16) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (17) The storage and handling of garbage and recyclable materials shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets".
- (18) std condition 7065;
- (19) 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
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(i)	All required mechanical ventilation systems.	Building Code of Australia and AS 1668, Parts 1 and 2.
(ii)	The layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to the bar and storage areas.	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997.
(iii)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.

(20) 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*;

(21) Noise emissions from patrons and amplified music associated with the development shall comply with the following criteria:

- The L₁₀ noise level emitted from the licensed premises shall not exceed 5dB above the background (L₉₀) noise level in any Octave Band Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to midnight, when assessed at the nearest affect residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- The LA₁₀ noise level emitted from the licensed premises shall not exceed the background (LA₉₀) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of midnight and 7.00am, when assessed at the nearest affected residential boundary. The background noise level shall be measured the absence of noise emitted from the licensed premises;
- Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;

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

- (22) That a certificate from an accredited acoustical consultant confirming compliance with the related conditions above, shall be submitted within one month of the commencement of this consent;
- (23) The conditions attached to the current Entertainment Licence shall be adhered to. In this regard, no live entertainment shall be permitted within the ground floor of the premises, without the prior approval of Council and the Licensing Court of New South Wales;
- (24) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (25) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
- (26) That a copy of the approval for the place of public entertainment shall be conspicuously displayed in the place of public entertainment, in accordance with the requirements of Schedule 2 of Local Government (Approvals) Regulation 1993;
- (27) That the capacities for each of the various areas shall not exceed the number shown on the Certificate of Classification;
- (28) That all staff (including management) of the premises be aware of the contents of the Operational Plan of Management submitted with the development application, prepared by Skybar Management, dated June 2000 and that a condition of their employment shall include adherence to those contents at all times;
- (29) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied;

and the following adopted standard conditions;

- (30) Cost of Signposting³⁰²⁶
- (31) Obstruction of Public Way³⁰²⁹
- (32) Delivery of Construction Materials³⁰³²
- (33) Refuse Skips⁶⁰⁰²

GENERAL MANAGER

- (34) Construction Hours⁹¹⁵¹
- (35) Works Within Boundary⁹¹⁵²
- (36) Work on Public Way⁹¹⁵⁴
- (37) Comply With BCA⁹¹⁰⁴
- (38) Construction Certificate Required⁹¹⁵⁵
- (39) Building/Demolition Noise Control⁹¹⁵⁶
- (40) Demolition to Comply With Aust Standard⁹¹⁶³
- (41) Glazing Provisions⁹³³⁰
- (42) Protection of Openings⁹³⁰⁷
- (43) Type of Construction⁹³¹⁹
- (44) Height of Travel Path in Exit⁹⁴⁰³
- (45) Discharge From Exits⁹⁴⁰⁷
- (46) Installations in the Path of Travel to an Exit⁹⁴¹⁴
- (47) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (48) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (49) Coverage of Fire Fighting Equipment⁹⁴²⁸
- (50) Entry to Refrigerator or Cooling Chamber⁹⁴³¹
- (51) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (52) Hose Reels be Installed⁹⁵⁰⁶
- (53) Emergency lighting⁹⁵¹⁸
- (54) Exit signs⁹⁵¹⁹
- (55) Protection of walls and floors in wet areas⁹⁶⁰¹
- (56) Mechanical ventilation⁹⁶¹⁵
- (57) Sanitary facilities for people with disabilities⁹⁶¹⁰
- (58) Separation of Entertainment Area⁹⁷²⁶

- (59) Storage Cupboards Under Required Non-Fire Isolated Stairs⁹⁴¹⁵
- (60) Ramp Gradients⁹⁴¹⁶
- (61) That the hours of the gaming room and the hotel be the same.

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.

3.

COMMONWEALTH STREET, NOS. 106 – 118, SURRY HILLS – CONVERT EXISTING WAREHOUSE TO RESIDENTIAL/COMMERCIAL UNITS WITH GROUND FLOOR PARKING AND ROOFTOP GARDEN - CONTRIBUTION INCLUDED IN CONSENT (U00-00189)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush.

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Baker Kavanagh Architects, with the authority of Matthew Lepouris, to convert Berman House to 15 live/work units, 15 parking spaces, four commercial units and rooftop open space, subject to the following conditions, namely:-
 - (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:

- (a) a plan showing deletion of the proposed rooftop units. The existing caretakers unit may be retained or modified, however the existing height, southern and western boundaries of that caretakers unit shall not be exceeded.
 - (b) a landscape plan for a communal rooftop open space area of at least 294m², showing how access is to be achieved, treatment of the space and how privacy to the adjoining Carlisle building is to be maintained ; and
 - (c) a revised garbage room plan showing how garbage is to be stored and collected in accordance with Council's Waste Minimisation / Management Fact Sheets.
- (2) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 4,603	2E97003.BGY0
Open Space: New Parks	\$23,892	2E97009.BGY0
Accessibility And Transport	\$ 140	2E97006.BGY0
Management	\$ 265	2E97007.BGY0
Total	\$28,901	

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

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

where:

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

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

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

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

Part B

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

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

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

GENERAL MANAGER

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.

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$9,476	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 / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (4) As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:-

Street trees in accordance with Council's Street Tree Masterplan – species *Platanus x hybrida*;

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (5) That, in addition to the plans to be submitted as part of the deferred commencement, the development shall be generally in accordance with the plans labelled A02a (February 2000), A03b (July 2000) and A04a, A06a and A07a (February 2000) except where modified by the conditions of this consent;
- (6) That the proposed hot water system shall be in accordance with the solar/ gas hot water heating system approved to have a minimum 3.5 star rating. Similarly, any clothes dryers installed as part of the development shall have a minimum 3.5 star rating;

Note: an energy compliance certificate shall be required to be submitted to verify compliance with this condition prior to the release of the occupation certificate;

