

259TH Meeting

Erskineville Town Hall
Erskineville
 112263

Wednesday, 11 October 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.35 pm on Wednesday, 11 October 2000.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Pooley:-

That the minutes of the Ordinary Meeting of Council of 13 September 2000, be taken as read and confirmed.

Carried.

At this stage it was moved by Councillor Lay, seconded by Councillor Shaw, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the establishment of a Homeless and Affordable Housing Committee.

Carried.

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

HOMELESS AND AFFORDABLE HOUSING COMMITTEE – FORMULATION – URGENCY MOTION

- (1) That this Council immediately resolve and form the “Homeless and Affordable Housing Committee” to formulate a policy to address the very real problems in South Sydney including the issue raised in relation to the Broadway site as this proposal has been sitting on Council for some time;
- (2) That Councillor Harcourt Chair the Committee and Councillor Mallard be Deputy Chair;
- (3) That all interested Councillors have membership of the Committee;
- (4) That the Committee meet within two weeks of tonight.

It was moved by Councillor Lennon, seconded by Councillor Furness, that clause (2) of the motion be amended by the deletion of the name “Councillor Harcourt” and the insertion in lieu thereof of the name “Councillor Furness”.

Amendment carried.

It was moved by Councillor Lay, seconded by Councillor Mallard, that clause (2) of the motion be amended by the deletion of the name “Councillor Mallard” and the insertion in lieu thereof of the name “Councillor Harcourt”.

Amendment carried.

Motion, as amended by Councillors Lennon and Lay, carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

11 October 2000

PUBLIC RELATIONS - DEATH OF MR. MURRAY TYRELL (2004380)

It is with regret that I inform Council of the death of Mr. Murray Tyrell, famous winemaker of the Hunter Valley, after battling cancer for over a year.

Murray, affectionately known as the "Mouth of the Hunter", was an outspoken champion of Australia's Hunter Valley Wine growing region and especially, bottled aged Hunter Shiraz and Semillon. He also was recognised as pioneering Australia's first commercial Chardonnay in 1971 along with the Pinot Noir variety a few years later.

South Sydney Council has been a client of Tyrell's Vineyards since Council first became operational in 1989 and their wines have been enjoyed by all at numerous Council functions and dinners.

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

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

9 October 2000

**PUBLIC RELATIONS – NORTH NEWTOWN ART SHOW 2000 –
PROVISION OF BANNERS AND LEAFLETS (P58-00117)**

For the past several years, the local community of North Newtown have transformed their local school into an exciting art gallery. This year, ART SHOW 2000, their 8th Annual Art Exhibition runs from Friday 3 November to Sunday 5 November.

GENERAL MANAGER

The school has a strong parent community and the event provides the school with funds for much needed equipment. It is eagerly anticipated and hugely enjoyed by the wider community and is the school's main fundraiser. This year contemporary works from local artists as well as Australia-wide exhibitors will be on sale.

The ART SHOW 2000 committee has written to Council requesting:

- the provision of a banner to be hung in Victoria Park
- assistance with a promotional leaflet.

It is proposed that Council support this local community event as it has provided similar support in the past. Both Council and the school would benefit from this continuous good will.

Council will be represented by Lyn Black and Edda Boyd of the General Manager's Unit as official guests of the Principal Mrs Kerry Ball at the opening on Friday 3 November 2000.

RECOMMENDATION:

That Council assist the North Newtown Primary School's ART SHOW 2000, by providing a banner and leaflets, involving the expenditure of \$600, for which funds are available in the 2000/01 Revenue Estimates.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE MAYOR

11 October 2000

EVENTS – SYDNEY 2000 PARALYMPIC GAMES – REQUEST FOR DONATION OF FLAG FOR FUND RAISING PURPOSES (2023097)

In a letter to Council, Ms Sara Carden, Project Coordinator, NSW Paralympic Committee, has outlined the Committee's efforts to raise funds to support attendance by competitions at the Sydney 2000 Paralympic Games, and at other similar major events.

GENERAL MANAGER

The Committee proposes to raise some of the necessary funds through the auction of sporting memorabilia.

To that end, the Committee has asked Council to donate one of the Sydney 2000 Olympic or Paralympic banners displayed in Council's areas.

These banners will not have any specific use once the Olympic and Paralympic Games have ended.

Accordingly, it would be a great goodwill gesture on Council's part to agree to the request. I suggest that Council donate two such banners – one Olympic pattern, and the other a Paralympic pattern.

Apart from keeping a set of the "host Council" banners as mementoes of the Games, Council may wish to consider disposal of the remaining banners. Although, some 100 banners were purchased, it is known that a proportion have been damaged in windy conditions, and a small number have been removed by persons unknown.

Subject to confirmation of available numbers of banners when they have been taken down, I propose that the remaining banners be distributed free of charge to schools located within the City of South Sydney.

RECOMMENDATION:

- (1) That Council donate one Olympic pattern and one Paralympic pattern banner to the NSW Paralympic Committee, to be used in the Committee's fund raising efforts on behalf of elite athletes with a disability;
- (2) That Council retain one set of "host Council" banners as a memento of the Sydney 2000 Olympic and Paralympic Games, which included events in and through the City of South Sydney;
- (3) That the remaining banners be distributed free of charge to schools located within the City of South Sydney as mementoes of the Sydney 2000 Olympic and Paralympic Games.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Shaw:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

11 October 2000

**SPECIAL EVENTS - COMMUNITY DONATION –
DRAG INDUSTRY VARIETY AWARDS (2023438)**

The DIVA group has approached Council for assistance with their annual fundraising and industry recognition event.

Council's recent special event at Taylor Square for the Olympic Torch Relay was assisted in great measure by the donation of services from the bevy of drag queens who escorted the Torch Bearer, Ms Lola Harding-Irmer, through Taylor Square.

This same body of performers was also involved in the Closing Ceremonies At Olympic Park. As with Council's torch relay event, they again donated their time and services as a community gesture.

Council is mindful that this class of variety entertainer represents the rich diversity encompassed within our local government area. Indeed the popularity of these performers in gay and lesbian venues in Kings Cross, Oxford and King Streets speak for themselves.

RECOMMENDATION:

It is recommended that Council purchase a table at the DIVA Awards ceremony at the Hordern Pavilion, Fox Studios, on Monday October 16. Funds (being \$800) are available in the 2000/2001 Revenue Estimates, account 1.51.330.16615.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Shaw:-

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

Carried.

At the request of the Mayor, any interested Councillors wishing to attend the DIVA Awards ceremony could contact Council's Media Section.

GENERAL MANAGER

MINUTE BY THE MAYOR

11 October 2000

**PUBLIC RELATIONS – OXFORD STREET –
ESTABLISHMENT OF A REFERENCE GROUP (2023456)**

A number of local residents and business proprietors have contacted me concerning the progressive deterioration of Oxford Street. This deterioration has taken many forms including the:

- quality of its footpaths and public spaces,
- perceptions concerning safety at night,
- antisocial behaviour of many visitors to our area,
- fabric of many buildings of heritage significance,
- condition of nearby rear lanes servicing the street,
- lack of opportunities for locals to buy basic fresh food, and
- cumulative impacts of expanding licensed premises and night-time venues.

I believe that it is time that the Council took concerted action to better manage Oxford Street. I believe that some of the ways this can be achieved is the through implementation of:

- major improvements to the public domain along Oxford Street,
- fast tracking the planned improvements to Taylor Square,
- identifying a supply strategy for the sale of basic fresh food on Oxford Street, and
- a DCP specifically for Oxford Street dealing with (amongst other things) building envelope controls, heritage conservation, restricting billboard signage, the reinvigoration of the lane-way network serving Oxford Street, and managing the cumulative social impacts of intensifying night-time licensed and entertainment based venues.

It is acknowledged that Council's 2000/2003 Management Plan identifies a number of projects which are relevant to improving Oxford Street including a Special Precinct DCP, the Taylor Square Improvement Project and Streetscape Masterplan. However, so as to ensure that these and further projects are carried out in a timely manner and with appropriate stakeholder input, I propose that these actions should be coordinated by an Oxford Street Reference Group, and comprised as follows:

- Chaired by the Mayor, and including
- All interested Councillors
- A nominee from the Planning & Building, Public Works and Services and Health and Community Services Departments.
- Council's Gay & Lesbian Liaison Officer
- Other Council Officers on an as-required basis,
- Resident and business (day & night operating premises) representatives.
- Other representatives may also be invited on an as-required basis including

GENERAL MANAGER

NSW Police Service, the Member for Bligh, members of adjoining Councils, proprietors of local businesses etc.

It is anticipated that meetings would be held monthly with administrative support being provided by Council's Secretariat. The reference Group should be convened for a trial period of 12 months, with the scope and operation of the Group to be reviewed at that time.

RECOMMENDATION:

That Council resolves to establish an Oxford Street Reference Group as set out in this report.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Mallard:-

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

At the request of Councillor Lay, and by consent, the motion was amended by the addition of the following words to the recommendation "that Council also extend an invitation to Sydney City and Woollahra Councils for a Councillor or senior staff member to join the Reference Group".

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

11 October 2000

**CELEBRATIONS - STREET CLEANSING STAFF -
RECOGNITION OF SERVICES DURING OLYMPIC PERIOD (2023389)**

Councillors would be aware that steps were taken in the street cleansing area to increase the levels of service in the northern areas of the City to cater for the expected influxes of people into our area during the Olympics.

Management was not sure what to expect and was prepared to react further to needs as they arose.

As it turned out the increased numbers allocated to the busy areas proved to be adequate but also relied very much on co-operation of the personnel involved in getting the job done.

GENERAL MANAGER

I am pleased to announce that the operation went smoothly and I have received excellent Community feed back about the effort put in by staff and they deserve to be congratulated.

RECOMMENDATION:

That the Waste Services Manager, his supervisors and all staff associated with the Olympic effort be congratulated on a job well done and that congratulations be conveyed to the men by the Mayor at a sausage sizzle to celebrate the effort being held at Woolloomooloo Depot on this Friday, 13 October 2000 and 12 midday.

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 GENERAL MANAGER

13 September 2000

**COMMITTEES – LOCAL GOVERNMENT ASSOCIATION OF N.S.W. –
ELECTION TO EXECUTIVE COMMITTEE (M54-00002)**

A letter dated 11 September 2000, has been received from the Electoral Commission of N.S.W. and Returning Officer for the 2000 Local Government Association of N.S.W. Election, together with a schedule of candidates for election and their local government service.

In accordance with rule 44(c) of the Local Government Association of N.S.W., the letter from the Electoral Commission and the schedule are to be placed before Council prior to the Annual Conference in November 2000.

A copy of the letter from the Electoral Commission is attached and the schedule of candidates and their local government service is hereby laid on the table.

GENERAL MANAGER

RECOMMENDATION:

That the information be received and noted.

J. W. Bourke (SGD)
General Manager

Moved by the Mayor, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

5 October 2000

**COUNCILLORS - OMBUDSMAN'S RESPONSE TO COMPLAINTS BY
COUNCILLOR BUSH AND HEATHER TINDALE (A54-00013)**

Correspondence has been received from the N.S.W. Ombudsman's Office dated 7th September, 2000, referring to complaints made by Councillor Bush and Heather Tindale, concerning the use by the former Mayor, Vic Smith of the Mayor's Message in the South Sydney Bulletin on 24th and 31st March, 2000 and 5th and 19th May, 2000.

The Ombudsman has indicated that the office is not pursuing the complaints, however the Ombudsman's letter be presented to Council and that Council formulate a policy setting out the manner in which future Council funded "Mayor's Message" columns in the local media should be used.

It is recommended that the Ombudsman's letter of 7th September, 2000 be received and noted and that Council formulate a policy setting out the manner in which future Council funded "Mayor's Message" columns in the local media should be used.

J. W. Bourke (SGD)
General Manager

Moved by the Mayor, seconded by Councillor Lennon:-

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

At the request of Councillor Bush, and by consent, the matter be deferred to allow for a report to be submitted to Committee on the content of those breaches of conduct

GENERAL MANAGER

for a further letter to be submitted to the Ombudsman and that the report also include the formulation of a policy re Mayor's Message columns.

Motion, as amended by consent, carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 28 signatures appended from residents of Redfern requesting that due to the escalating uncontrollable violence in the area, Council carefully consider the application for a new hotel at Nos. 56-58 Regent Street, Redfern, in view of the already existing number of hotels and liquor stores.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 130 signatures appended from the Community objecting to the re-development of the Chateau Hotel site (14 Macleay Street) in its current form and believe the proposal will have a significant and negative impacts on the Potts Point area.

Received.

3. Councillor Shaw tabled a petition with approximately 180 signatures appended from residents of Woolloomooloo opposing the Development Application to use Forbes Street Mall (Cowper Wharf Road to Best Street) for a Community Market on Sundays 9.00 a.m. to 6.00 p.m. and on Thursdays 4.00 p.m. to 9.00 p.m.

Received.

QUESTIONS WITHOUT NOTICE

1.

WELFARE – HOMELESS PERSONS IN SOUTH SYDNEY AREA – PROBLEMS IN TOM UREN SQUARE, WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (W51-00065)**Question:**

Mr Mayor, my question will be by way of a report to Council. Yesterday I attended a meeting representing the Mayor and on behalf of Council and our constituents to discuss the worsening situation of homeless men camping in Tom Uren Square, Woolloomooloo. The local Member of Parliament, Clover Moore, convened the meeting and in attendance were representatives from state government departments including public housing, premiers and DOCs. Also in attendance was a representative of the Matthew Talbot Hostel.

The meeting discussed the effectiveness of the Kings Cross Place Management/DOCs project to case manage homeless individuals to find alternate long-term accommodation. The proposal has been to adopt the 'incentive and enforcement' approach to the problem. Unfortunately \$40,000 later the result has been some good research data on the profile of homeless people – for the benefit of Councillors this group are mostly white, male, 25 to 35, of poor education standards, with high levels of imprisonment and mental health and substance abuse (alcohol and heroin) problems. Sadly only 4 men of 36 were prepared to be relocated to alternate housing. The remainder preferred to 'sleep rough' on the street. I understand that we cannot stop people from making that choice.

Today more people have replaced the four who left and the group appears to be growing. There is a problem that this 'camp' now constitutes a significant health and safety problem for local residents. The issues involved range from anti social behaviour including public indecency, use of the area as open toilet, assaults and harassment of locals (including children) attending the only local shop. I understand that there is a concern about public hygiene in relation to the entry area of the Mary McDonald Centre being used as a toilet area. I also am aware that Council has supplied portaloo facilities in the area, but apparently the homeless men are not using these.

I came away from the meeting with a commitment to seek Council's immediate support for the following:

- Cleaning – increasing the frequency and area steam cleaned by Council and to include the entry of Mary MacDonald Centre. We may need to consider daily cleaning in the short term particularly as the weather becomes hotter. This matter needs immediate action and cannot wait for a report to Council.

GENERAL MANAGER

- To investigate the homeless strategy implemented by Sydney City Council and consider adapting it (if applicable) to SSCC's strategy currently being formulated.

Answer by the Mayor:

I will ask the Director of Community Services to take up the second part of your question to get that information forwarded to the Reference Group which will be developed on the homeless. On your first question, I will ask the Director of Public Works and Services to liaise in the 1st instance with staff of the Department of Housing and a response in respect of the cleaning will be circulated in the Councillors Information Service.

2.

HEALTH AND COMMUNITY SERVICES – APPRECIATION – GRATITUDE TO STAFF FOR REMOVAL OF SYRINGES ON FOOTPATH - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (D51-00140)

Question:

Could the Mayor extend my gratitude to Peter Martin, Senior Ordinance Inspector and the staff who assisted him for their prompt action on the morning of Sunday, 1 October 2000, when I phoned to arrange for the removal of syringes and other items from the footpath at Balfour Street, Chippendale?

Answer by the Mayor:

I will liaise with the Director of that Section and have your remarks passed on to Peter Martin and staff.

3.

PARKS –NATURE STRIPS –RESPONSIBILITY FOR CLEANING RUBBISH AROUND COUNCIL TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2004457)

Question:

Many Council owned trees on local footpaths have small plants growing at their base which often collect rubbish and weeds. I have been advised by the General Manager that Council's street sweepers are not required to collect rubbish from these areas when cleaning the street.

Could a report be prepared for Committee on who has responsibility for clearing rubbish from and options for maintaining the immediate area surrounding Council owned trees on local footpaths?

Answer by the Mayor:

A report is being prepared and I have included in that report types of weedkillers used as it has been an issue in the past. I will have that report go to Committee.

4.

STREETS – FOOTPATHS – O'CONNOR STREET, CHIPPENDALE – QUERY ON TIME DELAY FOR REPAIR OF FOOTPATH - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2012717)**Question:**

In early August 2000, a section of footpath in front of Nos. 20, 22 and 24 O'Connor Street, Chippendale, was removed and surrounded by Council barricades. I was advised yesterday by the Director of Public Works and Services that the footpath will be re-instated within four working days.

Could a report be prepared for Committee detailing why this footpath was allowed to remain in this condition for over two months and what changes could be made to work practices to ensure that such neglect does not occur again?

Answer by the Mayor:

I will have that report circulated in the Councillors Information Service.

5.

CELEBRATIONS – GAY GAMES 2002 SYDNEY – ESTABLISHMENT OF A CO-ORDINATING COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C52-00126)**Question:**

Could the Mayor provide a report to Committee on an option for establishing a Council Gay Games 2002 Coordinating Committee for the joint purposes of assisting Sydney 2002 Gay Games Ltd and of maximising the benefits gained from the Games and associated Cultural Festival for the entire community of South Sydney?

Answer by the Mayor:

I will have that matter taken up by a report to Committee.

6.

PARKING – RESTRICTIONS – MYRTLE STREET, BUCKLAND STREET AND GRAFTON STREET, CHIPPENDALE - OPTIONS OF WIDENING A FOOTPATH - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2023327)

Question:

Could a report be provided to the Finance Committee on options for the widening of the footpath on the western side of Buckland Street, Chippendale between Myrtle and Grafton Streets?

Answer by the Mayor:

This has just been examined at the Traffic Committee and two reports have to go back to that Committee. In time the matter will come to the Finance Committee.

7.

BUSES – SOUTH SYDNEY AREA – RATIONALISATION TO ORGANISE A MEETING WITH RESIDENTS AND STA FOR IMPROVEMENTS OF BUS SERVICES AROUND ROSEBERY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (P59-00008)

Question:

In May 1998, the then Mayor, Cr. Vic Smith, hosted a meeting with residents of Rosebery and representatives of the State Transit Authority (STA) to discuss ways of improving bus services to Rosebery. Despite commitments made by the Mayor and STA, improvements have not been implemented.