- (7) That the proposal be constructed in accordance with the Energy Efficiency Report No. 241456-001R-0 dated June 2000;
- (8) That the Construction Certificate shall contain each of the insulation features included in the report referred to in Condition 7 above. Such details should be clearly displayed by plan and specification;
- (9) That a sign shall be clearly displayed on the roof top communal open space area advising residents that the area should be vacated by 10pm each evening. Similarly, lighting shall be turned off at this time. This restriction may be varied to 1.00 a.m. up to four occasions per year;
- (10) That the following measures shall be undertaken in restoring the facade of the building:-
 - (a) all work carried out on the significant fabric of the building, including the exterior, is to be carried out under the constant supervision of a suitably qualified and experienced heritage practitioner;
 - (b) the existing external brick finish and concrete cement render finishes are not to be painted or sealed;
 - (c) the painted finish to the ground floor is to be removed under the supervision of a suitably qualified and experienced heritage practitioner, subject to confirmation that the original finish will be retained undamaged;
 - (d) the original painted signage and raised signage within concrete panels is to be retained;
 - (e) the existing neon sign is to be removed;
 - (f) the original 1944 steel windows are to be retained and painted in appropriate colours;
 - (g) details of the proposed external colour scheme are to be submitted. Any addition permitted on the roof is to be in a dark recessive colour;
- (11) That the existing air conditioning units on the external facade of the building shall be removed;

GENERAL MANAGER

- (12) That the opening to the car parking area off Batman Lane shall be widened to six metres to facilitate the entry and exit of vehicles;
- (13) That the premises, in particular internal rooms not provided with adequate natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1668;
- (14) That the carpark shall be ventilated in accordance with AS 1668.1-1998 and AS 1668.2-1991, Section 4;
- (15) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is carried out;
- (16) That all exhaust vents shall be designed to discharge the effluent air in a vertical direction at least one metre above roof level in a position where no nuisance will be created and at least six metres from the boundary of the adjacent allotments and any fresh air intake vents in accordance with AS 1668;
- (17) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to Council at the time of lodgement of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. The Certificate of Performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of ventilation;
- (18) That the noise and vibration from the use and operation of any plant, equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment (Operations) Act, 1997*;
- (19) That the storage and handling of garbage shall comply with the requirements of Council's "Waste Management / Minimisation Fact Sheets";

- (20) That the garbage rooms shall be constructed in accordance with the requirements of Council's "Waste Management / Minimisation Fact Sheets";
- (21) That separate facilities shall be provided and maintained for residential refuse and recyclable materials from domiciles separate from trade waste and excess packaging from businesses;
- (22) 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;
- (23) That separation of classification shall comply with clause C2.8 and C2.9 of the BCA;
- (24) That access for people with disabilities shall be provided in accordance with part D3 of the BCA;
- (25) That natural light and ventilation shall be provided in accordance with part F4 of the BCA;
- (26) That stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (27) That approval for the connection of the stormwater shall be obtained from Council's Public Works and Services Department prior to the work being carried out;

and the following standard conditions:-

- (28) Builders Hoarding Permit¹⁰⁰⁸
- (29) Alignment Levels¹⁰¹⁶
- (30) Resident Parking Access plus Notice³⁰⁰¹
- (31) Cost of Signposting³⁰²⁶
- (32) Footway Crossing³⁰²⁸
- (33) Obstruction of Public Way³⁰²⁹
- (34) Delivery of Construction Materials³⁰³²
- (35) Stormwater Standard⁴⁰⁰¹

GENERAL MANAGER

- (36) Clean Water Discharge⁴⁰⁰²
- (37) Construction Hours⁹¹⁵¹
- (38) Works Within Boundary⁹¹⁵²
- (39) Work on Public Way⁹¹⁵⁴
- (40) Refuse Skips⁶⁰⁰²
- (41) Landscape Plan⁵⁰⁰¹
- (42) Preserve Existing Trees⁵⁰⁰⁶
- (43) Street Trees⁵⁰⁰⁸
- (44) On Slab Planting⁵⁰¹³
- (45) Maintenance of Landscaping⁵⁰¹⁴
- (46) Final Inspection⁵⁰¹⁵
- (47) Air Handling - Food⁷⁰²²
- (48) Air Handling⁷⁰²⁵
- (49) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (50) Emissions⁷⁰⁰⁴
- (51) Construction Noise⁷⁰⁰⁸
- (52) Sewer Discharge⁸⁰⁰⁴
- (53) Fitout of Food Premises⁷⁰²⁰
- (54) Number of toilets to be provided⁹⁶⁰⁸
- (55) Sanitary and clothes washing facilities⁹⁶⁰⁹
- (56) Dangerous Goods⁷⁰⁶⁰
- (57) Trade Waste⁷⁰⁶⁵
- (58) Garbage on Public Way⁶⁰⁰¹
- (59) Commercial Garbage Storage⁶⁰⁰⁴

GENERAL MANAGER

- (60) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:-
- (a) Protection of Openings⁹³⁰⁷
 - (b) Doorways in Fire-Isolated Stairways⁹³¹¹
 - (c) Enclosing Walls in Fire-Isolated Stairways⁹³¹³
 - (d) Protection of Openings in Lift Shafts⁹³¹⁴
 - (e) Fire Doors to Sole-Occupancy Units⁹³¹⁵
 - (f) Service Access Openings in Walls⁹³¹⁷
 - (g) Services Passing Through a Floor⁹³¹⁸
 - (h) Type of Construction⁹³¹⁹
 - (i) Incipient Ceilings Below a Roof⁹³²⁰
 - (j) Protection of Roof Lights⁹³²¹
 - (k) Material and Lining Fire Hazard Properties⁹³²⁷
 - (l) Material and Lining Fire Hazard Properties⁹³²⁸
 - (m) Redesign of Floor Layout Regarding Exit Travel Distances⁹⁴⁰²
 - (n) Height of Travel Path in Exit⁹⁴⁰³
 - (o) Discharge From Exits⁹⁴⁰⁷
 - (p) Construction of Fire-Isolated Stairways/Ramps⁹⁴¹⁰
 - (q) Installations in the Path of Travel to an Exit⁹⁴¹⁴
 - (r) Width of Stairs and Vertical Clearance⁹⁴¹⁸
 - (s) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
 - (t) Altering Exit Door in the Direction⁹⁴²²
 - (u) Portable Fire Extinguishers be Installed⁹⁵⁰¹

- (v) Hose Reels be Installed⁹⁵⁰⁶
- (w) Hydrants be Installed⁹⁵⁰⁷
- (x) Alterations to sprinkler system⁹⁵⁰⁹
- (y) Installation of sprinkler system⁹⁵¹⁰
- (z) Emergency lighting⁹⁵¹⁸
- (aa) Exit signs⁹⁵¹⁹
- (bb) Directional signs⁹⁵²⁰
- (cc) Fire detection and alarm system⁹⁵²²
- (dd) Protection of walls and floors in wet areas⁹⁶⁰¹
- (ee) Clothes washing and drying facilities⁹⁶⁰³
- (ff) Damp and weather proofing⁹⁶⁰⁶
- (gg) Caretaker's toilet⁹⁶⁰⁷
- (hh) Ceiling heights of rooms or spaces⁹⁶¹²
- (ii) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (jj) Sound transmission classes of walls⁹⁶¹⁷
- (kk) Sound transmission classes of walls dividing wet areas⁹⁶¹⁸
- (ll) Sound transmission classes of floors⁹⁶¹⁹
- (mm) Construction of External Walls for Dampness⁹⁶²³
- (nn) Structural Design Certificate⁹⁰⁰⁶
- (oo) Issue of Occupation Certificate⁹¹⁰¹
- (pp) Comply With BCA⁹¹⁰⁴
- (qq) Hours of Work and Use of Cranes⁹¹⁵³
- (rr) Construction Certificate Required⁹¹⁵⁵
- (ss) Building/Demolition Noise Control⁹¹⁵⁶

GENERAL MANAGER

(tt) Maintain Existing Building in a Stable Condition⁹¹⁵⁷

(uu) Demolition to Comply With Aust Standard⁹¹⁶³

(vv) Glazing Provisions⁹³³⁰

(ww) Flashings to Boundary Walls⁹⁶²⁵

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

It was moved by Councillor Lennon, seconded by Councillor Furness that the application be refused .

Amendment negatived.

Motion, carried

(Councillor Lennon requested that he name be recorded as voting against the foregoing motion).

4.

MACLEAY STREET, UNIT 38, NO. 123, POTTS POINT – INTERNAL ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U00-00345)

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr Rollin Schlict, with the authority of Franconia Pty Ltd, for permission to delete Condition 4 only of the original consent, namely:-

4. That a nib of the wall between the existing living room and bedroom shall be retained.

(B) That the Director of Planning and Building prepare a report to Council, regarding the removal of non-structural multiple walls in residential premises.

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

Carried.

GENERAL MANAGER

5.

MACLEAY STREET, UNIT 22, NO. 123, POTTS POINT – INTERNAL ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U00-00350)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Rollin Schlict, with the authority of Franconia Pty Ltd, for permission to delete Condition 4 only of the original consent, namely:-
- (4) That a nib of the wall between the existing living room and bedroom shall be retained.
- (B) That a further report be submitted to Council on the question of State Strata Legislation which requires 75% Body Corporate board approval being incorporated in the determination of Development Applications submitted to Council.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

6.

PLANNING – RETAIL AND COMMERCIAL POLICY – QUESTION WITHOUT NOTICE – COUNCILLOR BUSH (2021991)

Deferred for further report on the opportunities to change State Regulation convening the change of use of shops on Commercial Streets.

Carried

7.

RAILWAY PARADE, NOS. 127 – 143, ERSKINEVILLE – SECTION 96 MODIFICATION APPROVAL – DEVELOPMENT APPLICATION (U97-00148)

- (A) That the Council as the responsible authority refuses to grant its consent under the Environmental Planning and Assessment Act, 1979, for permission to modify the development application for the erection of residential units, with basement level carparking, to demolish the chimney and replace it with landscaping, for the following reasons:-
- (1) That the applicant has failed to supply sufficient evidence to establish that the existing chimney cannot be retained.

GENERAL MANAGER

- (2) That the applicant has not appeared to have explored options for the retention of the chimney.
 - (3) That demolition of the chimney would not be in the public interest.
 - (4) That demolition of the chimney would result in an unsatisfactory loss of a remnant of the industrial past of the locality.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision;
- (C) That Council would reconsider its position should undeniable evidence be produced to suggest that retention of the chimney would pose a risk to public safety.

Carried.

8.

ELIZABETH STREET, NO. 573, REDFERN – USE PART OF GROUND FLOOR OF PREMISES AS ESCORT AGENCY – DEVELOPMENT APPLICATION (U00-00517)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr J & Mrs A Traunwiesier (owners) for permission to use part of the ground floor as an escort agency with operating hours 10.00am to 2.00am Monday to Sunday at 1/573 Elizabeth Street, Redfern, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plan numbered 2, stamped 25 August 2000 for use of two rooms at the rear of the ground floor of 1/573 Elizabeth Street as an escort agency;
 - (2) That no commercial sex shall take place on the premises;
 - (3) That the hours of operation of the escort agency shall be restricted to between 10.00am and 2.00am Mondays to Sundays inclusive;
 - (4) That ancillary staff (ie sex workers and drivers) shall attend the premises between the hours of 10.00am and 9.00pm only;
 - (5) That the escort agency shall operate in accordance with the Plan of Management submitted as part of the

GENERAL MANAGER

development application held on the DA file and stamped 00517/00, 29 August 2000. Any modification to the procedures detailed in the Plan of Management requires written approval of Council prior to modifying any procedures;

- (6) That there shall be no signage advertising the escort agency;
- (7) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:-
 - (a) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (c) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
 - (d) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (e) That the ceiling beneath the first floor of the premises shall be constructed of material having resistance to the incipient spread of fire of one hour;
 - (f) That the office at ground floor level shall be separated from residential entry area by construction having a minimum fire resistance level of 60/60/60;

and the following adopted standard conditions:-

- (8) Sanitary Facilities⁷⁰¹⁶

- (9) Trade Waste⁷⁰⁶⁵
- (10) Ventilation⁷⁰²³
- (11) Comply With BCA⁹¹⁰⁴
- (12) Construction Certificate Required⁹¹⁵⁵
- (13) Comply With the WorkCover Authority⁹¹⁰⁵
- (14) Construction Hours⁹¹⁵¹
- (15) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (16) Glazing Provisions⁹³³⁰
- (17) That the proprietor shall provide written information in pamphlets and brochures for sex workers and clients on sexually transmitted diseases in a variety of languages including those of any sex workers who have difficulty communicating in/and or reading the English language

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.

9.

SOUTH DOWLING STREET, NO. 561, SURRY HILLS – ERECT BALCONY TO REAR OF DWELLING (U00-00842)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness.