Given that there have been significant changes in the population of this area, could the Mayor initiate another such meeting with the view of making actual improvements?

Answer by the Mayor:

Yes.

8.

**PUBLIC RELATIONS – LOCAL POLICE CITIZENS CLUB –
RECOMMENDATION FOR THE MAYOR TO WRITE TO WOOLLAHRA
COUNCIL FOR A 12 MONTH STAY OF CLUB AND OFFER SUPPORT -
QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2016558)**

Question:

On Sunday, I addressed a public rally fighting the closure of the PCYC at Paddington. Whilst this facility is in Woollahra Council area it is only 100 metres from our boundary and represents the only youth club for the South Sydney residents in South Paddington and Centennial Park. This Club and Newtown Club are to be closed and sold in December. It is absolutely unacceptable to lose youth facilities in our Council area, particularly when these facilities were built and financed by the local community (particularly Paddington Council).

Can the Mayor write to Woollahra Council in calling for a 12 month stay of closure on the Club (and Newtown) and could we offer our support (could be financial) to help fight this closure and find a resolution to the issue for our residents?

Answer by the Mayor:

I will seek Counsel opinion and the matter will go to the appropriate Committee.

9.

**STREETSCAPES – SPRINGFIELD AVENUE PLAZA – PROPOSALS TWO
ISSUES – (1) A REPORT ON LEASE ARRANGEMENTS AND EITHER
TERMINATING OR RELOCATING; (2) A REPORT TO REMOVE THE
KINGS CROSS SEX INDUSTRY ZONE - QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (S57-00054)**

Question:

I have attended the first of the Community Consultations regarding the future of Springfield Plaza Mall and Gardens. I would like to congratulate the Council staff involved in this consultation.

Two issues emerged which require Council to consider:

- (1) Can we have a report on the lease arrangements for the money changing business in Springfield Plaza and the costs associated with either terminating or relocating the business?
- (2) It was drawn to my attention that the Springfield Plaza areas are part of the Kings Cross Sex Industry Zone. Can we have a report to Council to remove this area from the Kings Cross Sex Industry Zone?

GENERAL MANAGER

Answer by the Mayor:

I will have that matter go to Committee.

10.

PUBLIC TRANSPORT – LIGHT RAIL IN SOUTH SYDNEY AREA - INFORMATION FROM SSROC ON LIGHT RAIL IN THE AREA AND APPROPRIATE STRATEGIES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P59-00007)**Question:**

Could Council seek further information from SSROC on light rail in the area and the issues discussed at today's forum at Parliament House and Council actively seek to support and pursue appropriate light rail strategies?

Answer by the Mayor:

I will enquire for you to find out where the appropriate Brief will be for the light rail through the city area.

11.

COMMITTEES - INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS – FOR COUNCIL TO RESOLVE MEETING DATE ISSUE SO DELEGATES MAY ATTEND - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (C57-00077)**Question:**

What is Council's current status in relation to IMROC?

Answer by the Mayor:

Papers are available, Council is having the AGM this evening. They meet on Wednesdays, but Council delegates will have a problem in attending until Council resolves the meeting date issue.

12.

**STREETSCAPES – LANDSCAPING –ERSKINEVILLE VILLAGE PROJECT
TO INCLUDE A CONSULTATION WITH RESIDENTS AND COUNCIL STAFF
- QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2020952)**

Question:

Could a report be prepared to Council on a mechanism to independently evaluate the Erskineville Village Project including consultation with residents, Council staff who worked on the project and Directors whose Departments were involved?

Answer by the Mayor:

The matter will be reported in the Councillors Information Service.

13.

**ADMINISTRATION –AMALGAMATIONS BETWEEN INNER CITY COUNCIL
– REMOVAL FROM MANAGEMENT PLAN AGENDA WEEKEND
CONFERENCE IN NOVEMBER - QUESTION WITHOUT NOTICE BY
COUNCILLOR HARCOURT (2021730)**

Question:

In view of today's announcement by the Minister for Local Government of an inquiry into inner city local government structures and service delivery and the closing of public submissions in early December, would it not be appropriate to abandon the proposed agenda for Council's Management Review Weekend in order to review the implications of the inquiry and prepare an adequate submission from this Council?

Answer by the Mayor:

No, the agenda for the Management Review will include discussions on that. There will be a report going to Committee from the General Manager in response to the terms of reference that were announced today by the Minister, but the agenda has somewhat been set.

14.

STREETS –CONVENIENCES – SOUTH SYDNEY AREA –QUESTION OF REMOVAL OF PUBLIC TELEPHONE IN SPRINGFIELD PLAZA AND APPROACH STATE RAIL ON OPENING OF STATION TOILETS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2020708, 5256216)

Question:

Could action be taken to remove the public telephone opposite the needle exchange in Springfield Plaza and also approach State Rail to open the Station toilets?

Answer by the Mayor:

I will have a report prepared for the Councillors Information Service.

15.

TRAFFIC –AREA BAPTIST STREET AND COOPER STREET, REDFERN – COMPLAINTS FROM RESIDENTS OF BAPTIST STREET, REGARDING FAILURE TO COMPLETE THE L.A.I.P. - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2021719)

Question:

There is a growing chorus of complaints from residents of Baptist Street, Redfern, about the failure to complete the L.A.I.P. for this street following the completion of the Eastern Distributor. What, if anything, still needs to be done to complete traffic management in Baptist Street? When is the work due for completion?

Answer by the Mayor:

There has been a report by Mr Thompson, Public Works and Services Department, of changes that have been made. I will have that matter circulated to you in the Councillors Information Service.

16.

TRAFFIC – MANAGEMENT CONTROL – CENTENNIAL PARK, MOORE PARK TRUST STRATEGY TO REDUCE PARKING - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2004806)

Question:

In relation to Item 18 on the Planning and Development Paper (5.1.2. parking), it mentioned the Moore Park Trust has a strategy to reduce parking. Could Council be able to obtain that strategy and provide a copy to the Ward Councillors?

Answer by the Mayor:

There is to be a meeting with Moore Park Trust in relation to their aim of 2003 being car free, in Moore Park I am not sure of the strategy involving this or larger car parking stations within the Fox Studio land. However, the Minister is the sole arbitrator of what happens on that site.

17.

BOUNDARIES – MAJOR REVIEW OF INNER CITY COUNCILS – LEGAL ADVICE RE TERMS OF REFERENCE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021730)**Question:**

Can a report be brought to Committee detailing specialist legal advice on the terms of reference given to Professor Kevin Sproats in answer to the Press Release made by the Local Government Minister, Mr Harry Woods, in response to Deirdre Grusovin, MP? The action of the State Labor seems to be a possible Kennett style proposal.

Answer by the Mayor:

I will have those comments answered by the General Manager in a report to Committee.

18.

TRAFFIC –MAJOR ROAD NETWORK – CONCERNS OF A CLEARWAY FOR RETAILERS ON BOTANY ROAD, REDFERN/ WATERLOO - PROPOSAL TO RTA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2006655)**Question:**

Retailers on Botany Road, Redfern/Waterloo, have expressed concerns with regard to a permanent or clearway conditions being imposed on Botany Road, Waterloo/Redfern. Clearway conditions would clearly spell the death of all those small businesses.

Can any proposal by the Roads and Traffic Authority for a clearway in this area be opposed by Council?

Answer by the Mayor:

That matter will be considered by the Traffic Committee and I will inform you of when it goes on to the Agenda and you can address that Committee.

GENERAL MANAGER

19.

COMMITTEES – ADMINISTRATION TASK FORCE – FORMATION – PREPARATION OF SCHEDULE FOR MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2008384)

Question:

Referring to the Minute Paper of 11 August 2000, with regard to the meeting of a special Task Force to consider the dilemma of a new administration building, there has not yet been a meeting held by the Task Force.

Can the following time line be included in the Councillors Information Service so that Councillors and members of the Task Force are aware of the urgency and importance of procedures and expedient decision making?

Answer by the Mayor:

That matter will be included in the report that goes to the Management Review weekend, where we will be discussing the setting up of time lines to be examined.

20.

CELEBRATIONS – INTERNATIONAL DAY OF PEOPLE WITH A DISABILITY – DETAILS OF PROPOSED FUNCTION - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2016901)

Question:

My question relates to the International Day of Disability on 7 December 2000. I would like to alert Councillors to a function on that day.

Can the Director of Health and Community Services provide details of the function?

Answer by the Mayor:

Yes.

REPORT OF THE FINANCE COMMITTEE

4 October, 2000

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

At the commencement of business at 6.35 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 4 October 2000, be received and the recommendations set out below for Items 1 to 5, inclusive, 7 to 9, inclusive, 11 to 13, inclusive and 15 to 18, inclusive, be adopted. The recommendations set out below for Items 6, 10 and 14 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

DONATIONS - LINC (LESBIANS INCORPORATED) - BROWN STREET HALL, NEWTOWN - REQUEST FOR FREE USE - 8 OCTOBER 2000 (534507)

That arising from consideration of a report by the Acting Director of Corporate Services dated 4 September 2000, approval be given to the free use of Brown Street Hall, Newtown, by LINC (Lesbians Incorporated) on 8 October 2000, for the purpose of conducting a community meeting and forego income of \$165 and costs of \$25.

Carried.

2.