- (A) That the Council as the responsible authority, grants its consent to the application submitted by Mr G and Mrs R Arpadi (owners) for the construction of a rear balcony subject to the following conditions; namely:-

GENERAL MANAGER

- (1) That the development shall be generally in accordance with the plans numbered 00842/00 and date stamped 20 July 2000, except where amended by conditions and the plans numbered 00842/00 and date stamped 29 August 2000.
- (2) That the balcony shall not be covered.
- (3) That the balcony balustrade shall be fixed permanently in position to align with the rear building line of 559 South Dowling Street as indicated on the approved plans
- (4) That railings shall be constructed of timber.
- (5) That the railings shall not project more than 800mm above the side boundary wall.
- (6) That a 1.8 metre privacy screen constructed of fixed timber louvers shall be fitted to the northern side of the balcony.
- (7) That balustrades shall comply with part 3.9.2 of the BCA;

and the following adopted standard conditions:

- (8) Obstruction of Public Way³⁰²⁹
- (9) Delivery of Construction Materials³⁰³²
- (10) Refuse Skips⁶⁰⁰²
- (11) Construction Hours⁹¹⁵¹
- (12) Works Within Boundary⁹¹⁵²
- (13) Work on Public Way⁹¹⁵⁴
- (14) Structural Design Certificate⁹⁰⁰⁶
- (15) Comply With BCA⁹¹⁰⁴
- (16) Notification of Contractors Licence Details⁹¹¹⁰
- (17) Construction Hours⁹¹⁵¹
- (18) Works Within Boundary⁹¹⁵²
- (19) Construction Certificate Required⁹¹⁵⁵
- (20) Building/Demolition Noise Control⁹¹⁵⁶

(21) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹

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

- (B) That the Council shall take no further action to remove the unauthorised doorway subject the following conditions:
 - (1) That the doorway shall be permanently fixed and non-openable until the balcony is erected.
- (C) That the persons who made representations in respect of the proposal be advised of the Council's decision.
- (E) That Council investigate the legality of building work and land uses on the two adjoining properties.

Carried.

10.

REGENT STREET, NO. 191, REDFERN – CONSTRUCT REAR ADDITION TO SHOP RESIDENCE CONTAINING TWO BEDROOMS, KITCHEN AND ENSUITE BATHROOMS (U00-00582)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush.

- (A) That the Council as the responsible authority refuses to grant its consent to the application submitted by Mr Carlos Li (Owner), for rear additions to the additions to the rear of the property to contain rooms with ensuites and a kitchen for the following reasons:-

GENERAL MANAGER

- (1) The internal amenity of the proposed rooms is unacceptable and does not comply with Section 5.1 of DCP 1997.
 - (2) The additional occupants and building would unacceptably compound the current poor quality of open space;
 - (3) The approval of the application may facilitate the continuation of another use of the premises.
 - (4) Council cannot approve structures that have already been built.
- (B) That the unauthorised structure shall be demolished within 28 days following the date of determination .
- (C) That the suspected unauthorised use of the premises at 189-193 Regent Street shall be investigated.
- (D) That the persons who made representations in respect of the proposal be advised of the Council's decision.
- (E) That Council investigate the legality of building work and land uses on the two adjoining properties.

Carried.

11.

BROWN STREET, NO. 44, NEWTOWN – CONVERSION OF DWELLING TO 23 BEDROOM BOARDING HOUSE INCLUDING FIRST FLOOR ADDITION TO EXISTING DWELLING AND TWO STOREY PLUS PARKING ADDITION AT REAR OF PROPERTY WITH PARKING BELOW – DEVELOPMENT APPLICATION (U00-00451)

- (A) That the Council as the responsible authority refuses to grant its consent under the NSW Environmental Planning and Assessment Act to the development application submitted by Cracknell & Lonergan Architects, with the authority of Mr Y. and Mrs S. Eissa for change of use to 23 bedroom boarding house including first floor addition to existing dwelling and 2 storey plus parking addition at rear of property at 44 Brown Street, Newtown for the following reasons:-
- (1) The proposal is inconsistent with Clause 12 – objective 1(c) of LEP 1998 in respect to character and amenity of the surrounding built environment;

GENERAL MANAGER

- (2) The proposal is contrary to Clauses 22, 23 and 24 of LEP 1998 in respect to heritage;
 - (3) The proposal exceeds the maximum permissible height limit of 6m, specified in Part E of DCP 1997 – Urban Design;
 - (4) The proposal exceeds the maximum permissible FSR limit of 1:1, specified in Part E of DCP 1997 – Urban Design;
 - (5) The design of the building is of a bulk and scale that is excessive;
 - (6) The number of bedrooms in comparison to the provision of indoor communal space is considered to be too intensive;
 - (7) The proposal does not provide sufficient parking facilities in accordance with DCP No.11 – Transport Guidelines for Development;
 - (8) The application has not provided a management plan;
 - (9) The proposal would have a detrimental impact on the existing significant Brush-box tree;
 - (10) Approval of the application 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.

12.

PRINCESS AVENUE, NO. 1, ROSEBERY – ERECT FIRST FLOOR ADDITION TO DWELLING (U00-00609)

- (A) That the Council as the responsible authority, grants its deferred commencement consent pursuant to Section 80(3) of the NSW Environmental Planning and Assessment Act to the application submitted by Mr John Lee of JKL Design with the authority of Emmanuel Syros for the construction of a first floor addition to a residential terrace subject to the following conditions; namely:-
- (1) That, the consent shall not operate until the applicant has provided details responding to the following matters which shall be submitted within three months of the date of this

GENERAL MANAGER

deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate:-

- (a) That the driveway access to the site shall not exceed 3 metres in width as indicated on the plans;
 - (b) That the height of the proposed entry gates/roller shutter door shall not exceed 3 metres as measured from the existing ground level to the highest point on the structure;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing 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 \$920, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the development shall be generally in accordance with the plans numbered 00609/00 date stamped 14 July 2000 as amended by the plans numbered 00609/00 date stamped 25 August 2000.
 - (5) That the deck and proposed door shall be deleted as indicated on the approved plans with the replacement windows to be timber framed and vertically proportioned.
 - (6) That the rear carspace shall not be covered;
 - (7) That the first floor front doors shall be timber framed;
 - (8) That clothes washing facilities shall be provided in accordance with the requirements of Part 3.8.2 of the BCA;

GENERAL MANAGER

- (9) That structural certificates justifying the capacity of the existing structure to carry the proposed new loads shall be submitted from a registered structural engineer and approval granted prior to the commencement of the work;

and the following adopted standard conditions-

- (10) Natural light and ventilation⁹⁶¹³
- (11) Obstruction of Public Way³⁰²⁹
- (12) Delivery of Construction Materials³⁰³²
- (13) Stormwater Standard⁴⁰⁰¹
- (14) Refuse Skips⁶⁰⁰²
- (15) Construction Hours⁹¹⁵¹
- (16) Works Within Boundary⁹¹⁵²
- (17) Work on Public Way⁹¹⁵⁴
- (18) Protection of External Walls⁹³²³
- (19) Separation of Class One Walls⁹³²⁴
- (20) Sarking Material Flammability Index⁹³²⁵
- (21) Stairs and Balustrades⁹⁴¹⁹
- (22) Smoke alarms⁹⁵²³
- (23) Protection of walls and floors in wet areas⁹⁶⁰²
- (24) Ceiling heights of rooms⁹⁶¹¹
- (25) Natural light and ventilation⁹⁶¹³
- (26) Construction of External Walls for Dampness⁹⁶²⁴
- (27) Survey Certificate at Completion⁹⁰⁰²
- (28) Structural Design Certificate⁹⁰⁰⁶
- (29) Comply With BCA⁹¹⁰⁴
- (30) Walls Not to be Built as Party Walls Unless Consent Obtained⁹¹⁰⁸

GENERAL MANAGER

- (31) Notification of Contractors Licence Details⁹¹¹⁰
- (32) Construction Hours⁹¹⁵¹
- (33) Works Within Boundary⁹¹⁵²
- (34) Construction Certificate Required⁹¹⁵⁵
- (35) Building/Demolition Noise Control⁹¹⁵⁶
- (36) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (37) Glazing Provisions⁹³³⁰
- (38) Flashings to Boundary Walls⁹⁶²⁵

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 the Council's decision.

Carried.

13.

PORTMAN STREET, NO. 48, ZETLAND – ERECT FIRST FLOOR REAR ADDITION (U00-00565)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt.

That the application be deferred to allow the applicant to submit amended plans which would bring the bulk of the proposed extension to the front of the existing dwelling.

Carried.

14.

DARLINGHURST ROAD, NO. 118A, DARLINGHURST – USE OF EXISTING VACANT SITE FOR THE PURPOSE OF A 54 SPACE CAR PARK – DEVELOPMENT APPLICATION (U00-00543)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush.

(A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 and Section 68 of the Local Government Act, 1993 to the development application submitted by Grimes Parking Pty Ltd, with the authority of Anglican Diocese of Sydney Property Trust, for permission to use 118A Darlinghurst Road, Darlinghurst as 54 space valet carpark, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans titled 'amendment 1' and stamped as approved by Council;
- (2) That the use shall cease after a period of 2 years from the date of commencement;
- (3) That electronic signs shall be provided inside the site to warn drivers of when the carpark is full;
- (4) That signposting for small cars only usage is required where the aisle width adjacent to a carspace is less than 5.6m;
- (5) That prior to commencement of the use, the applicant shall plant shrubs or install planter boxes along both street frontages occupying at least 5m of each frontage;
- (6) That at no time shall the pedestrian footway be blocked or pedestrian use of the footway be impeded as a result of the proposed development;

GENERAL MANAGER

- (7) That all set-down type kerbed vehicular accesses shall be removed and replaced by standard splayed lay-backs prior to commencement of the use;
- (8) That the hours of operation shall be restricted to between 7.00 a.m. and 11.00 p.m. Mondays to Thursdays; 7.00 a.m. and 1.00 a.m. Fridays and Saturdays; and 8.00 a.m. and 1.00 p.m. Sundays;
- (9) That one valet attendant shall be employed at the site at all times;
- (10) That the applicant shall accept responsibility for all costs associated with the design, construction, alteration, adjustment, relocation or restoration of any works on the public way including kerb, gutter, pavement, footpath paving, landscaping, drainage and public utility services. The reinstatement of any damaged kerb and gutters shall be in materials similar to those existing. Such works shall be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (11) That the applicant shall relocate the parking meters located in laybacks and shall accept responsibility for all costs associated with such works;

and the following adopted standard conditions:-

- (12) Alignment Levels¹⁰¹⁶
- (13) Footway Crossing³⁰²⁸
- (14) Obstruction of Public Way³⁰²⁹
- (15) Delivery of Construction Materials³⁰³²
- (16) Refuse Skips⁶⁰⁰²
- (17) Construction Hours⁹¹⁵¹
- (18) Works Within Boundary⁹¹⁵²
- (19) Work on Public Way⁹¹⁵⁴

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,

GENERAL MANAGER

including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

NOTE: No credits for the carpark spaces shall be granted to any future development as a result of this approval. Further, this approval does not form a precedent for a future development where valet parking is not provided.

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

It was moved by Councillor Lennon, seconded by Councillor Furness, that the motion be amended by the addition of a Clause (C) to the recommendation namely:-

- (C) That Council confirms its intention to provide open space in the North Ward and this site be considered.

Motion, as amended by consent, carried.

Carried.

15.

MACLEAY STREET, NOS. 91 – 93C, POTTS POINT – ALTERATIONS AND ADDITIONS TO MIXED USE BUILDING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U00-00675)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt.

- (A) That Council as the responsible authority grants its deferred commencement consent to the Development Application under the Environment Planning and Assessment Act, 1979, to the development application submitted by Hokin Design Group Architects, with the authority of Kimberley Securities, for permission to carry out alterations and additions to the building, subject to the following conditions:-
- (1) That this deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, shall not operate until the following information has been submitted to the satisfaction of the Director of Planning and Building:-

GENERAL MANAGER

- (2) 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 \$60, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (a) A detailed landscape plan and specification for the rooftop open space areas, prepared by a qualified Landscape Architect or designer that shall nominate the following:-
- (i) an outdoor drying area for communal use;
 - (ii) soft screen landscaping on the southern edge of the roof with plants that shall not exceed a mature height of 1.8m;
 - (iii) planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 5 litres for shrubs) and irrigation and drainage;
 - (iv) furniture and screening;
 - (v) floor finishes; and
 - (vi) construction details.
- (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount Account
Open Space: LGA Works Programme 2E97003.BGY0	\$599
Open Space: New Parks 2E97009.BGY0	\$2925
Accessibility And Transport 2E97006.BGY0	\$ 17
Management 2E97007.BGY0	\$ 48
Total	\$3,589

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

GENERAL MANAGER

contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

C is the original contribution amount as shown above;

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

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

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

Payment shall be made before the release of the approved building plans.