LEASING - BANDSTAND CAFE, GREEN PARK, DARLINGHURST - APPLICATION BY C J STOTT ENTERPRISES PTY LTD - FOR A LIQUOR LICENCE - REQUEST FOR COUNCIL'S CONSENT TO APPLICATION (P52-00035)

That approval be given for consent to be granted to C. J. Stott Enterprises_Pty Limited T/as: The Bandstand Café to apply for a Liquor Licence to the

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Licensing Court of New South Wales in connection with their Lease of the Bandstand Café, Green Park, Darlinghurst, subject to the following conditions, namely:-

- (1) That the approval for consent of a liquor licence be subject to approval of the Minister for Lands and Water Conservation;
- (2) That liquor is only to be served to patrons purchasing a meal and eating such meal on the premises;
- (3) That no liquor is to be served to members of the public purchasing take-away meals or wishing to purchase alcohol only.

(A/DCS Report 7.9.00)

Carried.

3.

**PROPERTIES - HUNTLEY STREET, NO. 4, ALEXANDRIA -
CLASSIFICATION OF LAND AS OPERATIONAL (2023284)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 22 September 2000, it be resolved that property No.4 Huntley Street, Alexandria, be classified as operational land.

Carried.

4.

**PROPERTIES - COUNCIL'S TOWN HALLS AND COMMUNITY HALLS -
GENERIC PLAN OF MANAGEMENT (2022933)**

That the Draft Generic Plan of Management for Councils Community Halls and Town Halls adopted by Council on the 14 June 2000 be formalised and approved subject to the usage of Alexandria Town Hall being reviewed in 12 months.

(ADCS Report 20.9.00)

Carried.

5.

PARKS - ARTHUR MCELHONE RESERVE - ELIZABETH BAY - ENGAGING OF SPECIALIST HERITAGE LANDSCAPE ARCHITECTURAL CONSULTANT FOR LANDSCAPE MASTERPLAN - APPROVAL TO ALLOCATE FUNDS (2022997)

That for the reasons set out in the report by the Acting Director of Public Works and Services dated 11 September 2000, approval be given to the engagement of a specialist heritage landscape architect to assist in the preparation of landscape master plan for McElhone Reserve, Elizabeth Bay, at an estimated cost of \$30,000 for which funds will need to be allocated to the 2000/2001 Works Program.

(DPWS Report 11.9.00)

Carried.

6.

PARKS - UPGRADING - PERRY PARK, ALEXANDRIA - CRICKET FACILITIES - SOUTH EASTERN SYDNEY JUNIOR CRICKET ASSOCIATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021722)

That for the reasons set out in the report by the Director of Public Works and Services dated 8 September 2000, approval be given to the upgrading of the cricket facilities at Perry Park, Alexandria, as detailed in the before mentioned report.

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

That the matter be deferred until the placement of a surplus building from the Olympics in Perry Park has been resolved.

Motion, as amended by consent, carried.

7.

TREES - STREET - FORBES STREET, WOOLLOOMOOLOO - FAIRY LIGHTS IN TREES - QUESTION WITHOUT NOTICE - COUNCILLOR BUSH (2019185)

That arising from consideration of a report by the Director of Public Works and Services dated 8 September 2000, it be resolved that funds of \$30,000 for the uplighting of palm trees, fairy lighting of plane trees and new furniture in

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Forbes Street Mall, Woolloomooloo be included for consideration in the formulation of the 2001-2002 Works Program.

Carried.

8.

**COMMITTEES - ROSE TERRACE SOCIETY - PUBLIC DOMAIN
MAINTENANCE AND CAPITAL WORKS MASTERPLAN - PREPARATION
(5014216)**

That arising from consideration of a report by the Director of Public Works and Services dated 7 September 2000, approval be given to:-

- (1) the short term actions taken with respect to maintenance items be received and noted;
- (2) commence the preparation of a Masterplan for Rose Terrace and that a Community Consultation process be implemented to develop long-term strategies for Council to consider in upgrading the public domain of Rose Terrace.

Carried.

9.

**CONFERENCES - AUSTRALIAN URBAN AND REGIONAL INFORMATION
SYSTEMS ASSOCIATION (AURISA) - COOLUM, QUEENSLAND 21-24
NOVEMBER 2000 - ATTENDANCE OF COUNCIL REPRESENTATIVES
(2016500)**

That approval be given to:-

- (a) Mr. G. Livingstone and Mr. W. Eberhart attending AURISA 2000 at Coolum, Queensland on 22 – 24 November 2000;
- (b) Mr. W. Eberhart attending the Infomaster User Forum at Coolum, Queensland on 20 and 21 November 2000;
- (c) Mr. G. Livingstone attending the Local Government Best Practice Workshop at Coolum, Queensland on 20 and 21 November 2000.

-for which funds, including out of pocket expenses, are available in the Public Works and Services Department's Management Account (1.44.2675.12105.0).

(DPWS Report 15/9/00)

Carried.

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10.

**PROPERTIES - COUNCILS HALLS AND PROPERTIES - MARKETING
(2009713)**

- (A) That the report by the Acting Director of Corporate Services dated 15 September 2000, on the marketing of Council's halls and properties, be received and noted.
- (B) That the Acting Director of Corporate Services submit a report to the Finance Committee on all of Council's Subsidised Commercial and Residential Properties and their lease periods.

Carried.

11.

**PROPERTIES - PURCHASE - INDUSTRIAL UNIT 7, NO. 10 BURROWS
ROAD, ALEXANDRIA - CLASSIFICATION OF LAND AS OPERATIONAL
(2023283)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 26 September 2000, it be resolved that Unit 7, No.10 Burrows Road, Alexandria, be classified as Operational Land.

Carried.

12.

ELECTIONS - 1 JULY 2000 - FUNDING DECLARATIONS (2006350)

That the declaration lodged by GROUP D - NORTH WARD Candidates (Gary Burns and Michael Davis), as required by the Electoral Funding Act 1981, for the Ordinary Election held 1 July 2000, be received and noted.

(A/DCS Report 22.9.00).

Carried.

13.

**CONFERENCES - NATIONAL GENERAL ASSEMBLY OF LOCAL
GOVERNMENT (2000), CANBERRA 3-6 DECEMBER 2000 - ATTENDANCE
OF COUNCIL'S REPRESENTATIVES - SUBMISSION OF MOTIONS
(5203027)**

- (1) That the Mayor and interested Councillors and the General Manager be nominated as Council's representatives to attend the 2000 National General Assembly of Local Government to be held in Canberra from 3rd to 6th December, 2000 and that any registration fees, accommodation

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and out of pocket expenses for conveyance and subsistence in travelling, be borne by the Council, for which funds are available in the 2000/2001 Revenue Estimates;

- (2) That the Mayor or his nominee be the Council's voting delegate at the Assembly;
- (3) That the question of submitting motions to the assembly is submitted for consideration.

(CAM/PO Report 25.9.00)

Carried.

14.

FINANCE - 1999/2000 FINANCIAL REPORT – DRAFT (2019711)

- (A) That the report by the Director of Finance dated 22 September 2000, and the Draft Financial Reports for the year ending 30 June 2000, accompanying the before mentioned report, be received and noted.
- (B) That the Director of Finance submit a report to the Finance Committee on the establishment of procedures to show how Section 94 Contributions are allocated suburb by suburb.

Carried.

At the request of Councillor Furness, the motion be amended by the deletion of all the words after the word "show" where appearing in clause (B) of the recommendation and the insertion in lieu thereof of the words "the suburb of locality from where the Section 94 contribution is derived".

Amendment lapsed for want of a seconder.

In relation to this matter, the Mayor requested that Councillor Furness speak to the appropriate Directors regarding the content of the report.

15.

LICENSING - SHEPHERD STREET, NOS. 21-21A, CHIPPENDALE - PROPOSED FOOTWAY LICENCE (202367)

That approval be given to:-

- (1) the granting of a licence to Warwick Grainger over an area of 4 square metres of the footway of Shepherd Street adjacent to Lemon Mint Crush Cafe at No. 21-21A Shepherd Street, Chippendale, as shown stippled on Plan No S4-130/781 and subject to the conditions in the schedule accompanying the Director's report;

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- (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 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 twelve 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, accompanying the Director's report or failed to execute the licence agreement.

(DPWS Report 22/9/00)

Carried.

16.

FINANCE - FEES AND CHARGES MANUAL FOR THE DEPARTMENT OF ORGANISATIONAL DEVELOPMENT - AMENDMENTS (5263043)

- (1) That for the reasons set out in the joint report by the Director of Organisational Development and the Acting Director of Corporate Services dated 28 September 2000, it be resolved that:-

That any requests for action due to a subpoena be conducted as outlined on page 27 of the current Fees and Charges Manual, with the amendment as highlighted in bold.

- (a) Charge for the satisfaction of subpoenas served on Council at \$50;
- (b) that the current recovery of costs as listed "where the total cost of Council is between \$100 - \$300, a letter of demand be forwarded to recover Council costs, at respective rates of \$110 and \$330" be amended to;

"where the total cost to Council be in excess of \$100, a letter of demand be forwarded to recover Council costs upon written proof by the department/s involved of the time and pay rates of those officers involved as well as any charge for photocopying at a rate of 60 cents (GST inclusive) per photocopy image"

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- (2) (a) That all other requests for information from the department, be considered firstly under the Council's Privacy Management Plan Act, and if deemed necessary by the Director, that the information be released in line with the charge made on Page 29 of the Fees and Charges Manual under the section 'Freedom of Information Requests'.
- (b) access by corporations regarding personal affairs with a application fee of \$30 with a processing charge of \$30 per hour inclusive of GST. In addition, a charge of 60 cents (GST inclusive) per photocopy image.
- (3) That any reimbursements to the Department of Organisational Development be reinstated to the appropriate cost code as invoiced for the service.
- (4) That any debts in excess of \$100 be raised and forwarded to the Accounts Receivable Section for immediate action.