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

Part B

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

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

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

GENERAL MANAGER

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	\$895	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

GENERAL MANAGER

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

- (5) That the development shall be generally in accordance with plans numbered A01H, A02E, A03E dated 13 June 2000, as amended by the following conditions of consent with such amendments being indicated in red on the approved plans:
- (a) That the private open space areas on the roof shall be deleted;
 - (b) That the unauthorised windows that have been installed in the western elevation of the centrally located unit on level 2 and the 6 centrally located units on levels 3 and 4 shall be removed. Balconies shall be reinstated to these units and shall have minimum dimensions to match those of the balcony proposed for the centrally located unit on level 2 As indicated on the plans numbered A02 dated 13 June 2000;
 - (c) That screening, with a minimum height of 1.8m, shall be erected on level 2 between each of the terrace areas and along the edges of the terrace areas located adjacent to the northern and southern boundaries;
 - (d) That screening, with a minimum height of 1.6m shall be erected on the western edge of all terrace areas and the inner edges of the 2 central terrace areas on level 2.

Details in this regard shall be indicated on plans submitted with the construction certificate.

- (6) That all of the conditions of the following development consents shall be complied with, unless otherwise stated;
- (a) the Land and Environment Court consent dated 8 October 1998 (File No. U97-00179) for the addition of 3 residential floors to the existing shopping

GENERAL MANAGER

arcade with the exception of conditions 1(a) – (c) and 2;

- (b) Council's consent dated 30 August 1999 (File No. U99-00649) for alterations to the façade design, with the exception of condition 3;

Which are to be superseded by condition 4 (a) to (c) above;

- (7) 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.

The reason for the 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.

Carried.

16.

MOUNTAIN STREET, NOS. 35 – 39, ULTIMO – LANGUAGE AND SENIOR SCHOOL – DEVELOPMENT APPLICATION (U00-00499)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by the Sydney College of English with the authority of F&B Investments Pty Ltd to operate an English Language and Senior School on the third floor, subject to the following conditions:
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
 - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service

GENERAL MANAGER

Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$80, 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 Council endorsed plans numbered DA-01 and DA-02, dated May 2000;
- (4) That the hours of operation shall be restricted to between 8.30 am and 9.00 pm Monday to Friday, between 9.00 am and 5.00 pm Saturday and between 10.00 am and 4.00 pm Sunday;
- (5) No classroom operation shall occur on Public Holidays;
- (6) That the three southeastern classrooms facing on to Mountain Lane shall only operate between 8:30am and 6:00pm Monday to Friday.
- (7) That the total maximum number of students for the Language and Senior School shall be 500 students. Any increase in these numbers will require a development application to Council;
- (8) Fixed translucent blinds shall be erected on the southeastern windows, to prevent overlooking from classrooms.
- (9) That a cigarette butt receptacle shall be placed adjacent to the entrance within the entry on Mountain Street during operating hours;
- (10) That the entry area shall be kept clear of litter and cigarette butts;
- (11) That a sign shall be placed adjacent to the entrance within the entry on Mountain Street requesting that students do not congregate on the footpath;
- (12) That a minimum of 2 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m OR 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (13) 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 Operation Act, 1997.

- (14) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council’s workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (15) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (16) 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;
- (17) 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;
- (18) That only refuse skips by approved suppliers who comply with Council’s Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council’s One Stop Shop for a list of approved suppliers);
- (19) 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);
- (20) That all proposed work shall be wholly within the boundaries of the site;

GENERAL MANAGER

- (21) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (22) This approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building.
- (23) 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);

- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (25) That the demolition work shall comply with Australian Standard 2601-1991;
- (26) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (27) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (28) That the efficient coverage and operation of any fire fighting equipment or egress requirements shall not be impaired by the partitioning layout;
- (29) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (30) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (31) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;

GENERAL MANAGER

- (32) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (33) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (34) That smoke hazard management provision is required complying with Specification E2.2a of the Building Code of Australia.
- (35) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (36) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (37) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (i) all required mechanical ventilation systems;

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

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

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

GENERAL MANAGER

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

Carried.

17.

GEORGE STREET, NOS. 198 – 208, ERSKINEVILLE – ERECTION OF 9 TWO STOREY TERRACE HOUSES ABOVE BASEMENT LEVEL CAR PARKING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U00-00625)

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Woodhouse & Danks Architects Pty Ltd, with the authority of Tian Tong Australia Pty Ltd, for permission to demolish existing structures, excavation of the site for the purpose of basement level carparking and the erection of 9 x 2 storey terrace houses, comprising 7 x 2 bedroom dwellings and 2 x 3 bedroom dwellings at 198-208 George Street, Erskineville, subject to the following conditions, namely:-
- (1) That the development shall generally be in accordance with plans numbered A-01-A, A-02-B, A-03-A, A-04-B, A-05-A and A-06, all dated May 2000 and drawn by GP of Woodhouse & Danks Architects Pty Ltd, dated July 2000 and Statement of Environmental Effects dated 29 May, 2000 prepared by Woodhouse & Danks Architects Pty Ltd, except where varied by any of the following conditions;
 - (2) That the bulk of the development at the rear be reduced by the main roof of the building being pitched from the front external wall facing George Street to the internal wall dividing the bathroom and the stair at first floor level;
 - (3) That the remainder of the roof form to be a skillion roof (of minimum pitch of 7.5°) sloping toward the rear external wall of the building;
 - (4) The parapet over that part of the building above the driveway shall be reduced by 1.2 metres, with the resultant parapet matching the height of the parapets for the remaining terraces on the site;
 - (5) Part A

GENERAL MANAGER

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	\$2,990 .00	2E97003.BGY0
Open Space: New Parks	\$14,628.70	2E97009.BGY0
Accessibility And Transport Management	\$88.60	2E97006.BGY0
	\$238.00	2E97007.BGY0
Total	\$17,945.30	

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 - June 99/00.

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

GENERAL MANAGER

detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

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

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

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

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

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

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

- (6) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental

GENERAL MANAGER

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	\$4467	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 certificate.

- (7) As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:

four street trees to be located at a spread of approximately 10 metres along the frontage of the site. The trees are to be of a species approved by Council, of 75 litre container size, a minimum of 75mm capacity and planted prior to release of the occupation certificate

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it

GENERAL MANAGER

relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (8) That the semi-circular elements shall be deleted from the front fences and replaced with a simpler palisade type;
- (9) Compliance with the recommendations of the Acoustic report prepared by Arup Acoustics, dated 16 August, 2000;
- (10) That the building attain a minimum NatHERS Energy Star Rating of at least 3. A report demonstrating how this is to be achieved shall be submitted to Council;
- (11) That one parking space shall be deleted from the basement carparking area;
- (12) That stormwater drainage shall not be directed to the State Rail corridor;
- (13) The plan referred to in Condition 10 shall be accompanied by a report by a suitably qualified arborist which displays how the landscaping will minimise the visual and aural impact of the adjoining rail corridor and to prevent persons from entering into the rail corridor;
- (14) Suitable temporary fencing shall be erected around the full perimeter of the site during demolition, excavation and construction to ensure that persons are not able to gain access to the adjoining rail corridor. Details to be submitted prior to approval of the construction certificate;
- (15) That the developer shall liaise with and comply with all reasonable requirements of State Rail during excavation and construction, including carrying out a geotechnical investigation as to the integrity of the embankment adjoining the site, to ensure stability of the rail corridor. Evidence of such to be submitted to the satisfaction of the Director of Planning & Building;
- (16) Details of the type of fencing proposed within the rear yards of the terraces shall be submitted for Council's approval, prior to release of the construction certificate. In

GENERAL MANAGER

this regard, standard 1.8 metres high timber paling fences are considered the most appropriate;

- (17) The carpark shall be ventilated in accordance with the requirements of AS1668.2 - 1991, section 4.4;
- (18) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$9,075 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;
- (19) 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 \$2,050 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (20) That a certificate under Section 743 of the Water Board (Corporatisation) Act 1994 in respect of the approved development shall be submitted to Council prior to release of the Occupation certificate.
- (21) That plans and specifications demonstrating compliance with the nominated standards and requirements for the car park ventilation systems of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate;

and the following adopted standard conditions:-

- (22) Landscape Plan⁵⁰⁰¹
- (23) Ventilation⁷⁰²³
- (24) Car Park Ventilation⁷⁰²⁹
- (25) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (26) Street Number Application¹²³

GENERAL MANAGER

- (27) Builders Hoarding Permit¹⁰⁰⁸
- (28) Alignment Levels¹⁰¹⁶
- (29) Resident Parking Access³⁰⁰¹
- (30) Cost of Signposting³⁰²⁶
- (31) Footway Crossing³⁰²⁸
- (32) Obstruction of Public Way³⁰²⁹
- (33) Stormwater Standard⁴⁰⁰¹
- (34) Clean Water Discharge⁴⁰⁰²
- (35) Refuse Skips⁶⁰⁰²
- (36) Construction Hours⁹¹⁵¹
- (37) Works Within Boundary⁹¹⁵²
- (38) Work on Public Way⁹¹⁵⁴
- (39) Demolition to Comply With Aust Standard⁹¹⁶³

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

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

- (B) That the applicant be advised that State Rail reserves the right to access the easement burdening the rear of the site and any additional costs to State Rail as a result of the erection of by structures over the easement must be borne by the developer.
- (C) That State Rail be advised in writing of Council's decision.

Carried.

GENERAL MANAGER

18.

MASTERPLAN FOR SITES INCLUSIVE OF NOS. 741 – 753 BOTANY ROAD, NO. 5 QUEEN STREET AND NOS. 94 – 100 DUNNING AVENUE, ROSEBERY (2001438)

- (A) That Council advise the proponents of the Masterplan prepared by ARC Architects and BBC Consulting Planners for the property known as 741-753 Botany Road, 5 Queen Street and 94-100 Dunning Avenue, Rosebery, for mixed use development comprising demolition of the existing warehouse buildings, ground level commercial floor space and 277 residential units above basement car parking, that while the general principles and concept of the Masterplan are supported, subject to the following recommendations:-
- (1) That further discussions take place between the proponent and Council officers to refine the public domain improvements proposed in return for floor space bonus on the site and that a detailed cost of works be submitted for endorsement prior to the issue of development consent for the site;
 - (2) That the proponent be advised that a further 1.5 metre setback from the current road reservation is required to be dedicated along the Botany Road frontage of the site to enable facilitation of necessary transport routes, and that this would be considered as contributing towards the public domain and floor space bonus;
 - (3) That a 3.5 metre splay shall be required on the corner of Morley Avenue and Botany Road. Such splay shall be required to be dedicated to Council and may form part of the bonus floor space for the site;
 - (4) That the proponent be advised that dedication of the required road widening on the southern corner of the site (Botany Road and Queen Street) may require further consultation with the RTA and Council in terms of acceptance as part of the bonus element;
 - (5) That the height of the building on the north-west corner of the site (Queen Street and Dunning Avenue) be reduced to a maximum of 4 storeys plus attic level;
 - (6) That the proponent be advised that a minimum separation distance of 12 to 14 metres shall be maintained between the Queen Street building and that building backing onto the Dunning Street car park entry;

GENERAL MANAGER

- (7) That the proponent be advised that open space and landscaping of the site should make provision for a minimum 25% for deep soil planting in accordance with the requirements of DCP 1997;
 - (8) That the proponent be advised that a Transport Assessment shall be submitted with a development application for the site;
 - (9) That the proponent be advised that car parking, bicycle parking and servicing requirements for the site shall comply with Development Control Plan No.11 – Transport Guidelines;
 - (10) That a Local Drainage Management Plan shall be required to be submitted with a development application for redevelopment of the site;
 - (11) That the proponent be advised that further site remediation works may be required, depending upon the type of residential development intended for the site, to ensure site suitability for the use. This will require the submission of a further Site Audit Statement by an independent EPA accredited auditor;
 - (12) That the proponent be advised that a greater mix of uses should be provided on the site, in keeping with the objectives of the Mixed Uses 10 zone under LEP 1998 and the provisions of DCP 1997;
 - (13) That the applicant be advised that the proposed residential unit mix should more closely reflect the requirements of Part D – Social Planning Design Criteria of DCP 1997;
- (B) That the proponent be advised that the endorsed Masterplan does not apply to that area of the site affected by the proposed rezoning until such time as the draft instrument is gazetted.
- (C) That Council advise those people who made representations in respect of the matter.