Carried.

17.

RATES - NON-RATEABILITY OF VARIOUS LANDS WITHIN THE BOUNDARIES OF SOUTH SYDNEY CITY COUNCIL (2021432, 2006010, 2021433, 2021445)

That arising from a report by the Director of Finance dated 20 September 2000, detailing items (1) to (4) of land which has been determined as non-rateable, approval be given to the appropriate amendments to the Rate Book and consequential refund of rates where applicable.

Carried.

18.

PERSONNEL - APPRENTICES/CADETS/TRAINEES - INTAKE FOR 2001 (5181665)

That arising from a report dated 29 September 2000, from the Director of Organisational Development, approval be given to:-

- (1) the recruitment of four Cadet Town Planners for temporary fixed term of one year commencing June 2001;
- (2) the re-profiling of a current labouring position in the Maintenance Branch to that of Apprentice Stonemason;

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- (3) the recruitment and subsequent appointment of the position of Apprentice Stonemason to commence in January 2001;
- (4) the two current vacancies of Trainee Environmental Health Officer to be recruited in 2001.

Carried.

The Finance Committee Meeting terminated at 7.25 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

4 October, 2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw

At the commencement of business at 7.26 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw

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

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

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES - HEALTHY OLDER PEOPLE PROGRAM (HOPP) - MINUTES OF MEETING - 8 AUGUST 2000 (2018510)

- (A) That the report by the Director of Health and Community Services dated 19 September 2000, and the accompanying minutes of the Healthy Older People Program Committee held on 8 August 2000, be received and noted.

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

- (B) That a report be submitted by the Director of Health and Community Services to the Councillors Information Service regarding the correct number of pedestrians crossing in one hour in Crown Street mentioned in the minutes of the HOPP Meeting.

Motion, as amended by consent, carried.

2.

**HEALTH - IMMUNISATION CLINICS SERVICES - RATIONALISATION
(2002242)**

That arising from a report by the Acting Director of Health and Community Services dated 25 September, 2000, it be resolved that:-

- (1) the Immunisation Clinic at Erskineville held each month at the times of 2.00 pm -4.00 pm and 6.00 pm-8.00 pm be closed;
- (2) the Immunisation Clinic at Kings Cross held each month at the time of 6.00 pm-8.00 pm be closed;
- (3) Council maintains the day clinics at Redfern and Kings Cross Baby Health Centres;
- (4) Council continues to maintain and develop its promotion and awareness campaigns.

Carried.

3.

**PARKS - RESERVE, BETWEEN JOHN STREET AND CHARLES STREET
ON ERSKINEVILLE ROAD, ERSKINEVILLE - PROPOSED NAMING
DEDICATION - APPROVAL TO SEEK COMMUNITY COMMENT (2020952)**

That approval be given to:-

- (1) a letter box drop being distributed to the local community seeking suggestions on proposed names for the reserve located between Charles Street and John Street on Erskineville Road, Erskineville;
- (2) a further report being submitted to Council detailing the outcomes of the consultation and a recommended name for the reserve dedication;

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-for which funds are available in the 2000/2001 Budget (Account 21046 refers)

(DPWS Report 11.9.00)

Carried.

The Community Services Committee Meeting terminated at 7.41 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

4 October 2000

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – John Bush, Jill Lay, Amanda Lennon

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

The Mayor and Councillors – Bush, Lay and Lennon.

Leave of Absence:

An apology for non-attendance at the meeting was received from Councillor Harcourt. Leave of Absence granted at Council of 13 September 2000.

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

That the Report of the Planning and Development Committee of its meeting of 4 October 2000, be received and the recommendations set out below for Items 2, 3, 5, 9, 10, 14, 15, 17 and 22, be adopted. The recommendations for Items 1, 4, 6 to 8, inclusive, 11 to 13, inclusive, 16, and 18 to 21, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**RANDLE STREET, NO. 12, NEWTOWN - REAR DWELLING -
ALTERATIONS - DEVELOPMENT APPLICATION (U00-00748)**

This matter was submitted to Council without recommendation.

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Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by John Brady, owner, to that part relating to the erection of a 3.8m lounge room extension and rear roller door addition, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$330.00 in the form of a non expiry Bank Guarantee being the building damage deposit for a public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the development shall be generally in accordance with plans numbered D05, dated 27/6/00, in relation to the lounge room extension and roller door addition;
 - (3) That the rear roller door should not exceed a height of 2.4m on the southern boundary and 2m on the northern boundary.
 - (4) That the proposed rear deck pergola and lattice shall be deleted with access to the rear yard provided by a series of steps complying with the Building Code of Australia. The reason for the deletion of the structures being:-
 - (a) the deck is an overdevelopment of the site and results in excessive site coverage;
 - (b) all useable ground level open space would be removed;
 - (c) that there will be overshadowing generated which will effect residential amenity;
 - (d) that the raised deck would generate privacy loss;
 - (e) that the height of the rear fence is out of context with the adjoining fences;
 - (5) That the proposed side fence extension shown on the southern elevation shall be deleted;
 - (6) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - (7) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried

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out unless the principal certifying authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

- (8) 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;

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- (9) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (10) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (11) 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;
- (12) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (14) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (15) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (16) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.1.5(b) of the BCA;
- (17) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;

- (18) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (19) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (20) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (21) 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;
- (22) 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;
- (23) 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;
- (24) That all existing trees on the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;
- (25) 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);

- (26) That all proposed work shall be wholly within the boundaries of the site;
- (27) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services.

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

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

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

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

Carried.

2.

SOUTH DOWLING STREET, NO. 673, SURRY HILLS - AUTHORISE USE OF VACANT PREMISES AS A CAR PARK - DEVELOPMENT APPLICATION (U00-00717)

That the application submitted by Foam Booth Pty Ltd, with the authority of the RTA, for permission to authorise the use of the subject vacant site for off-street parking and loading facilities in association with the use of the adjoining premises at Nos.675-677 South Dowling Street (aka No. 554 Cleveland Street, Redfern) for the sale, storage and cutting of foam for mattresses, etc, be deferred on the use of the car park so that appropriate zoning of the land in conjunction with the adjoining property can be investigated by Council's Planning staff.

Carried.

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3.

ALBION AVENUE, NO. 31, PADDINGTON - ALTERATIONS AND ADDITIONS TO EXISTING 3 STOREY VICTORIAN TERRACE - DEVELOPMENT APPLICATION (U00-00557)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 27 September 2000.

Carried.

4.

STREETS - PROPOSED CROSS CITY TUNNEL, BETWEEN DARLING HARBOUR AND KINGS CROSS TUNNEL WITH LINK TO EASTERN DISTRIBUTOR - SUBMISSION TO E.I.S. (2022189)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lennon:-

- (A) That Council inform the Roads & Traffic Authority (RTA) that it opposes the construction of the proposed Cross-City Tunnel (Darling Harbour to Kings Cross Tunnel) on the grounds that:
- (1) the project appears to be of doubtful economic benefit to the community, especially given perceived errors in the traffic modelling information in the EIS;
 - (2) additional expenditure on inner-city road-based infrastructure of the scale proposed for the Cross-City Tunnel would be better diverted to public transport systems and improvements to serve the inner suburbs of Sydney;
 - (3) the proposal does not reduce dependency on private car transport in the inner-city area, thus failing to satisfy basic objectives of government policy, as set out in *Action for Transport 2010* (Department of Transport, 1988).
- (B) That Council forward to the RTA the submission dated 28 September 2000 on the Environmental Impact Statement for the proposed Cross-City Tunnel, and ask the Authority to:
- (1) respond to specific issues raised in the submission about traffic and economic modelling in the EIS;

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- (2) grant Council the opportunity for further comment on these issues before the RTA completes its analysis of public submissions.
- (C) That the RTA be advised that, in the event that the overall final decision of government is to allow the project to proceed, Council requests that conditions numbered 1 to 45 in Part 3 of the submission dated 28 September 2000 be included as conditions of approval for the project.
- (D) That the Council request the RTA to accept a supplementary submission from Council on issues related directly to the William Street Revitalisation Strategy, including the question of the scale of development on residue sites such as the site adjoining the "Carrolls Hardware" building, after the closing date of 16 October 2000 for the Strategy's public exhibition.

Carried.

5.

CROWN STREET, NOS. 302-306, DARLINGHURST - CONVERT EXISTING MOTEL TO A RESIDENTIAL FLAT BUILDING CONTAINING 98 STUDIO APARTMENTS - DEVELOPMENT APPLICATION (U00-00635)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 27 September 2000.

Carried.

6.

BROWN STREET, NOS. 3-27, NEWTOWN - SECTION 96 - AMENDMENT - DEVELOPMENT APPLICATION (U99-00424)

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 to the application for a Section 96 amendment submitted by Geoff Bonus of Bonus Architects for permission to modify Development Application U99-00424, for stage two of the Newtown Square development containing 110 dwellings and 95 car parking spaces, subject to the following, namely:-

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- (a) deletion of the following condition:-
- (2) That the proposed development shall be generally in accordance with the approved development plans marked DA201/B to DA214/B inclusive, dated February 1999 and submitted to Council on May 6, 1999, except as modified by conditions of consent;

-and insertion in lieu thereof of the following new condition:

- (2) That the proposed development shall be generally in accordance with the approved development plans marked A4000 issue A, A4100 issue A to A4102 issue A, A5101 issue A, A5102 issue A, A5106 issue A, A5107 issue A, A6100 issue A to A 6103 issue A, A6107 issue A, A7100 issue A to A7104 issue A, A7109 issue A and A7110 issue A all dated 7/12/99, except as modified by conditions of consent;
- (b) addition of the following (as agreed) new conditions, namely:-
- (72) That a driveway shall be constructed at the entrance to the storage area to allow safe collection of container bins;
- (73) That the access to the garbage storage area shall be fitted with Council compatible locking devices.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, 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.
- (C) That the report by the Director of Public Works and Services dated 11 October 2000, regarding garbage collection, be received and noted.

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

GENERAL MANAGER

- (D) That a report be submitted by the Director of Public Works and Services to Council on the review of the policy for the collection of garbage for developments similar to the above application.

Motion, as amended by consent, carried.

7.

PORTMAN STREET, NO. 31, ZETLAND - ALTERATIONS AND ADDITIONS TO FIRST FLOOR OF DWELLING, NEW DOUBLE GARAGE WITH WORKSHOP STUDIO ABOVE - DEVELOPMENT APPLICATION (U00-00419)

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 & Assessment Act, 1979 to the development application submitted by Mr A & Mrs H Assuncao for alterations and additions to a dwelling, including new garage with studio/workshop above at the abovementioned premises, subject to the 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 six months of the date of this deferred commencement and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a construction certificate:
- (a) the proposed new windows on the northern elevation of the dwelling shall be timber-framed and redesigned to have greater vertical proportions with the lower sashes being fixed and containing obscure glazing;
 - (b) the roof form of the rear lane development shall be modified such that it pitches at an angle of about 45 degrees from both the lane and rear yard elevations incorporates dormer windows and has a maximum ridge height of 5.4m;
 - (c) the eaves of the rear building shall not encroach over the lane;
 - (d) the dormer window to the lane shall be of traditional design, with vertical proportions, whilst that to the rear yard would be acceptable at close to the full width of the property;

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- (e) the upper level balcony to the dwelling shall be deleted and replaced with a non-trafficable juliet balcony with the adjoining doors being redesigned in a more traditional manner with overall proportions of 1.2 metres wide and a height of 2.1 metres;
 - (f) the proposed balcony adjacent to the studio and extended eaves above shall be deleted; and
 - (g) the studio access stairs shall be relocated to within the the proposed east-facing windows to the studio shall be of obscure glazing;
- (2) That the development shall generally be in accordance with plans numbered 1, 2A-10A, inclusive and 11, dated October 1999, except where varied by any of the following conditions;
- (3) 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);
- (4) That all proposed work shall be wholly within the boundaries of the site;
- (5) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
- this does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
- (6) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:

- (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
- (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

- (7) That a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;
- (8) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner;
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the

owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

- (10) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (11) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (12) That stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (13) 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;
- (14) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (15) That the demolition work shall comply with Australian Standard 2601-1991;
- (16) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (17) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (18) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".

- (19) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (20) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (21) That the use of the premises shall not give rise to:-
- (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
 - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).
- (22) 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;
- (23) 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;
- (24) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (25) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you

should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

- (26) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (27) That 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;
- (28) 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);
- (29) That all proposed work shall be wholly within the boundaries of the site;

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

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

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

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

Carried.

8.

**ROTHSCHILD AVENUE, NOS. 120-126, ROSEBERY - SECTION 96 -
MODIFICATION TO DEVELOPMENT APPLICATION (U99-00906)**

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 28 September 2000.

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

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 28 September 2000.

Motion, as amended by consent, carried.

9.

**KING STREET, NO.145, NEWTOWN (MARLBOROUGH HOTEL) - FIRST
FLOOR ALTERATIONS INCLUDING ENCLOSURE OF BALCONY, USE
ROOF AREA FOR ENTERTAINMENT, ALL OPERATING UP TO 24 HOUR/
DAY - DEVELOPMENT APPLICATION (U00-00864)**

NOTE:

- (A) That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 28 September 2000.
- (B) That a report be submitted to the Councillors Information Service by the appropriate Council Officers investigating the traffic limits in the surrounding streets and the unauthorised work at the Hotel.

Carried.

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10.

SURREY STREET, NO. 62, DARLINGHURST - CONVERSION OF TERRACE HOUSE TO FIVE FLATS - DEVELOPMENT APPLICATION (U99-00453)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 26 September 2000.

Carried.

11.

GEORGINA STREET, NO. 39, NEWTOWN - INTERNAL AND EXTERNAL ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING GARAGE AND IN-GROUND SWIMMING POOL - DEVELOPMENT APPLICATION (U00-00373)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 29 September 2000, subject to:-

- (a) the deletion of the words "deferred commencement" where appearing in the first two lines of the recommendation;
- (b) the deletion of condition (1) of the recommendation.

Subsequently at the Council Meeting the foregoing decision was amended by the deletion of clause (a) and the insertion in lieu thereof of a new clause (a), namely:-

- (a) the deletion of the words "deferred commencement consent" where appearing in the first two lines of the recommendation and the insertion in lieu thereof of the words "grants its consent".

This amendment was unanimously agreed to by the Council.

12.

CHURCH STREET, NOS. 33-35, CAMPERDOWN (ALSO KNOWN AS NOS. 46-48 MALLET STREET) - SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION (U97-00748)

This matter was submitted to Council without recommendation.

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Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council refuses to grants its consent under the NSW Environmental Planning and Assessment Act to the Section 96 application submitted by Mr Michael Kirby, for the following reasons, namely:-
 - (1) Council cannot approve structures that have already been built;
- (B) That the applicant shall be required to complete the northern boundary wall to the full height of 5 metres as scaled from the approved plans numbered A-02SKB dated April 1997 prior to the release of the strata plan.
- (C) That a structural certificate certifying the completed northern boundary wall shall be submitted prior to the release of the strata plan.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

BOURKE STREET, NO. 486, SURRY HILLS - ALTERATIONS TO DWELLING INCLUDING DORMER WINDOW AND CLIMBING FRAME - DEVELOPMENT APPLICATION (U00-00851)

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 its consent to the application submitted by Mrs Jill Moore-Kashima with the authority of Mrs Jill Moore-Kashima and Mr Yoshi Kashima for the construction of the rear climbing frame and first floor awning frame for the following reasons, namely:-
 - (1) Council cannot retrospectively approve development;
- (B) That Council resolve to take no further action to remove the proposed climbing frame or first floor awning frame subject to the following conditions, namely:-
 - (1) That a structural certificate certifying the climbing frame structure and first floor timber awning frame shall be submitted within 30 days from the date of determination.
 - (2) That the climbing frame shall not be roofed.

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- (C) That the Council as the responsible authority grants its consent to the application submitted by Mrs Jill Moore Kashima with the authority of Mrs Jill-Moore Kashima and Mr Yoshi Kashima for alterations to the second floor of the premises, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$330 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the development shall be generally in accordance with the plans numbered 00851/00 and date stamped 24 July 2000 except where amended by conditions;
 - (3) That the existing front skylight shall be relocated to below the ridge line at the rear of the dwelling;
 - (4) That the front dormer window shall be vertically proportioned at the ratio of 1.5:1 in accordance with the provisions of DCP 1997;
 - (5) That the proposed awning cover shall be of translucent material;
- and the following adopted standard conditions:
- (6) Compliance with Building Code of Australia⁸⁵⁰¹
 - (7) Residential Building Work⁸⁵⁰³
 - (8) Structural Design Certificate⁹⁰⁰⁶
 - (9) Drainage Details with Construction Certificate⁹⁰¹³
 - (10) Construction Hours⁹¹⁵¹
 - (11) Works Within Boundary⁹¹⁵²
 - (12) Construction Certificate Required⁹¹⁵⁵
 - (13) Building/Demolition Noise Control⁹¹⁵⁶
 - (14) Protection from Termites⁹²⁰⁴
 - (15) Protection of External Walls⁹³²³

- (16) Smoke alarms⁹⁵²³
- (17) Protection of walls and floors in wet areas⁹⁶⁰²
- (18) Clothes washing and drying facilities⁹⁶⁰³
- (19) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (20) Noise and Vibration⁷⁰²⁶
- (21) Obstruction of Public Way³⁰²⁹
- (22) Delivery of Construction Materials³⁰³²
- (23) Refuse Skips⁶⁰⁰²
- (24) Construction Hours⁹¹⁵¹
- (25) Works Within Boundary⁹¹⁵²
- (26) Work on Public Way⁹¹⁵⁴
- (27) Demolition to Comply With Aust Standard⁹¹⁶³

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.

- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (E) That Council seek legal advice on its ability to enforce the condition of the 1987 consent to require the removal of the enclosed front balcony.

Carried.

14.

ROCKWALL CRESCENT, NO. 22, POTTS POINT - CHANGE OF USE AND ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-01176)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Wolff Architecture Pty Ltd for permission to "retain the existing

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restaurant and change the use of nightclub to 3 x 2 bedrooms, 5 x 1 bedroom, and 1 x 1 bedsitter residential units involving the construction of an additional floor plus attic with rooftop open space at the abovementioned premises, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10,125 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,750, 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 the plans labelled "DA01-B", "DA04-B", and "DA05-B" dated 23 March 2000, the plans labelled "DA02-C" and "DA03-C" dated 6 September 2000 marked in red by Council, stamped approved by Council, and held in Council's File U99-01176, except as conditioned below;
- (4) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (5) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 2,946	2E97003.BGY0
Open Space: New Parks	\$14,421	2E97009.BGY0
Accessibility And Transport Management	\$ 89	2E97006.BGY0
	\$ 234	2E97007.BGY0
Total	\$17,690	

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.

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

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 Quarter 1999/2000.

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

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

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

Part B

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

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

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

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

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

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

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

- (6) 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	\$4,402	2E97008.BGY0

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

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

where:

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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) That the dormer windows facing Rockwall Crescent shall be setback no less than 1 metre from the exterior face of wall shown on DA03 Rev B. Details shall be shown in the Construction Certificate;
- (8) That the portion of the terrace deck separating Unit 4 and Unit 5 shall contain a privacy screen to a height of no more than 1.5 metres when measured from the level of the terrace deck. Details shall be submitted with the Construction Certificate;
- (9) That the attic level wall facing Rockwall Crescent that separates the living space and terrace decks of Unit 4 and Unit 5 shall be setback 1 metre from the location shown on the plans facing Rockwall Crescent. That, despite the requirements of condition 9, the roof pitch of the proposed development facing Rockwall Crescent shall remain as shown on the plans. Details shall be submitted with the Construction Certificate;
- (10) That the width of the open space to Unit 3 shall be the same width as the living/dining area to Unit 3 when measured from the interior face to interior face. Details to be shown in the plans submitted with the Construction Certificate;
- (11) That the hand rail and balustrade to the attic terrace deck of Unit 4 and Unit 5 shall be fixed to the interior face of the parapet wall. Details shall be shown in the Construction Certificate;
- (12) That the terrace deck to Unit 4 shall be setback from the western boundary by no less than 1 metre and shall be non-trafficable. Details of this shall be shown on the Construction Certificate;
- (13) That the development shall include a solar hot water system or a hot water system that has a Greenhouse Rating of no less than 3.5 stars. Details to be submitted with the Construction Certificate;
- (14) That the wall insulation shall be no less than R1.5 for roofs and ceilings and an R1.0 for walls, except where the construction

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materials to be used embody an equivalent total R value to the required standard;

- (15) That a single television antenna shall be provided for the entire development;
- (16) That the balcony openings to Unit 4 and Unit 5 shall have a height no greater than that shown for the window opening identified on DA03 as being the Main Bedroom in Unit 5. Details shall be shown on the Construction Certificate;
- (17) That the street bollards, awning to Rockwall Crescent, and CCTV shown on the plans shall be deleted;
- (18) That the cost of the repaving of the Rockwall Lane outside the subject site shall be borne by the developer and not be offset against any Section 94 contributions paid as part of this development. The materials, details and construction methods used to repave this section of Rockwall Lane shall comply with the requirements of Council's Streetscape Masterplan and the requirements of the Director of Public Works and Services;
- (19) That the roof shall have a corrugated profile and be of a colour that is recessive and non-reflective. Details to be submitted with the plan for the Construction Certificate;
- (20) That natural light and ventilation shall be provided to all habitable rooms in accordance with the requirements of Part F.4 of the Building Code of Australia;
- (21) That the doorway to the proposed garbage room shall be protected by a self closing -/60/30 fire door;
- (22) That smoke hazard management shall comply fully with the requirements of Part E.2.2 of the Building Code of Australia;
- (23) That side privacy screens shall be installed on the wall separating the communal open space at roof level with 20 Rockwall Crescent to a height of 1.5 metres when measures from the deck;
- (24) That floors throughout the premises shall comply fully with 'Type A' construction;
- (25) That an alternative solution to the deemed to satisfy conditions would be acceptable if it addresses all of the performance requirements of the Building Code of Australia;
- (26) That the exhaust and extractors (including their design and location) shall comply with "Report on Proposed Air Conditioning

and Ventilation Systems” prepared by Ho and Lee Engineering Consultants Pty Ltd and dated “jan2000”, except as otherwise required by Council’s Ventilation Code. Where there is a discrepancy in that code and another option that achieves a better outcome, the better outcome shall be adopted. Written details and plans shall be submitted in the Construction Certificate;

- (27) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
- (a) all required mechanical ventilation systems
 - (b) the garbage room
- (28) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(g) of the BCA;
- (29) That the windows and doors on the northern and eastern elevation shall be timber framed. Details shall be shown on the plans submitted with the Construction Certificate;

and the following standard conditions

- (30) Obstruction of Public Way³⁰²⁹
- (31) Delivery of Construction Materials³⁰³²
- (32) Recycling⁶⁰⁰⁷
- (33) Storage/Garbage⁶⁰⁰⁹
- (34) Sanitary Facilities⁷⁰¹⁶
- (35) Fitout of Food Premises⁷⁰²⁰
- (36) Ventilation⁷⁰²³
- (37) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (38) Structural Design Certificate⁹⁰⁰⁶
- (39) Drainage Details with Construction Certificate⁹⁰¹³
- (40) Comply With BCA⁹¹⁰⁴
- (41) Construction Hours⁹¹⁵¹

- (42) Works Within Boundary⁹¹⁵²
- (43) Work on Public Way⁹¹⁵⁴
- (44) Building/Demolition Noise Control⁹¹⁵⁶
- (45) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (46) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (47) Commencement of Structural Works⁹²⁰²
- (48) Fire Doors to Sole-Occupancy Units⁹³¹⁵
- (49) Glazing Provisions⁹³³⁰
- (50) Storage Cupboards Under Required Non-Fire Isolated Stairs⁹⁴¹⁵
- (51) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (52) Private Stairs and Balustrade Requirements⁹⁴²⁰
- (53) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (54) Maintaining Unobstructed Access to Exits⁹⁴²⁶
- (55) Maintaining Unobstructed Access to Exits⁹⁴²⁶
- (56) Entry to Refrigerator or Cooling Chamber⁹⁴³¹
- (57) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (58) Hose Reels be Installed⁹⁵⁰⁶
- (59) Hydrants be Installed⁹⁵⁰⁷
- (60) Emergency lighting⁹⁵¹⁸
- (61) Exit signs⁹⁵¹⁹
- (62) Clothes washing and drying facilities⁹⁶⁰³
- (63) Damp and weather proofing⁹⁶⁰⁶
- (64) Number of toilets to be provided⁹⁶⁰⁸
- (65) Ceiling heights of rooms or spaces⁹⁶¹²
- (66) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶

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- (67) Sound transmission classes of walls⁹⁶¹⁷
- (68) Sound transmission classes of floors⁹⁶¹⁹
- (69) Construction of External Walls for Dampness⁹⁶²³

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

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

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

Carried.

15.

PLANNING - COUNCIL'S EXEMPT AND COMPLYING LEP - CHARGING FEE FOR PREPARATION OF SCHEDULE (2022710)

That the report by the Director of Planning and Building dated 26 September 2000, regarding the above matter, be received and noted.

Carried.

16.

ERSKINEVILLE ROAD, NO. 62, ERSKINEVILLE - ERECTION OF FLATS - DEVELOPMENT APPLICATION (U00-00400)

That consideration of the application be deferred to permit the submission of amended plans which address the issues identified in the proposed deferred commencement consent as well as the realignment of the proposed new building closer to the Baldwin Street alignment and the reduction in size or redesign of the first floor deck at the rear of the existing terrace house.

Carried.

17.

LANG ROAD, NO. 32, CENTENNIAL PARK - DEVELOPMENT OF IN GROUND POOL, GARAGE DOOR, WINDOW ALTERATION AND PROPOSED LANDING FOR ACCESS TO BACK GARDEN - DEVELOPMENT APPLICATION (U00-000701)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 29 September 2000.

Carried.

18.

ANZAC PARADE, MOORE PARK - CONTINUE USE OF MOORE PARK FOR SPECIAL EVENTS OVER 5 YEAR PERIOD - DEVELOPMENT APPLICATION (U00-00492)

That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by P Duncan, Director, Centennial and Moore Park Trusts, with the authority of the Centennial and Moore Park Trust, to use Moore Park for events drawing 2500 - 20000 people. A maximum of 50 events each year is proposed from sunrise to 10.30p.m. or 10.00p.m. during daylight saving. Events consist of community, sporting, charity, corporate, circuses and cultural style events, be deferred for a meeting between Council and the applicant, Mr. Peter Duncan, Director, Centennial and Moore Park Trust to discuss ticketing of events, a future limit on the use of part of Moore Park for car parking and the number of events in a year.

Carried.

19.

PITT STREET, NO. 30, REDFERN - CHANGE OF USE TO GROUP HOME - DEVELOPMENT APPLICATION (U00-00781)

Deferred for a further report covering the following:-

- (1) Notification of residents being widened;
- (2) Parking problems;
- (3) Management Plan consent;
- (4) Staff resources and Supervisor being on call;

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-and the report also address the types of land usage, levels of occupancy, hours of use and temporary loss of boarding house accommodation.

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

- (A) That the Council as the responsible authority refuses its consent to the application submitted by We Help Ourselves with the permission of Charles Aqualina (owner) for permission for change of use of premises, for the following reasons, namely:-
- (1) That the proposed development is inconsistent with Clause 12 - objective 1(e) of LEP 1998 in respect to higher density and diverse forms of residential development on appropriate sites by concentrating on significant number of group homes within a very limited area.
 - (2) That the proposed development is inconsistent with Clause 12, objective 1(a) of LEP 1998 in that the proposal will not enhance the amenity of the existing medium density residential area by virtue of the concentration of group homes within a short distance of each other.
 - (3) That the proposal, in addition to existing group homes in the area, would result in cumulative adverse impacts on the amenity of the residential area through noise disturbance and person congregating on the streets.
 - (4) Given the circumstances of the case, the proposal 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.

Motion, as amended by consent, carried.

20.

CROWN STREET, SHOP 1, NO. 256, DARLINGHURST - RESTRICTED PREMISES SHOP - DEVELOPMENT APPLICATION (U00-00185)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt.

- (A) That the Council as the responsible authority grant its consent to application submitted by Brian Hazon for a restricted premises, at the above mentioned address, subject to the following conditions, namely:-

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- (1) That the development shall be generally in accordance with plans numbered DA01-DA04 dated May 2000;
- (2) That consent will be for a trial period of three years, from the date of this consent. A further Development Application may be lodged before the expiration of this period for Council's consideration of the continuation of the proposed use;
- (3) That the hours of operation shall be restricted to between 10.00 am to 12.00 midnight Sundays to Thursdays, and 10.00 am to 2.00 am Fridays and Saturdays;
- (4) That the false shopfront on the Crown Street frontage to the store shall be maintained and this space be made available for non profit community organisations at no cost;
- (5) That no sex shall be permitted on the premises;
- (6) That there shall be no flashing or animated advertising signs attached to the shop;
- (7) That advertising signage outside the shop shall be the subject of separate development application;
- (8) That wheelchair access be available at all times from the Crown Street entrance to the store;
- (9) That an application shall be made to Council's Public Works and Services Department in the event that it is necessary to change footpath alignment levels, in order to accommodate wheelchair access to the store;
- (10) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (11) 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;
- (12) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (13) 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;
- (14) 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;

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- (15) 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);
- (16) 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);
- (17) That all proposed work shall be wholly within the boundaries of the site;
- (18) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (19) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (20) That within 3 months of the date of this consent, the requirement by building application Q97-004201 is to be completed to the satisfaction of Council as signified in writing;

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.

21.

ITHACA ROAD, NO. 1001, ELIZABETH BAY, ALTERATIONS TO EXISTING MARINA BY INCREASING THE NUMBER OF FIXED BERTHS REDUCING THE NUMBER OF SWING MOORINGS AND DREDGING OF ELIZABETH BAY (U00-00587)

- (A) That Council advises the Minister for Urban Affairs and Planning that, in the opinion of Council, the application submitted by Brett McKecknie and Tempo Euro International Trading Pty Ltd, with the authority of the Waterways Authority, to alter the existing marina by creating 16 fixed births and 34 swing moorings and associated facilities and structures, should be rejected as an invalid application or refused for the following reasons, namely:-
- (1) That the proposed development, under the provisions of Part 2, Schedule 3 of the Environmental Planning and Assessment Regulation 1994, is considered to be designated development and requires an environmental impact statement (EIS). The application has not been submitted as designated development and no EIS has been submitted with the application which makes the application invalid;
 - (2) That under the provisions of Sydney Regional Environmental Plan No. 23 – Sydney and Middle (SREP 23) – the site is listed under Schedule 5 as a Heritage Item requiring a marine archaeological assessment. The development application lacks adequate information (ie a marine archaeological assessment) to be fully assessed;
 - (3) That the proposal is not consistent with the objectives of Zone No. W1 – General Waterways as set out in SREP 23;
 - (4) That the proposal will have an adverse impact on the amenity of the area by way of the following:
 - (a) Increased noise levels,
 - (b) Loss of views and vistas over Elizabeth Bay and Sydney Harbour,
 - (c) Visual impacts upon Elizabeth Bay and Sydney Harbour,
 - (d) Being an overdevelopment in context with the scale of existing development in Elizabeth Bay,
 - (e) Increased water pollution and destruction of marine ecology,
 - (f) Increased air pollution,

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- (g) An alteration to the existing tranquil, quiet and serene atmosphere characteristic of Elizabeth Bay,
 - (h) Exacerbation of the current lack of on-street car parking
- (5) That the proposal is not in the public interest.
- (6) Whether owners consents to the lodging of the application are valid, including whether the Water Authority granted consent.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Mallard and by consent, the motion was amended by the deletion of condition (6) of the recommendation and the insertion in lieu thereof, of the following new resolution, namely:-

- (6) Whether owners consent to the lodging of the application is valid including whether the Water Authority granted consent in accordance with their own procedure or policy.

Motion, as amended by consent, carried.

22.

BROADWAY, NOS. 180-182, CHIPPENDALE - ERECTION OF A 7 STOREY (WITH 8TH LEVEL ROOFTOP TERRACE) 27 UNIT MIXED COMMERCIAL/ RESIDENTIAL DEVELOPMENT WITH PARKING - DEVELOPMENT APPLICATION (U99-01354)

- (A) That the Council as the responsible authority refuses its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Wolff Architecture Pty Ltd for permission to retain the existing building envelope and construct a seven storey, 27 unit mixed residential/commercial development with car parking, for the following reasons, namely:-
- (1) That the proposal significantly exceeds the maximum FSR control specified in DCP 1997;
 - (2) That the proposal is an overdevelopment of the site and is overbearing with respect to surrounding and adjacent development;
 - (3) That the height of the development overall is excessive;
 - (4) That the proposal would result in a scale, bulk and height of building that is out of character with the adjoining area to the east, south and the adjacent former Commonwealth Bank building;

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- (5) That the proposed internal communal open space and the balconies of the south facing units will be overshadowed and lack amenity;
 - (6) That the proposal is out of context with the surrounding buildings in the conservation area and the general streetscape;
 - (7) That the proposal is inconsistent with the objectives of Clause 28 of LEP 1998, particularly the following objectives:
 - (a) has been designed to reinforce and protect the local topography and setting;
 - (b) reinforces and enhances the streetscape and character of the locality;
 - (c) is compatible with the scale and design of neighbouring development;
 - (d) has been designed with adequate provision for the intended occupants, and those in the vicinity of the site of the proposed development, in terms of:
 - (i) privacy, and
 - (ii) access to sunlight,
 - (8) The proposal would adversely affect the amenity of the area and is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

The Planning and Development Committee Meeting terminated at 10.15 p.m.

NOTICES OF MOTION

1.

PROPERTIES - COUNCIL'S BROADWAY PROPERTIES - OCCUPATION BY SQUATTERS (2023344)

Moved by Councillors Lay, Harcourt, Shaw, Lennon and Pooley.

That Council stay all proceedings in the Land and Environment Court related to the properties at Nos. 147, 149 and 151 Broadway and suspend any action

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relating to the eviction of squatters to allow for mediation to take place with a view to developing an appropriate short-term caretakers lease.

At the request of Councillor Mallard, and by consent, the motion was amended by the inclusion of the words "and other options" at the end of the recommendation.

Amendment carried.

It was further moved by Councillor Lennon, seconded by Councillor Furness, that the motion be amended by the deletion of the word "stay" where appearing in the first line of the motion and the insertion in lieu thereof of the word "withdrawal".

Amendment carried.

It was moved by Councillor Bush, seconded by Councillor Mallard, that Council conduct a poll of all ratepayers in the South Sydney area informing the public of the decision of Council and the risk or possible deaths that could occur by occupation of the building.

Amendment negatived.

It was further moved by Councillor Pooley, seconded by Councillor Lay, that the motion as amended by Councillors Mallard and Lennon, be amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

That Council withdraw all proceedings in the Land and Environment Court related to the properties at 147, 149 and 151 Broadway and withdraw the SSCC emergency cease use order issued to the occupants. That Council consent to the lifting of the interim injunction. That Council suspend any action relating to the eviction of squatters to allow for mediation to take place with a view to developing an appropriate short-term caretakers lease or other appropriate option. Further, that no further action be pursued until the matter is referred to the SSCC Homelessness Committee to be considered as a matter of priority.

Motion carried.

(The Mayor requested that his name be recorded as voting against the foregoing motion.)

2.

PROPERTIES - COUNCIL'S BROADWAY PROPERTIES - OCCUPATION BY SQUATTERS - CENSURE OF MAYOR (2023344)

(In connection with this matter a minute by the General Manager dated 5 October 2000, was circulated to all Councillors prior to the Council Meeting.)

Moved by Councillor Lennon.

That Council censures the Mayor, Councillor John Fowler, for undemocratic use of his power at the South Sydney City Council meetings of 1 September 2000 and 13 September 2000, when the Mayor on three occasions ruled that urgency motions concerning the Broadway squatters were not urgent. By these actions the Mayor denied democratically elected Councillors the opportunity to determine the question of urgency and the substantive matter on its merits.

Council finds it unacceptable that the Mayor exercised autocratic power to decide this contentious matter himself and use meeting procedure to frustrate motions of substance.

-at the request of Councillor Lennon, the foregoing Notice of Motion was withdrawn.

The Council Meeting terminated at 8.39 p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON

GENERAL MANAGER

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