Carried.

19.

WILSON STREET, NO. 45, NEWTOWN – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION- CONTRIBUTION INCLUDED IN CONSENT (U00-00539)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay.

(A) That the Council grants its deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Thomas Rivard, for alterations and additions and the erection of a new dwelling house on land known as 45 Wilson Street, Newtown, subject to the following conditions:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within six months of the date of this deferred commencement consent and shall be approved in writing to the Director of Planning and Building prior to lodging an application for a Construction Certificate;
 - (a) That the opening to the ground floor front window is not to be widened but the sill may be widened to floor level;
 - (b) That the doors at the first floor balcony are to be restored or reconstructed to the existing detail;
 - (c) That the restoration of the first floor balcony, balustrade and roof is to match the original details;
 - (d) That the existing brick front fence is to be retained;
- (2) That the development shall generally be in accordance with plans numbered 5-8 of 8, inclusive, 1 of 2, 3 of 4 and diagrammatic section, dated July 2000 and drawn by Thomas A Rivard, except where varied by any of the following conditions;
- (3) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant requirement can be satisfied;

and the following adopted standard conditions:-

GENERAL MANAGER

- (4) Section 94 - Not Green Square²⁷
- (5) Section 94 Contributions - Admin Centre²³
- (6) Building Damage and Encroachment Deposit¹
- (7) Long Service Leave Levy²
- (8) Builders Hoarding Permit¹⁰⁰⁸
- (9) Alignment Levels¹⁰¹⁶
- (10) Footway Crossing³⁰²⁸
- (11) Obstruction of Public Way³⁰²⁹
- (12) Delivery of Construction Materials³⁰³²
- (13) Stormwater Standard⁴⁰⁰¹
- (14) Refuse Skips⁶⁰⁰²
- (15) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (16) Survey Certificate at Completion⁹⁰⁰²
- (17) Structural Design Certificate⁹⁰⁰⁶
- (18) Drainage Details with Construction Certificate⁹⁰¹³
- (19) Comply With BCA⁹¹⁰⁴
- (20) Comply With the WorkCover Authority⁹¹⁰⁵
- (21) Construction Hours⁹¹⁵¹
- (22) Works Within Boundary⁹¹⁵²
- (23) Work on Public Way⁹¹⁵⁴
- (24) Construction Certificate Required⁹¹⁵⁵
- (25) Building/Demolition Noise Control⁹¹⁵⁶
- (26) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (27) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (28) Commencement of Structural Works⁹²⁰²

GENERAL MANAGER

- (29) Protection from Termites⁹²⁰³
- (30) Glazing Provisions⁹³³⁰
- (31) Natural light and ventilation⁹⁶¹³
- (32) Protection of External Walls⁹³²³
- (33) Protecting of Rooflights⁹³²⁶
- (34) Stairs and Balustrades⁹⁴¹⁹
- (35) Smoke alarms⁹⁵²³
- (36) Protection of walls and floors in wet areas⁹⁶⁰²
- (37) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (38) Damp and weather proofing⁹⁶⁰⁵
- (39) Ceiling heights of rooms⁹⁶¹¹
- (40) Natural Light and Ventilation/Skylights⁹⁶¹⁴
- (41) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (42) That the sill height of the three clear glass, aluminium - framed windows on the southern facade at the rear building increased to 1800 mm.

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.

Carried.

20.

PLANNING - TAYLOR SQUARE - DRAFT MASTER PLAN AND DRAFT DEVELOPMENT CONTROL PLAN - RESPONSE TO THE PUBLIC EXHIBITION (2020343)

That arising from consideration of a report by the Director of Planning and Building dated 5 September 2000, it be resolved that Council:-

GENERAL MANAGER

- (1) Undertake a study of traffic, parking , transport, pedestrian and bicycle arrangements in the Taylor Square Precinct to determine, in consultation with the relevant Authorities, an interim traffic signal phasing and long term intersection design and management plan;
- (2) Understand a Community Safety Audit of the Precinct with a view to identifying immediate and long-term opportunities to improve safety;
- (3) Prepare an Outdoor Policy specific to the Precinct for inclusion in the Development Control Plan;
- (4) Prepare documentation for Expressions of Interest for the location, design manufacture installation and maintenance of a palette of furniture, public art and water features unique and appropriate to the Square;
- (5) Commission a heritage consultant to prepare a Conservation Management Plan for the heritage listed. Substation and Men's Toilet buildings and that \$15,000 be added to the budget estimates for the Taylor Square Project to cover this work;
- (6) Endorse the limitation of roof signage within the Precinct to the two existing signs above the Oxford Hotel and No 191 Oxford Street and instruct EDAW to revise the Draft DCP and Masterplan to include more stringent restrictions upon visual clutter arising from signage and the marker structures proposed within the Square;
- (7) Refer to EDAW the submission received as a result of the public exhibition of the draft Masterplan and draft Development Control Plan for individual analysis and response,;
- (8) Request EDAW undertake review of the draft Master Plan and Development Control Plan in accordance with the recommendations contained in the detail of this report and in the Attachments to this report, the results of action taken pursuant to the recommendations listed above and the submission received;
- (9) Request that arising from the comments made during the public exhibition, that the recommendations concerning the location of the proposed water feature.
- (10) That the estimated cost of works (in order of \$3 million) for the improvements to Taylor Square be considered as part of the forthcoming review of Council's Section 94 Contribution Plan.

Carried.

GENERAL MANAGER

21.

**PLANNING - EPI - GREEN SQUARE - PUBLIC ART AND WATER
FEATURES (2023117)**

That the joint report by the Director of Planning and Building and the Director of Health and Community Services dated 31 August, 2000, and the attachment accompanying the beforementioned report, in respect of Green Square Public Art and Water features, be received and noted.

Carried.

The Planning and Development Committee Meeting terminated at 8.57 p.m.

The Council Meeting terminated at 8.09 p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER