

261ST Meeting

Erskineville Town Hall
Erskineville
113721

Wednesday, 8 November 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.39 pm on Wednesday, 8 November 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

The Mayor welcomed to the meeting, Mr. Richard Lennon, Father of Councillor Amanda Lennon.

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 25 October 2000, be taken as read and confirmed.

Carried.

Leave of Absence - Councillor Furness

A request was received from Councillor Furness for leave of absence from the Management Review Committee meeting of 9 November 2000.

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

That leave of absence be granted to Councillor Furness from the Management Review Committee meeting of 9 November 2000.

Carried.

Leave of Absence - Councillor Lennon

A request was received from Councillor Lennon for leave of absence from the Management Review Committee meeting of 9 November 2000.

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

That leave of absence be granted to Councillor Lennon from the Management Review Committee meeting of 9 November 2000.

Carried.

MINUTE BY THE MAYOR

8 November 2000

PUBLIC RELATIONS – LESLIE AND GRACE WARNER – 60TH WEDDING ANNIVERSARY (2018194)

It is with pleasure that I inform Council of the 60th Wedding Anniversary of Leslie and Grace Warner, residents of Bray Street, Erskineville.

GENERAL MANAGER

Leslie and Grace were married in the Holy Trinity Church, Rochford Street, Erskineville and they live in the house where Leslie was born.

It is recommended that a letter of congratulations and a floral arrangement be forwarded to them on this very special occasion.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

6 November 2000

PUBLIC RELATIONS – OFFICIAL OPENING OF WOOLLOOMOOLOO COMMUNITY GARDEN (2023418)

It is proposed to hold a community celebration to mark the official opening of the newly created community garden and playground at the end of McElhone Street, Woolloomooloo on Saturday, 25 November 2000 from 1.00 pm to 3.00 pm.

The site has recently been upgraded with a new community garden, new playground and new basketball and tennis court surfaces.

In September 1999 Council held a function at the site to celebrate the completion of a community mural.

This proposed function will complete the process of the total upgrading of the area with a view to improving safety in the area and providing a positive community focus for the Woolloomooloo community.

The community garden has only recently been completed with gardens beds catering for disabled and ordinarily abled people, as well as composting facilities.

A local community group in consultation with Council's Waste Project Officers has had the coordination for realising the community garden.

GENERAL MANAGER

The community group has proposed entertainment for the official opening including an Aboriginal elder, Vietnamese and Cambodian dancers, a Chinese Lion Dance, a Maori performance and blessings by Christian and Buddhist church leaders.

RECOMMENDATION:

That Council agree to hold a community celebration to mark the official opening of the newly created community garden and playground at the end of McElhone Street, Woolloomooloo on Saturday, 25 November 2000 from 1.00 pm to 3.00 pm, and for which funds are available in the 2000/2001 Forward Estimates.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Shaw, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

6 November 2000

**PUBLIC RELATIONS – OFFICIAL OPENING OF THE
REFURBISHED JAMES HILDER RESERVE (2022123)**

It is proposed to hold a community celebration to mark the official opening of the newly refurbished James Hilder Reserve at the corner of Campbell and Samuel Streets Surry Hills on Saturday, 18 November 2000 from 11.00 am to 1.00 pm.

On Saturday, 13 February 1999, Council's landscape architects held a community consultation with local residents regarding the future development of James Hilder Reserve. Elements from this consultation have been incorporated into the new features of the refurbished reserve.

The new features are simple and robust and include the installation of:

- ? sandstone steps, paving and walls which evoke a character reminiscent of the Victoria Sandstone pedestrian routes through Surry Hills reinterpreted in a contemporary manner;
- ? new native tree species and grass plantings complimenting the magnificent existing strand of Eucalyptus species;

GENERAL MANAGER

- ? a pedestrian cross path reinforcing an existing pedestrian route from the residential area to Oxford Street;
- ? solar lighting to improve safety and consistent with South Sydney's sustainable policy
- ? additional timber seats which take advantage of the city skyline view; and
- ? new decorative fencing and soft-fall to the relocated playground to allow children to play safely.

Council's upgrading of the reserve has made a tired and featureless area, a pleasant place for passive recreation and one of which Council and the local community can be proud.

RECOMMENDATION:

That Council agree to hold a community celebration to mark the official opening of the newly refurbished James Hilder Reserve at the corner of Campbell and Samuel Streets Surry Hills on Saturday, 18 November 2000 from 11.00 am to 1.00 pm, and for which funds are available in the 2000/2001 Forward Estimates.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Furness:-

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

Carried.

At the direction of the Mayor, the Director of Public Works and Services be requested to circulate in the Councillors Information Service, reports in respect of the status of the solar lighting and the doggy loos.

At this stage and at 6.45 pm, it was moved by Councillor Harcourt, seconded by Councillor Lay:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matters, as they dealt with Council's property matters and other issues:

- (1) **ADMINISTRATION – MANAGEMENT PLAN CONFERENCE 2000 – ADOPTION OF DECISIONS (2021951)**
- (2) **PROPERTIES – OWEN STREET, NO. 3, ULTIMO – OCCUPATION BY SQUATTERS (2023331)**

(3) PROPERTIES – GOWRIE STREET, NO. 121, NEWTOWN – PURCHASE FOR PARK (2018826)

(4) PROPERTIES – UNIT 1, NOS. 77 – 79 BOURKE ROAD, ALEXANDRIA – PROPOSED PURCHASE (2017260)

(Item No. 1 in Report of Finance Committee Confidential Matter).

Carried.

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

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

At 7.05 pm the Council Meeting resumed.

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

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

MINUTE BY THE GENERAL MANAGER

(1) ADMINISTRATION – MANAGEMENT PLAN CONFERENCE 2000 – ADOPTION OF DECISIONS (2021951)

7 November 2000

A minute by the General Manager dated 7 November 2000, was circulated to all Councillors prior to the Council Meeting.

Recommendation of the Committee of the Whole

That Council adopt the following 23 action items, namely:

- (1) DPB report on DCP re high rise and density.
- (2) DHCS report to Council before the end of the year on Social Plan and arrange a briefing.
- (3) DHCS & DCS report on integrated use of community buildings and look at having a brochure promoting council venues for hire.
- (4) DPWS report on Waste Services' schedules and structure and if resources could be managed better.

GENERAL MANAGER

- (5) DOD liaise with DPWS, DHCS and DPB and report on Integrated Planning Teams.
- (6) DOD report on a holistic approach to enforcement incl: ordinance, waste, parking etc.
- (7) DPWS to implement the trial for gas powered vehicles.
- (8) Subject to community consultation, Council supports the strategy on boundaries as discussed and that the General Manager submit his report in December 2000 and arrange a briefing.
- (9) DCS report on Properties Maintenance Schedule, creation of Properties Sub-Committee, costs of voluntary redundancy in the maintenance area, and the DCS resubmit his report of 30 October 2000 to Committee.
- (10) Council agrees that reports on minor departmental restructures may be submitted to the GM for approval subject to no increase in costs.
- (11) DOD to ensure Red and Green Scene is distributed to Councillors.
- (12) GM to ensure Customer Service Satisfaction Survey is carried out early 2001.
- (13) GM to ensure Communications Audit is carried out.
- (14) Council supports Committee and Council meeting days to remain as Wednesdays.
- (15) DPB report dated 27 October 2000 on Planning Delegations to be submitted to Council.
- (16) GM report to the Management Plan weekend discussions in 12 months on the results of the Community Consultation meetings and include Precinct Committees in those discussions.
- (17) DCS report on having One Stop Shop trial locations in the North and in the South wards, such report to include costs, staffing, security and services to be provided.
- (18) DOD & DPB report on the historical/comparative record of payment of salaries to planners now to that of 5 and 10 years ago, and Council review the Planners' positions and salaries in March 2001.
- (19) DOD report on the possible implementation of the Mini/Maxi RRD system to replace the Rotating Day RRD system.
- (20) GM and DCS ensure explanation of Section 94 Contributions is included in the Annual Community Report, on the Website, in the Inner City News, and formally back to Council as per R of C 11 October 2000.

- (21) Council supports another Managers' Forum by March 2001 and the results will be a priority on the next Councillors' Management Plan Weekend Agenda.
- (22) Council supports having the next Councillors' Management Plan Weekend Conference in early April 2001.
- (23) Council agrees that the Property Manager's position be filled on contract to enable the Property Branch to operate in a more effective manner.

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

MINUTE BY THE GENERAL MANAGER

6 November 2000

(2) PROPERTIES – OWEN STREET, NO. 3, ULTIMO – OCCUPATION BY SQUATTERS (2023331)

A minute by the General Manager dated 6 November 2000, was circulated to all Councillors prior to the Council Meeting.

Recommendation of the Committee of the Whole

That Council grants approval to:-

- (1) institute all necessary legal action to have the persons unlawfully occupying the subject premises, No. 3 Owen Street, Ultimo, to vacate such premises effective immediately;
- (2) allocate funds of \$41,184 to have two security guards on station for one month or until the squatters are removed, whichever is the earlier.

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

Councillor Lennon requested that her name be recorded as voting against the Committee of the Whole decision in respect of the Occupation By Squatters of Council's Property at No. 3 Owen Street, Ultimo.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

7 November 2000

**(3) PROPERTIES – GOWRIE STREET, NO. 121, NEWTOWN –
PURCHASE FOR PARK (2018826)**

A minute by the General Manager dated 7 November 2000, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

Recommendation of the Committee of the Whole

That the recommendation of the General Manager in minute dated 7 November 2000, with regard to the purchase of No. 121 Gowrie Street, Newtown for use as a Community Park be approved and adopted.

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

4.

**PROPERTIES – UNIT 1, NOS. 77 – 79 BOURKE ROAD, ALEXANDRIA –
PROPOSED PURCHASE (2017260)**

(Item No. 1 Finance Confidential Report)

Recommendation of the Committee of the Whole

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 27 October 2000, in respect of the purchase of Unit 1, Nos. 77 – 79 Bourke Road, Alexandria, be approved and adopted.

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

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

8 November 2000

FINANCE - PRESENTATION OF COUNCIL'S AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2000 (2019711)

On 25 October 2000 Council formally adopted the audited Financial Reports and the Auditor's Reports for the year ended 30 June 2000.

At that meeting Council also gave notice that it would present these reports to the Public, as required under Section 419(1) of the *Local Government Act 1993*, at its Council meeting of 8 November 2000.

The required 7 days public notice of this meeting has been given, as required under Section 418 of the *Local Government Act 1993*.

The public notice flier, which includes a Financial Statements Summary, as required under Section 418(3)(b) of the *Local Government Act 1993*, has been placed on display at all Council Libraries and Town Halls. A full set of the audited Financial Reports and Auditors Reports was also made available at each of these locations.

The public notice also advises that any person may make submissions to Council with respect to the audited Financial Reports or to the Auditor's Report. Any submission must be made in writing and lodged with Council by 15 November 2000.

RECOMMENDATION:

- (1) Council, in accordance with Section 419(1) of the *Local Government Act 1993*, presents its Financial and Auditor's Reports for the year ended 30 June 2000 , and
- (2) Council advises that as per Section 420(1) and (2) of the *Local Government Act 1993*, any person's wishing to make submissions in respect of these reports may do so, but submissions must be made in writing and lodged with Council by 15 November 2000.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Furness, seconded by Councillor Pooley.-

GENERAL MANAGER

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

Carried.

MINUTE BY THE GENERAL MANAGER

8 November 2000

TRAFFIC - EASTERN DISTRIBUTOR LOCAL AREA IMPROVEMENT PLAN - CALLING OF TENDERS FOR CONSTRUCTION PACKAGE C AND RELATED MATTERS (T02-00172)

In accordance with Council resolution dated 22 March 2000 approval was given for the provision of design services and supervision of contract construction works to complete the Eastern Distributor LAIP on nominated roads in South Sydney.

Connell Wagner Pty Ltd. was the successful tender for the design and supervision work.

The works comprise the construction of raised thresholds, roundabouts and associated roadworks and have been separated into packages that are based on location. They are:

- ✍ Package A - Redfern, south of Cleveland Street
- ✍ Package B - Woolloomooloo, north of William Street
- ✍ Package C - Surry Hills, Cleveland Street to Oxford Street
- ✍ Package D - Darlinghurst, Oxford Street to William Street
- ✍ Package E - Crown Street at Crown Street Public School
- ✍ Package F - Bourke Street/Crescent Street/Phillip Street

Connell Wagner Pty Ltd. is finishing full contract documentation for these packages progressively, after detailed site investigation and local notification. There is Community expectation for prompt completion of these works. This has been addressed in a detailed construction program that indicates all the above works will be substantially finished by late March 2001.

Package A was advertised for tender on 31 October 2000 and will be reported to Committee on 22 November 2000. Package B was advertised for tender on 7 November 2000 and will be reported to Committee on 6 December 2000. Council's in-house resources will construct Package E. Connell Wagner Pty Ltd. is currently doing design work for Packages C, D and F.

We wish to advertise Package C on 14 November 2000 and have a shortened tender period of 15 days. Part 12 of the Local Government (Tendering) Regulation 1999 permits a reduction in the advertising period where the Council considers that exceptional circumstances exist, provided that the period is not less than 7 days.

GENERAL MANAGER

The timeframe to complete all construction packages is achievable, however due to the recess of Council during December 2000 and January 2001 it is necessary that a recommendation to Council of a suitable contractor for Package C be made at the meeting of 13 December 2000. A 15-day tender period will allow sufficient time to evaluate tenders after tenders close and report to the Finance Committee on 6 December 2000. The nature of the work is similar for all packages and we believe that contractors likely to tender for the work in Package C will have developed an understanding of the work from the earlier packages.

For these reasons we believe that a 15-day tender period is adequate for Package C.

Package D currently lists works that the approved LAIP identified as "Priority 4". These are measures to improve the local amenity, but are not deemed essential to basic traffic management objectives of the LAIP. While the Roads and Traffic Authority has provided funds for all works shown as Priority 1, 2 and 3, it has said it cannot fund Priority 4 works. Council itself would need to fund those works, in a future Works Program. It would be advantageous, for reasons of consistency, resource skills, and advance preparation, for Connell Wagner Pty Ltd. to complete detailed site investigations, local notification, and contract documentation now. The company's cost for that work are estimated at \$35,000 on a pro - rata basis, which can be funded from the unspent part of the 2000 - 01 Budget allocation for "Olympics - Look Program" (Project 21032). A recommendation to that effect follows.

We expect to advertise by mid - December 2000 and report to Committee by late January 2001, for Packages D and F.

As well as the 6 work packages mentioned above, work is required to widen and landscape the median in Moore Park Road (Driver Avenue - Cook Road), and to construct intermittent planted kerbside islands. This work is part of the approved LAIP; to be funded in full by the RTA as Priority 2 items. So far, we have been unable to get community consensus on the detailed form of the treatments. We therefore propose that the current contract with Connell Wagner Pty Ltd. be varied to include the necessary investigation and contract documentation actions. The company has submitted a figure of \$40,260 (incl. GST), to carry out all necessary actions, including up to two workshop meetings with local residents. This approval is considered desirable in the present circumstances. Funds are available in the 2000 - 01 Budget allocations as part of the approved Eastern Distributor LAIP (Project 21031).

RECOMMENDATION:

That approval be given to the following actions for works associated with the Eastern Distributor LAIP in South Sydney:-

- (1) invite tenders for Package C works by open tendering with a shortened tender period of 15 days;
- (2) transfer an amount of \$35,000 from the unspent part of the 2000 - 01 Budget allocation for "Olympics - Look Program", to cover the costs for Connell

Wagner Pty Ltd. to complete Contract documentation for Priority 4 works in Package D, in conjunction with current actions for Priority 1,2 and 3 works;

- (3) vary the Contract with Connell Wagner Pty Ltd. to include all necessary investigation, consultation, contract documentation and supervision actions for LAIP work on Moore Park Road, in accordance with the company's submission dated 6 November 2000 in the amount of \$40,260 (incl. GST), on the basis that funds for all the above items are available in the 2000/2001 Budget allocation.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Furness, seconded by Councillor Shaw:-

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

Carried.

At the direction of the Mayor, the Media Manager is to liaise with the Director of Public Works and Services on when a strategy of works can be expected.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 54 signatures appended from residents of Hordern and Church Streets, Newtown, objecting to the proposed development of No. 72 Hordern Street, Newtown.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 9 signatures appended from residents objecting to the proposed development of Nos. 3 – 11 Briggs Street, Camperdown.

Received.

3. Councillor Furness tabled a petition with approximately 61 signatures appended from residents and businesses asking Council to close Shepherd

Street, Chippendale, at the intersection of Broadway.

Received.

QUESTIONS WITHOUT NOTICE

1.

RESIDENT SCHEMES – AREA 22, NEWTOWN – COMPLAINT – PARKED CARS IN NO STANDING ZONES - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (P01-00104)

Question:

Could the police be requested to increase parking patrols, especially on Thursday, Friday and Saturday nights in that area of Newtown bounded by King Street, Carillon Avenue and Church Street with particular reference to cars parked in "No Standing" zones and on street corners which on many occasions make it impossible for other vehicles to pass?

Answer by the Mayor:

It is certainly an issue, I will write to the appropriate Police Commanders.

2.

DEVELOPMENT – REGULATIONS – SOUTH SYDNEY AREA – ATTACH SIGNS TO PROPERTIES FOR DEVELOPMENT APPLICATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (D52-00159)

Question:

Can a report be prepared for Committee on options for establishing a system of attaching signs to properties which are the subject of Development Applications so as to increase the number of people aware of such application?

Answer by James Harrison:

That was one of the issues that was raised when the Notification Policy was last brought before this Council, it was deferred. It is likely to come back to the next Committee.

3.

DEVELOPMENT – REGULATIONS – SOUTH SYDNEY AREA – COMPLAINTS ON LACK OF NOTIFICATION ON DEVELOPMENT APPLICATIONS TO PROPERTY OWNERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (D52-00159)

Question:

In response to numerous and continued complaints regarding the notification of Development Application to neighbouring property owners and occupiers, could a report be prepared for Committee on options to improve the effectiveness of the notification process and to increase the area required to be notified?

Answer by the Mayor:

You could be aware that there is a notation in both Acts that relates to the aspect of notification.

4.

SPORTS – PRINCE ALFRED PARK POOL –FUTURE OF POOL - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (S54-00057)

Question:

The future of the public swimming pool in Prince Alfred Park is once again at risk while still in the hands of Sydney City Council. Recognising that the pool is predominantly used by residents of Surry Hills, Darlinghurst, Redfern and Waterloo. Could the Mayor seek clarification from Sydney City Council of its plans for the pool and Prince Alfred Park and seek the support of the Minister for Local Government for a boundary change which will give South Sydney jurisdiction over this facility and in doing so, secure its future?

Answer by the Mayor:

I will take that matter to the Lord Mayor on Friday, when I meet him.

5.

PLANNING – GREEN SQUARE – SECTION 94 STATUS OF PROJECTS AND EXPECTED DATES - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020711)

Question:

I intend to table with this question a list of ten proposed public domain projects in South Ward which results from either conditions of consent or works approved in lieu of Section 94 contributions from various developments. Could a report be prepared for the Councillors Information Service advising

the status of these projects and expected date of commencement and/or completion?

Answer by the Mayor:

I will have that circulated in the Councillors Information Service.

6.

LICENSING – FOOTPATH – BOURKE STREET, NO. 544, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002746)

Question:

I have been contacted by residents regarding the footway licence at No. 544 Bourke Street, Surry Hills, it is apparently spilling out of the designated area and making it difficult for older residents. Could Officers please take whatever action is necessary to gain compliance and could I please be informed through the CIS as to action taken?

Answer by the Mayor:

Mr. Wilcoxon is aware of the concerns and will be circulated in the Councillors Information Service.

7.

DEVELOPMENT – APPLICATION MATTERS – DEVELOPMENT APPLICATIONS AND BUILDING APPLICATIONS – COUNCILLORS PERMISSION TO SIT IN ON LEGAL BRIEFINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2005988)

Question:

Can any Councillor be allowed to sit in on the legal briefing for a matter to go before the Land and Environment Court, not to interfere, but for accountability and valuable learning experience and that Councillors be given as much notice as possible re meeting time?

Answer by the Mayor:

It may be inappropriate if we are not the land-holder.

Answer by James Harrison:

Briefings sometimes have only 5 minutes notice. Council's Solicitors will phone and want advice and request a briefing.

Answer by the Mayor:

I will have the Director of Planning and Building liaise with the General Manager, in terms of the feasibility of reactivating the Legal Services Committee of specific cases, but if there are specific costs you are concerned about, you should contact the General Manager.

8.

CELEBRATIONS – SOUTH SYDNEY FESTIVAL – TO INVESTIGATE ADVERTISING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023203)

Question:

Could Council investigate advertising in real time multi media publication based in Womerah Avenue, Darlinghurst, that there is \$15,000 allocated as part of the Mascon festival for input from multi media artists?

Answer by the Mayor:

I will have the General Manager instruct the Media Manager to have the appropriate response and have the matter circulated in the Councillors Information Service.

9.

COUNCIL – MEETINGS – CODE OF MEETING PRACTICE – MINUTES TO BE PLACED ON WEBSITE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2002586)

Question:

Can Council give attention to having minutes of Council meetings placed on Councils website as soon as possible?

Answer by the Mayor:

As you know this is one of the outcomes we are seeking. I will ask the IT Manager to circulate some information through the Councillors Information Service.

10.

CONFERENCES – MEETINGS – SYDNEY AIRPORT NOISE CAMPAIGN SUPPORT AGAINST AIRPORT EXTENSION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2016370)

Question to the Mayor:

I understand you received a letter from the Mayor of Marrickville seeking support for a campaign against the further extension of Kingsford Smith Airport? How do you intend to reply to this request?

Answer by the Mayor:

This matter is to go to the next Committee and then Council.

11.

TELEPHONES – INTERNAL DIRECTORY – CORRECTION OF COUNCILLORS FAX NUMBERS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (C58-00067)

Question:

The new Internal Phone Book gives the same fax number for Councillors Shaw and Mallard. Is this being corrected?

Answer by the Mayor:

This matter will be attended to by the appropriate Officer.

12.

(1) GARBAGE – GENERAL – DARLINGHURST AREA - COMPLAINT (C56-00016); (2) PARKING – RESTRICTIONS – FOLEY STREET, DARLINGHURST (2022472); (3) OXFORD STREET, NO. 96, DARLINGHURST – LEASES, AGREEMENTS (L52-00236) - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD

Question:

Could Council Officer please investigate a report on problems associated with Foley Street, (between Crown and Palmer Streets), Darlinghurst - namely:-

- (1) Commercial rubbish left in the street by businesses operating on Oxford Street out of Council owned properties;
- (2) the possible removal of no standing sign and replacement with residential parking signs. My estimation is that this action could add up to 6 additional parking spots;

- (3) the noise from air-conditioning and exhaust vents associated with Council owned properties facing Oxford Street and backing onto Foley Street.

I might add that when I visited, I noted the Spanish restaurant "Rachels" has their garbage properly stored and placed for pick up on Oxford Street. The residents felt that "Rachels" was an example of a good corporate citizen.

Answer by the Mayor:

I will have the Director of Community Services report on the noise emissions. The Director of Public Works and Services on the commercial waste contracts and other issues on car parking and have those responses circulated in the Councillors Information Service.

13.

STREETS – FILMING – QUERY ON APPLICATIONS ON ROAD CLOSURES/PARKING - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD. (2017178)

Question:

Could Council Officers report the activity of film crews in SSCC and particularly whether applications are made for parking exemption and road closures?

Answer by the Mayor:

The Director of Public Works and Services, Mr. Wilcoxon will give you an answer on that.

Answer by the Ron Wilcoxon:

Certainly there is a fee, not every user of the street for filming comes to us.

Answer by the Mayor:

They must apply for a licence and there should be a review of the current policy.

14.

PARKING – RESIDENT SCHEMES – AREA – DARLINGHURST – COMPLAINT ON PARKING PERMIT - REFUSAL - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P01-00290)

Question:

A constituent made an enquiry at the One Stop Shop for parking permit for an apartment in No. 5/187, Bourke Street, Darlinghurst. They were told this was not a problem verbally. They leased the house on that basis of that the constituent is a Sales Rep with a company car and that when they made an application, they were refused.

Answer by the Mayor:

I will ask that the Policy come to Committee for a review.

15.

COUNCILLORS – COUNCILLORS INFORMATION SERVICE – INTERNATIONAL DAY FOR PEOPLE WITH DISABILITY - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2022496)

Question:

Could the details of the time and venue of the celebrations for International Day for People with Disability be included in the calendar pages in the Councillors Information Service?

Answer by the Mayor:

I will have that matter attended to through the Secretariat.

16.

ROADWORKS – PROSPECT STREET, ERSKINEVILLE - COMPLAINT – RE: RESIDENTS BEING ADVISED EARLIER ON ROADWORKS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (S56-01267)

Question:

I have been contacted by residents of Prospect Street, Erskineville who were thankful for the notice and the facts of impending road resurfacing and the need for them to move their cars. Their complaints was that the notice only arrived the previous Friday and did not indicate the extent i.e the surrounding streets, which would also be subjects to resurfacing making parking alternatives difficult to determine.

Answer by the Mayor:

It would be unusual that a batch of streets would be done at once.

17.

PROPERTIES – MANAGEMENT – BROADWAY SQUATTERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023331)

Question:

Why has Council failed to mediate with the Broadway squatters in accordance with Council's resolution of 11 October 2000?

Answer by the Mayor:

I don't know.

18.

PROPERTIES – MANAGEMENT – BROADWAY, NOS. 147 – 151, NO. 159 – CARETAKER LEASE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023331)

Question:

Why has Council failed to take action to reclassify the Broadway squats residential now that remedial work has been completed which would enable a caretaker lease to be concluded and insurance cover obtained ? Isn't Council's delay negligent?

Answer by the Mayor:

The reclassification is a rezoning. They are zoned commercial not residential.

Answer by James Harrison:

They need to lodge a Development Application which will be processed, which could take 4-8 weeks.

19.

ROYAL SOUTH SYDNEY HOSPITAL SITE – NEGOTIATIONS OF A JOINT DEVELOPMENT - PROPOSAL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2008009)

Question:

Can the Mayor seek advice from the Eastern Area Health Service and South Sydney Development Corporation and Landcom with regard to current

negotiations of a joint development proposal which includes a large residential component of the South Sydney Hospital site?

Answer by the Mayor:

Yes, I will do that.

20.

PARKING –EUSTON ROAD, NOS. 51 – 63, ALEXANDRIA – EXTREME ACCESS AND TRAFFIC CONGESTION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2015570)

Question:

I quote from a fax received on 8 November 2000, by myself:-

“We act as managing agent for the Owners Corporation of the above strata scheme and write on their behalf.

The above strata scheme is suffering extreme access and traffic congestion problems due to cars parking in the rear lane.

Members of the Executive Committee have made representations to Council to have "no standing" signs place in the rear lane without success.

I would be grateful if you could use your best endeavours to have these "no standing" signs installed.”

Could the Mayor refer this to the Traffic Committee?

Answer by the Mayor:

I will have that matter referred to the Traffic Committee.

21.

PROPERTIES – MANAGEMENT – BOURKE STREET, NOS. 956 – 960 – GREEN SQUARE RAILWAY SITE AND JOYNTON AVENUE SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013555)

Question:

That the Chairman of the Administration Building Committee prepare a report for Council's consideration prior to 31 December 2000, on the suitability of the Green Square Railway Site and Joynton Avenue Site as a location for the new Council Administration Building.

Points of Reference in the report to be prepared by the Administration Building Committee are as follows:-

- (1) An assessment of the town planning attributes of both sites with particular reference to the suitability of the sites to be the community centre and commercial heart of Green Square.
- (2) The ability of Council to have completed on each site the proposed Council Administration Building by the expiry date of the existing Council lease in Centennial Plaza. Table a programme for each site which clearly demonstrates the ability to comply with the established deadline.

In this regard refer to my previous memo to Council which detailed the programme and steps required to complete the new premises

- (3) The cost of locating the Administration Building on each site.
- (4) The potential benefits to Council of having the Administration Building on each site.

As a result of the decision by Council, after review of the proposed report, Council will be required to take immediate steps to commence the development process or land acquisition process for the completion of the Administration Building to comply with the deadlines of the existing Council lease.

Answer by the Mayor:

We did make decisions on some of these matters from the Management Review Weekend. I will have the report written by the General Manager to answer your questions.

22.

COUNCIL – MEETINGS – CODE OF MEETING PRACTICE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002586)

Question:

Could the Deputy Mayor please contact any of the Councillors from the previous Council or the General Manager so as to save him the effort of asking questions that have already been put to Council or have already been resolved in policy by Council.

Answer by the Mayor:

The Question has been answered, Councillor.

REPORT OF THE FINANCE COMMITTEE

1 November 2000

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Peter Furness, Gregory Shaw

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

Councillors – Furness, Mallard and Shaw

Apology:

An apology for non-attendance at the meeting was received from Councillor Tony Pooley.

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

That the Report of the Finance Committee of its meeting of 1 November 2000, be received and the recommendations set out below for Items 1, 2, 5 to 11, inclusive, 14, 15, 17, and 19 to 21, inclusive, be adopted. The recommendations set out below for Items 3, 4, 12, 13, 16, 18, 22 and 23 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**ALCOHOL FREE ZONE – KINGS CROSS – RE-ESTABLISHMENT
(5274159)**

That as all aspects of the Kings Cross Alcohol-Free Zone conform with the relevant provisions of the Local Government Act, 1993, the Local Government Amendment (Alcohol-Free Zones) Act 1995 and the Minister of Local Government's Ministerial Guidelines, Council therefore decides to publish in one newspaper circulating in the area indicating :-

- (A) Its provisional intention to re-establish the Kings Cross Alcohol-Free Zone, viz the area bounded by Victoria Street at Darlinghurst Road to Hughes Street then along to Tusculum Street and Tusculum Lane then along Manning Street to Macleay Street then past the Police Station to Ward Avenue then along that street to Roslyn Street then down that street to Bayswater Road and along both Bayswater Road and Kings Cross Road then back to Ward Avenue (from Roslyn Street) then along

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that street to Craigend Street then along that street joining William Street at Kirketon Road then to Victoria Street;

-any future or existing footway area licensed by this Council for the purpose of food and alcohol consumption that may fall within the zone would be excluded from the provisions of the zone.

(B) That notification of Councils decision be forwarded to the persons and bodies referred to in the Acting Director of Corporate Services report of 16 October 2000, allowing those persons and bodies the statutory period in which to lodge representations and objections.

(C) That the proposed Alcohol-Free Zone be for a period of three years.

(DCS Report 16.10.00)

Carried.

2.

DOMAIN CARPARK – MOVING FOOTWAY - HANDRAIL REPLACEMENT – FUNDING (2004403)

That approval be given to transfer \$320,000 from the Parking Station Reserve to the Works Programme for the Domain Carpark for the replacement of the four handrails on the Moving Footway.

(A/DCS Report 19.10.00)

Carried.

3.

MEMBERSHIP – BOTANY BAY ENTERPRISE CENTRE (BEC) – RENEWAL OF MEMBERSHIP (M54-00040)

This matter was submitted to Council without recommendation.

(A) That a further report be prepared on how a locally based Business Enterprise Centre could encourage small business in the South Sydney Local Government Area;

Moved by Councillor Mallard, seconded by Councillor Bush:-

That Council not renew its membership of the Botany Bay Enterprise Centre.

Amendment negatived.

It was moved by Councillor Lay, seconded by Councillor Harcourt, that the motion be amended by the addition of a clause (B) to the recommendation, namely:-

- (B) That the matter be deferred so as to:-
 - (1) obtain a map showing the location of other Business Enterprise Centres;
 - (2) obtain additional information from other Business Enterprise Centres and their operations.

Motion, as amended by Councillor Lay, carried.

4.

CELEBRATIONS – CENTENARY OF FEDERATION 2001 – TEA DANCE – PADDINGTON TOWN HALL – 1 JANUARY 2001

- (1) That as part of the Centenary of Federation Celebrations approval be given to Council holding a Tea Dance at Paddington Town Hall on Monday, 1 January 2001, involving the estimate cost of \$15,000 and that such expenditure be added to the 2000/2001 Budget.
- (2) That a report be submitted by the Civic Affairs Manager/Public Officer on the erection of arches across roadways similar to what was done in 1901, when Federation was founded to encourage participation in the Centenary of Federation Celebrations to the next Finance Committee meeting.

(CAM/PO Report 20.10.00)

At the request of Councillor Lay, and by consent, the motion was amended by the addition of the words “and cost” after the word “erection” where appearing in the second line of clause (2) of the recommendation.

Motion, as amended by consent, carried.

5.

ELECTIONS – 1 JULY 2000 - FUNDING DECLARATIONS (2006350)

That the declarations lodged by Bob Vinnicombe; Group F – North Ward (Anne-Maree Whitaker & Adrian Lynch) and Tony Spanos as required by the Electoral Funding Act, 1981, for the Ordinary Election held 1 July 2000, be received and noted.

(A/DCS Report 25.10.00)

Carried.

6.

**FINANCE – ADDITIONAL TO THE BUDGET – ALEXANDRIA TOWN HALL
– PURCHASE OF TABLE AND CHAIRS (2023457)**

That approval be given for the additional funds of \$10,000 being added to the 2000/2001 Plant & Assets Budget for the purchase of tables and chairs for Alexandria Town Hall.

(A/DCS Report 23.10.00)

Carried.

7.

**DEPARTMENTS – PLANNING AND BUILDING – MONASH - MT ELIZA
SCHOOL OF MANAGEMENT – TRAINING THAILAND GOVERNMENT
OFFICIALS –ATTENDANCE BY COUNCIL OFFICER (D51-00267)**

That arising from consideration of a report by the Director of Planning and Building dated 26 October 2000, approval be given to paid leave of absence of six working days to Ms Ohlin, to participate in delivering a local government training course in Thailand from 21-29 November 2000.

Carried.

8.

**LICENSING – REG BARTLEY OVAL, RUSHCUTTERS BAY - USE BY
DUNBAR ROVERS FOOTBALL CLUB (L56-00487)**

That the matter be deferred to allow expressions of interest being advertised to use the facility from interested organisations.

Carried.

9.

**LEASING – KIOSK, SPRINGFIELD PLAZA, KINGS CROSS – LEASE TO
THE INTERNATIONAL MONEY EXCHANGE (L56-00476)**

- (1) That the report by the Acting Director of Corporate Services dated 26 October 2000, be received and noted;
- (2) That a report be submitted on exploring option (b) to the possible impediments to the erection of a building on the corner of Roslyn Street and Darlinghurst Road, King Cross;

- (3) That a report be submitted in regard to liaising with J.C. Decaux in respect of context of that design for the Finance Committee meeting.

Carried.

10.

PUBLIC RELATIONS – LIMITS ON SERVICE AND COMMUNICATION – ADOPTION OF POLICY (2008535)

That the matter be deferred to the next Finance Committee Meeting for a report identifying points that may be problematic for Council in part (A) of the model and that they be numbered in lieu of bullet form.

Carried.

11.

PROPERTIES – BROWN STREET HALL, NEWTOWN - APPLICATION FOR FREE USE – LINC (LESBIANS INCORPORATED), 10 DECEMBER 2000 (0534507)

That arising from consideration of a report by the Acting Director of Corporate Services dated 27 October 2000, approval be given to the free use of Brown Street Hall, Newtown, by LINC (Lesbians Incorporated) on 10 December 2000, for the purpose of conducting their Annual General meeting and forego income of \$165 and costs of \$25.

Carried.

12.

PROPERTIES – REDFERN TOWN HALL - APPLICATION FOR FREE USE – CHABAD LUBAVICH, 3 AND 4 NOVEMBER 2000 (0534507)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That the application by Chabad Lubavich for the free use of Redfern Town Hall on 3 and 4 November 2000, for the purpose of conducting a Sabbath Service, be withdrawn as requested by the applicant.

Carried.

13.

**ADMINISTRATION – DEPARTMENTS – CORPORATE SERVICES -
INFORMATION TECHNOLOGY SECTION - RESTRUCTURE (2022300)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That for the reasons set out in the report by the Acting Director of Corporate Services dated 15 October 2000, approval be given to:-

- (1) the new Information Technology section structure providing 13 full time equivalent positions and recommended salary levels as identified in the diagram accompanying the Acting Director's report;
- (2) employees act in a higher grade capacity in line with Council's Award until all positions are evaluated, advertised and filled;
- (3) the revised job descriptions to be submitted for job evaluation in accordance with Council policy then be advertised internally and externally;
- (4) the addition of \$290,000 to the 2000/2001 Budget to cover the additional four positions and the reclassification of the existing positions in the Information Technology structure.

Carried.

14.

**MOTOR VEHICLES – COMMUNITY BUS SCHEME – NEW POLICY (M56-
00008)**

That arising from a report by the Director of Health and Community Services dated 27 October 2000:-

- (1) Council approve the revised draft policy for its Community Bus Scheme, and adopt the proposed implementation process and annual timeframe;
- (2) Council adopt the following schedule of fees and charges for the Community Bus Scheme and that these be advertised for a period of 28 days, prior to being added to Council's approved Fees and Charges and are GST inclusive:

USER CATEGORY	BOND*	HALF DAY (up to 4 hours)	FULL DAY (over 4 hours)	ADDITIONAL OVERNIGHT
Category A	Nil	No charge	No charge	No charge
Category B	Optional (\$200)	No charge	No charge	\$25
Category C	Optional (\$200)	\$50	\$80	\$50

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- (3) A further report be submitted for Council's consideration in relation to reviewing and improving the booking procedures and financial recording system for the Community Bus Scheme, linked to the introduction of Council's new computing system;
- (4) That a further report by the Director of Public Works and Services be submitted on the cost comparison of waiting until the buses Council has now being traded as against the cost of installing seat belts in those buses prior to trading them in;
- (5) That a further report be submitted by the Director of Health and Community Services on a yearly basis to the Community Services Committee on the list of organisations and how they are categorised.

Carried.

15.

DONATIONS – D4 FAMILY SUPPORT SERVICE – REQUEST FOR DONATION FOR NEW COMMUNITY MARKET (D53-00283)

That the Director of Health and Community Services convene a meeting between D4 Family Support Service, the Woolloomooloo Chamber of Commerce and any interested Councillors in respect of the establishment of a Community Market.

Carried.

16.

LICENSING – VICTORIA STREET, NO. 166, POTTS POINT – PROPOSED FOOTWAY LICENCE (2018371)

The Director of Public Works and Services to draw up conditions of approval for the footway license having regard to:-

- (1) a legal opinion being obtained in respect of the fact that the areas to be licensed are not in front of the subject premises;
- (2) the reason that the areas to be licensed are not in front of the subject premises is due to the fact of a significant sized tree being on the footway.

It was moved as an amendment by Councillor Mallard, seconded by Councillor Lay, that the application for a footway licence in the vicinity of No. 166 Victoria Street, Potts Point, be approved as recommended by the Director of Public Works and Services in the supplementary report dated 3 November 2000, namely:-

That approval be given to:-

- (1) the granting of a licence to Patrick Serpi over an area of 3.7 square metres of the footway of Victoria Street adjacent to Café de Marie at No. 166 Victoria Street, Potts Point as shown stippled on Plan No. S4-130/712A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) At the end of 6 months operation from the date of commencement a further report be submitted to Council on the suitability of continuing the licence;
- (7) This approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement.

(DPWS Supplementary Report 3/11/00)

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

That the subject footway licence be refused as recommended by the Director of Public Works and Services in the report dated 26 October 2000.

Amendment negatived.

It was further moved as an amendment by Councillor Lay, seconded by Councillor Mallard, that the subject application be approved as recommended by the Director of Public Works and Services in the supplementary report dated 3 November 2000, subject to the addition of the following words to clause (4) of the recommendation after the word "Attorney", namely, "that the

licence be approved subject to the concurrence of property holders on either side of the subject property giving their approval to the footway licence”.

Motion, as amended by Councillor Mallard and Councillor Lay, carried.

17.

PARKS – PERRY PARK, ALEXANDRIA - PROPOSED MULTI-PURPOSE SPORTS AND COMMUNITY FACILITY– SUPPLEMENTARY REPORT (2023398)

That further to resolution of Council dated 25 October 2000, the report by the Director of Public Works and Services in respect of the development of a basketball stadium at Perry Park, Alexandria, dated 25 October 2000, be received and noted.

Carried.

18.

DONATIONS – LANDSCAPE MATERIALS – QUARTERLY REPORT – JULY TO SEPTEMBER 2000 (2003030)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That approval be given under the provisions of Section 356 of the Local Government Act, 1993, to donations in the form of plants and landscape materials to the value of \$600 to the various local bodies as detailed in the report for the three month period ending 30th September 2000 and that the expenditure involved be added to the 2000/2001 Revenue Estimates - Account Code 1.24.6815.

(DPWS Report 10.7.00)

It was moved by Councillor Furness, seconded by Councillor Lennon, that St. James Church, Beaconsfield, be excluded from receiving donations in the form of plants and landscape materials.

Amendment negatived.

Motion carried.

19.

STREETS – 2000/2001 PUBLIC WORKS AND SERVICES, ENGINEERING WORKS PROGRAMME – ROAD WORKS (2023181)

That approval be given to carry out the proposed works as detailed in each of the following programmes:-

(A)	Grind and Resheet Programme (41.005)	\$1,065,500
(B)	Local Roads Programme (41.015)	\$ 275,000
(C)	Preventative Maintenance Programme (41.018)	\$ 300,000
(D)	Reconstruction Works Programme (41.020)	\$ 400,000
(E)	Regional Roads Block Grants (RTA) (41.021)	\$ 172,000

-funds are available from Grind and Resheet Programme (41-005), Local Roads Programme (41-015), Preventative Maintenance Programme (41-020) and Regional Road. Block Grants (41-021) sections of the 2000/2001 Engineering Works Programme.

(DPWS Report 23/10/00)

Carried.

20.

CONFERENCES - "PLANNING LAW AND PRACTICE", 27 NOVEMBER – 1 DECEMBER 2000, SYDNEY, N.S.W. – ATTENDANCE OF COUNCILLORS (2016186)

That approval be given to interested Councillors attending the course entitled "Planning Law and Practice" at the University of New South Wales from 27 November to 1 December 2000, and that the registration fees be borne by the Council, for which funds are available in the 2000/2001 Budget (1.51.3210.12105).

(CAM/PO Report 27.10.00)

Carried.

21.

CELEBRATIONS - WORLD AIDS DAY – 1 DECEMBER 2000 – PARTICIPATION BY COUNCIL – VOTING OF ADDITIONAL FUNDS (2006370)

- (1) That Clauses 1 and 3 of the report by the Civic Affairs Manager/Public Officer dated 31 October 2000, be approved only;

- (2) That those organisations wishing to participate in this event be encouraged to use Taylor Square.

Carried.

22.

PUBLIC RELATIONS - THE GIFTING TREE – CHRISTMAS TREE, TAYLOR SQUARE AND KING STREET, NEWTOWN, DONATION BOXES (2019355)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

That Council agrees to become a major sponsor of the The Gifting Tree Christmas fundraiser for the Luncheon Club Larder by having a Christmas Tree erected at Taylor Square and by conducting a Candlelight Christmas Carol's Service at Taylor Square on Sunday, 17 December 2000 and that funds of \$20,000 be voted to the 2000/2001 Forward Estimates to support the project. Additionally Council requests The Gifting Tree extend its donation boxes to include businesses in the King Street Newtown area.

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

That Council agrees to become a major sponsor of the The Gifting Tree Christmas fundraiser for the Luncheon Club Larder by having a Christmas Tree erected at Taylor Square and by conducting a Candlelight Christmas Carol's Service at Taylors Square on Sunday, 17 December 2000, providing this does not coincide with the Carols by Candlelight at Newtown preventing the Sydney Gay and Lesbian Choir performing at the Newtown event, and that funds of \$20,000 be voted to the 2000/2001 Forward Estimates to support the project. Additionally Council requests The Gifting Tree extend its donation boxes to include businesses in the King Street Newtown area.

The Chairperson ruled that the amendment by Councillor Furness was out of order as it involved a third party.

Councillor Furness moved a Motion of Dissent on the ruling by the Mayor.

The Motion of Dissent lapsed through want of a seconder.

The amendment was not dealt with.

It was further moved as an amendment by Councillor Harcourt, seconded by Councillor Lay, that a clause (B) be inserted, namely:-

- (B) That Council facilitate the collection of gifts, etc. and that an appropriate sign be erected within the South Sydney Council area notifying the public and the Special Events Co-ordinator look into ways of facilitating the distribution of gifts collected.

Motion, as amended by Councillor Harcourt, carried.

23.

HOMELESSNESS AND AFFORDABLE HOUSING COMMITTEE - MINUTES OF MEETING HELD ON 30 OCTOBER 2000 (2023508)

That the report by the Director of Health and Community Services dated 1 November 2000, be received and noted.

At the request of Councillor Furness, and by consent, the motion was amended by the addition of the following new resolution, namely:-

- (A) (1) That the Acting Director of Corporate Services seeks clarification from Blacktown City Council and the Department of Housing on how their licence agreements operate in relation to residential properties.
- (2) That in the event, the Residential Act applies, then a summary document of minimum requirements of the Act be prepared by Council for a Residential Agreement.
- (B) (1) That arrangements be made by Council's Building Section to inspect the premises at the same time as the firm, Taylor Thompson and Witting.
- (C) (1) Council compile a dossier on all of council's vacant commercial properties;
- (2) the name of the Committee be changed to "Homelessness, Marginal and Affordable Housing Committee".

Motion, as amended by consent, carried.

The Finance Committee Meeting terminated at 8.16 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY, 1 NOVEMBER 2000 AT 6.33 PM

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

Apology:

An apology for non-attendance was received from Councillor Tony Pooley.

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

Item 1 - Property Matter

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

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

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES – UNIT 1, NOS. 77 – 79 BOURKE ROAD, ALEXANDRIA – PROPOSED PURCHASE (2017260)

This matter was dealt with in the Committee of the Whole. (See page 1095 of the minutes).

The Finance Committee (Confidential Matter) Meeting terminated at 6.36 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

1 November 2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Gregory Shaw

At the commencement of business at 8.17 pm those present were -

Councillors:- Furness, Mallard and Shaw

Apology:

An apology for non-attendance at the meeting was received from Councillor Tony Pooley.

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

That the Report of the Community Services Committee of its meeting of 1 November 2000, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY FACILITIES – DADLEY STREET, NO. 12A, ALEXANDRIA - PREVIOUSLY KNOWN AS THE ALEXANDRIA EARLY CHILDHOOD CENTRE - FUTURE USE (2021555)

- (1) That arising from a report by the Director of Health and Community Services dated 27 October 2000, Council approve for an offer of the vacant community facility at No. 12A Dadley Street, Alexandria, to the NSW Ageing & Disability Department (ADD) for use as an Aboriginal Home and Community Care (HACC) facility, subject to funding by the HACC Capital Facilities Program for the modification and fitout of the facility, and a satisfactory lease arrangement being negotiated;
- (2) The Director of Health and Community Services report to the Committee on the investigation of the Aboriginal Medical Services seeking suitable premises either co-habiting No. 12A Dadley Street,

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Alexandria, or the vacant property in Lawson Street, Redfern, previously occupied by the Aboriginal Home and Community Care Service.

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition of a clause (3) to the resolution, namely:-

- (3) That Council's Officers liaise with the Aboriginal Home and Community Care Service Officers to ensure that there is no inherent difficulty in locating respite care in Alexandria.

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 8.24 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

1 November, 2000

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors - John Bush, Christine Harcourt and Amanda Lennon

At the commencement of business at 6.37 p m, those present were -

The Mayor and Councillors - John Bush, Christine Harcourt and Amanda Lennon.

Apology:

An apology for non-attendance at the meeting was received from Councillor Lay. Leave of Absence was granted at Council of 25 October 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 1 November 2000, be received and the recommendations set out below for Items 3 to 8, inclusive, 11, 15, 18, 19 and 22, be adopted. The recommendations for Items 1, 2, 9, 10, 12 to 14, inclusive, 16, 17, 20, 21 and 23 having been dealt with as shown immediately following such Items.

Carried.

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The Committee **recommended** the following:-

1.

BELMONT STREET, NO. 325, ALEXANDRIA – ERECTION OF ROLLER SHUTTER DOOR – DEVELOPMENT APPLICATION (U00-00920)

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 submitted by Neil Hetherington (owner) for permission to erect a roller shutter door on the rear boundary of the subject property, 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 plans Ref. 2038-1 and 2 dated July 2000, as amended to comply with the requirements in condition (3);
 - (3) That the maximum width of the roller shutter opening shall not exceed 3800mm;
 - (4) That no more than one vehicle shall be parked on the site at any one time;
 - (5) 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);
 - (6) 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;

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- (7) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (8) 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;
- (9) 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;
- (10) 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;
- (11) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (12) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (13) That 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;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or

- (b) the name and permit number of the owner-builder who intends to do the work;

and the certifying authority shall be immediately informed in writing if:-

- (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (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 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;
 - (19) 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;
 - (20) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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 traffic and parking congestion, and would not be in the public interest.

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

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

It was further moved by Councillor Mallard, seconded by Councillor Bush, that conditions (3) and (4) of the recommendation be deleted.

Amendment negatived.

Motion carried.

2.

MACKEY STREET, NO. 48, SURRY HILLS – DEMOLITION TO PART OF DWELLING WITH AN EXTENSION TO THE UPPER LEVEL – DEVELOPMENT APPLICATION (U00-00424)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Cracknell Lonergan Architects with the authority of Nora Wimbush, for permission to demolish and rebuild the rear of the property, add second floor and upgrade the front verandah, 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 \$2550 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates

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

- (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$340 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plan DA 1/2 issue B dated 1 August 2000 and titled 48 Mackey Street amended alterations and additions to existing cottage.
- (4) That the courtyard shall not be enclosed, in order to maximise the area of open space;
- (5) That a solar hot water system shall be installed in accordance with the Energy Efficiency requirements of DCP 1997;

and the following adopted standard conditions:

- (6) Comply With BCA⁹¹⁰⁴
- (7) Construction Certificate Required⁹¹⁵⁵
- (8) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (9) Survey Certificate at Completion⁹⁰⁰²
- (10) Structural Design Certificate⁹⁰⁰⁶
- (11) Drainage Details with Construction Certificate⁹⁰¹³
- (12) Comply With the WorkCover Authority⁹¹⁰⁵
- (13) Works Within Boundary⁹¹⁵²
- (14) Building/Demolition Noise Control⁹¹⁵⁶
- (15) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (16) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (17) Excavations and Backfilling⁹¹⁶⁰
- (18) Excavations and Backfilling Safely⁹¹⁶¹

- (19) Guarding of Excavations⁹¹⁶²
- (20) Demolition to Comply With Aust Standard⁹¹⁶³
- (21) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (22) Commencement of Structural Works⁹²⁰²
- (23) Protection from Termites⁹²⁰³
- (24) Protection of External Walls⁹³²³
- (25) Glazing Provisions⁹³³⁰
- (26) Stairs and Balustrades⁹⁴¹⁹
- (27) Smoke alarms⁹⁵²³
- (28) Protection of walls and floors in wet areas⁹⁶⁰²
- (29) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (30) Damp and weather proofing⁹⁶⁰⁵
- (31) Ceiling heights of rooms⁹⁶¹¹
- (32) Natural Light and Ventilation/Skylights⁹⁶¹⁴
- (33) Construction of External Walls for Dampness⁹⁶²⁴
- (34) That an alternative solution to the abovementioned conditions (6) to (34) would be acceptable if it addresses all of the relevant performance requirements of the BCA;
- (35) Natural light and ventilation⁹⁶¹³
- (36) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (37) Builders Hoarding Permit¹⁰⁰⁸
- (38) Alignment Levels¹⁰¹⁶
- (39) Cost of Signposting³⁰²⁶
- (40) Footway Crossing³⁰²⁸
- (41) Obstruction of Public Way³⁰²⁹
- (42) Delivery of Construction Materials³⁰³²

(43) Stormwater Standard⁴⁰⁰¹

(44) Refuse Skips⁶⁰⁰²

(45) Construction Hours⁹¹⁵¹

(46) Work on Public Way⁹¹⁵⁴

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

Carried.

3.

ANN STREET, NO. 31, SURRY HILLS – DWELLING ALTERATIONS – DEVELOPMENT APPLICATION (U00-00976)

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 October, 2000, subject to the deletion of conditions 4 and 5 of the recommendation.

Carried.

4.

BARCOM AVENUE, NO. 1B, DARLINGHURST – ERECT A NEW HOUSE TO VACANT LAND - DEVELOPMENT APPLICATION (U00-00296)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

(A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jon Hall, with the authority of FCP Limited, for permission to construct a three storey dwelling plus roof garden, subject to the following conditions, namely:-

(1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within six months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:

- (a) deletion of the rear balconies to be replaced by non-accessible Juliet-style balconies or windows without balconies. Balconies may be introduced to the street elevation but may not extend past the current front building alignment. Any front balconies shall not to extend to the side boundary with 1A Barcom Avenue;
 - (b) relocation of the glazed rooftop access structure to the south – western side of the roof garden and set back from the street elevation;
 - (c) submission of stormwater details prepared by an appropriately certified hydraulic engineer detailing how stormwater from the lane can be gravity fed to the street system meet Council’s requirements; and
 - (d) provision of one marked off-street parking space, located so as not to impede vehicular usage of the lane;
- (2) That the applicant shall note that nothing in this deferred commencement consent confers or implies Council’s consent to alter the various rights of way enjoyed over the subject property. The applicant shall undertake, as a separate civil process, to gain the necessary agreements to alter the details of the rights of way where necessary;
 - (3) That the development shall be generally in accordance with the plans 9708-1, 9708-2, 9708-3 and 9708-4 dated May '98, except where amended by the conditions of this consent;
 - (4) standard condition 1 Building damage deposit \$3375;
 - (5) standard condition 2 long service levy \$450;
 - (6) 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	\$ 427	2E97003.BGY0
Open Space: New Parks	\$2,090	2E97009.BGY0
Accessibility And Transport	\$ 13	2E97006.BGY0
Management	\$ 34	2E97007.BGY0
Total	\$2,564	

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

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

where:

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

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

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

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

Part B

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

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

- (7) 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	\$638	2E97008.BGY0

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

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

where:

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

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

- (8) That an energy efficient gas hot water system shall be installed to service the dwelling;
- (9) That a minimum clearance height of 2.1m shall be maintained through the accessway under the building for a width of 2.5m;
- (10) That movement sensitive security lighting shall be installed at the gate at the south-western end of the laneway. Such lighting shall be directed towards the centre of the lane and shall not adversely affect the amenity of any adjacent properties, particularly bedrooms;
- (11) That the developer shall install a convex mirror at the corner in the lane in consultation to assist sightlines;
- (12) That the applicant shall comply with the requirements of any utility provider regarding access to or relocation of infrastructure;
- (13) That the laneway shall be reinstated after completion of the development to a standard suitable to accommodate vehicular traffic;
- (14) That the site shall be kept clear of rubbish and obstructions at all times;
- (15) That a 55 litre domestic refuse bin shall be presented for kerbside collection in Barcom Avenue on Sunday and Wednesday evenings for Monday / Thursday collection, or as may be varied by Council;
- (16) That the recycling bin shall be present for kerbside collection in Barcom Avenue on Sunday evenings for Monday collection or as maybe varied by Council . Bins shall not be stored on the footway after collection days;
- (17) That the applicant shall be advised that the application has not been assessed for compliance with the Building Code of Australia or Local Government Approval;

and the following adopted standard conditions:

- (18) Street Number Application¹²³
- (19) Builders Hoarding Permit¹⁰⁰⁸
- (20) Alignment Levels¹⁰¹⁶
- (21) Cost of Signposting³⁰²⁶

- (22) Footway Crossing³⁰²⁸
- (23) Obstruction of Public Way³⁰²⁹
- (24) Delivery of Construction Materials³⁰³²
- (25) Stormwater Standard⁴⁰⁰¹
- (26) That the applicant shall obtain written advice, prior to the issue of a construction certificate, from Sydney Water regarding any requirements of Sydney Water to relocate or protect existing water supply pipes to adjoining properties;
- (27)
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Council or Sydney Water (call 13 20 92);
 - (b) Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
 - (c) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the linen plan.

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

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

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

That the application be deferred to the next Planning and Development Committee Meeting to be held on 22 November 2000, to allow for Council's Office to draft reasons for refusal of the application.

Amendment negatived.

Motion carried.

Councillors Furness, Lennon, Mallard and Shaw requested that their names be recorded as voting against the foregoing motion.

5.

BOURKE STREET, NOS. 686 – 688, REDFERN – CONSTRUCTION OF A PART TWO/PART THREE STOREY MIXED USE DEVELOPMENT – DEVELOPMENT APPLICATION – LAND AND ENVIRONMENT COURT OF NSW APPEAL (U00-00968)

That the Development Application submitted by the Northwood Corporation (owner), for alterations and additions to create a part two/part three storeys mixed use development containing five dwelling units, three commercial/retail tenancies, landscaping and car parking at Nos. 686-688 Bourke Street, Redfern, be deferred to the next Planning and Development Committee meeting to be held on 22 November 2000.

Carried.

6.

FLINDERS STREET, NOS. 10 – 24, SURRY HILLS – SECTION 96 APPLICATION TO MODIFY CONSENT BY DELETING CONDITIONS LIMITING TRADING AFTER MIDNIGHT TO 15 MONTH TRIAL PERIOD (U98-00805)

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 26 October, 2000, and subject to the addition of Clause (C) to the recommendation, namely:-

- (C) That the Director of Planning and Building obtain a written response from Surry Hill Police Command of any problems associated with night clubs surrounding Taylor Street and Chisholm Street, Darlinghurst.

Carried.

7.

PLANNING – STRATEGIC PLANNING STUDIES – QUESTION WITHOUT NOTICE – COUNCILLOR BUSH –PROGRAMMING (2023471)

That the report by the Director of Planning and Building dated 27 October 2000, regarding the above, be received and noted.

Carried.

8.

ALBION AVENUE, NO. 24, PADDINGTON – DEMOLITION OF EXISTING COTTAGE AND ERECTION OF A THREE STOREY MIXED COMMERCIAL/ RESIDENTIAL BUILDING – DEVELOPMENT APPLICATION (U00-00900)

That the application submitted by Jacob Theodorou, to demolish the existing cottage and erect a three storey mixed commercial/residential development with car parking be deferred to the next Planning and Development Committee to be held on 22 November 2000, as requested by the applicant in fax dated 1 November 2000, to allow for further discussions with Council's Planning Department.

Carried.

9.

IRIS STREET, NO. 43, PADDINGTON – ADDITION OF THIRD STOREY TO RESIDENTIAL TERRACE – DEVELOPMENT APPLICATION (U99-01402)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the application for approval as detailed and attached to the report by the Director of Planning and Building dated 8 November 2000, be adopted.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

(A) That the Council as the responsible authority refuses to grants its consent to the application submitted by Archivision Design with the Authority of Mr A Cook and Ms K Balcewicz, for permission to add an additional storey to the dwelling, for the following reasons, namely:-

- (1) The proposal is not consistent with the objectives of South Sydney Local Environmental Plan 1998 for Zone No.2(b) Residential (Medium density) zone, insofar as the proposal would not enhance the amenity of the residential area and would not be

in character with the surrounding area and existing quality of the environment.

- (2) The proposal is not consistent with the objectives of South Sydney Local Environmental Plan 1998: Clauses 23 and 24 protection of conservation areas and contributory elements of conservation areas and Clause 28 principles of built environment design;
 - (3) The proposal is not consistent with the objectives of South Sydney Development Control Plan 1997. Specifically Part B Urban Design- Buildings and Heritage insofar as the form is not in accordance with streetscape character;
 - (4) The proposal is not consistent with the objectives of South Sydney Development Control Plan 1997. Specifically: Part F 1.4- Alterations and Additions; Part F Section 2- Building Form and Appearance, Section 3- Heritage and Conservation and Section 4- Amenity as the proposal does not meet the objectives of scale and form is not sympathetic to the character of the conservation area;
 - (5) The proposal is not consistent with the objectives of Draft Heritage and Conservation Local Environmental Plan 1996 insofar as the proposal is not appropriate to the existing building and surrounding character and established streetscape and will disrupt the consistent roof form of the row of terrace houses;
- (B) That the persons who made representation to the proposal be advised of Council's decision.

Carried.

10.

WATERLOO STREET, NO. 6, SURRY HILLS – ERECT ADDITIONAL LEVEL TO DWELLING – DEVELOPMENT APPLICATION – AMENDED PLANS – LAND AND ENVIRONMENT COURT CASE (U99-00817)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That Council resolves not to oppose mediation with the applicant Justin Drew for the amended plans submitted as part of the Land & Environment Court Case 10254 of 2000 on the basis of the following conditions, namely:-
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash

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

- (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$90, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development be generally in accordance with the plans labelled "6 Waterloo Street, Surry Hills. Plans Revised DA", "6 Waterloo Street, Surry Hills. East and West Elevations. Revised DA", "6 Waterloo Street, Surry Hills. Section aa. Revised DA No1", dated 5 September 2000, and stamped approved, except as conditioned below;
- (4) That the French doors shown on the plan shall be rehung so that they do not swing over the public way;
- (5) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) 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;
 - (b) 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;
 - (c) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
 - (d) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a

combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;

- (e) That the wall separating between two or more Class 1 buildings shall be constructed of materials having sound transmission class and impact sound resistance in accordance with Part 3.8.6 of the BCA;
- (f) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (i) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (j) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;
- (k) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (l) Ballustrades shall be redesigned to comply fully with the requirements of Part 3.9.2 of the Building Code of Australia;

and the following standard conditions:

- (6) Comply With BCA⁹¹⁰⁴
- (7) Construction Certificate Required⁹¹⁵⁵
- (8) Structural Design Certificate⁹⁰⁰⁶
- (9) Construction Hours⁹¹⁵¹

- (10) Drainage Details with Construction Certificate⁹⁰¹³
 - (11) Works Within Boundary⁹¹⁵²
 - (12) Building/Demolition Noise Control⁹¹⁵⁶
 - (13) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
 - (14) Glazing Provisions⁹³³⁰
 - (15) Comply With the WorkCover Authority⁹¹⁰⁵
 - (16) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
 - (17) Commencement of Structural Works⁹²⁰²
 - (18) Obstruction of Public Way³⁰²⁹
 - (19) Stormwater Standard⁴⁰⁰¹
 - (20) Refuse Skips⁶⁰⁰²
 - (21) Work on Public Way⁹¹⁵⁴
 - (22) Sanitary Facilities⁷⁰¹⁶
 - (23) Ventilation⁷⁰²³
- (B) That Council advise the persons who made representations in respect of the amended plans of Council's decision.

Carried.

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

11.

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

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by P Duncan, Director, Centennial Park and Moore Park Trusts, with the authority of the Centennial Park 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 11.00p.m. during daylight saving. Events

consist of community, sporting, charity, corporate, circuses and cultural style events, subject to the following conditions, namely:-

- (1) That the Trust will make it a condition of event licences in Moore Park that event organisers must publicize public transport options to Moore Park;
- (2) That the applicant shall after each year of operation of the approval, submit details to Council as to the total number and type of events held in the previous year;
- (3) That the total number of events per year shall not exceed 50. These events shall consist of community, sporting, charity, corporate, circuses and cultural style events;
- (4) That noise levels for events where there is broadcasting of amplified music shall not exceed 5dB(A) above the background noise level at any frequency at the boundary of the nearest affected residence;
- (5) That any event where the attendance is to be over 20,000 people for any one day performance shall be the subject of a separate Act of Parliament as required under section 20 of the Centennial and Moore Park Trust Act;
- (6) That the hours of operation of events shall be confined from sunrise to 10.30pm or 11.00pm during daylight saving time. Any event that proposes to operate outside these hours shall be the subject of a separate Development Application;
- (7) That the number of events be reduced to 200 events over the time limited period of 5 years with a maximum of 50 in any one year;
- (8) That the Generic Moore Park Entertainment Precinct Traffic Management Plan that has been developed by the RTA in consultation with the CPMPT, Fox Studios, SCG Trust, DoT, South Sydney Council and NSW Police applies to all events under this consent. The conditions within this TMP must be adhered to by Event organisers;
- (9) That the events shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (10) That all temporary food stalls shall comply with Council's Temporary Food Premises Code and the requirement of the Food (General) Regulation, 1992;

- (11) That all garbage shall be arranged and stored in a clean and sanitary condition;
 - (12) That the organisers of each event shall be responsible for the prompt disposal of all refuse associated with the event within 24 hours of the event ceasing to the satisfaction of the Director of Planning and Building;
 - (13) That no garbage or industrial waste shall be placed on the public way (e.g. footpaths, roadways, plazas, reserves etc) at any time.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Director of Planning and Building approach the Director of the Moore Park Trust with a view of drafting a joint letter with South Sydney Council to the Department of Transport regarding dual ticketing of events to be held in the Moore Park precinct.

Carried.

At the Committee Meeting and Council Meeting, Councillor Lennon requested that her name be recorded as voting against the decision of Council.

12.

WATERLOO STREET, NO. 2A, SURRY HILLS – ERECT ADDITIONAL LEVEL TO RESIDENTIAL DWELLING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00730)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush -

That the application be approved, subject to the conditions in the report by the Director of Planning and Building dated 8 November 2000.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Lay.

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Scott Petrie to "Alterations and additions to a residential dwelling, including the construction of an additional level", for the following reasons:
- (1) The proposed development does not satisfy the objectives of the Residential 2(b) Zone in Clause 12(1) of South Sydney Local

Environmental Plan 1998, as it does not enhance the amenity of surrounding residential areas and surrounding built environment;

- (2) The proposed development does not satisfy the matters for consideration in Clause 28(1) of South Sydney Local Environmental Plan 1998, as the proposal does not provide adequate solar access or privacy provision to adjoining residents;
 - (3) The proposed development does not satisfy the controls, performance criteria, and objectives of Clause 2.3 in Part E of South Sydney Development Control Plan 1997 – Urban Design, as the FSR exceeds the permissible FSR of 2:1 and creates a detrimental affect in the area as a result of this increase;
 - (4) The proposed development does not satisfy the controls, performance criteria, and objectives of Clause 2.4 in Part E and Clause 1.2 in Part F of South Sydney Development Control Plan 1997 – Urban Design, as the proposed height exceeds the permissible height limit of 6 metres;
 - (5) The proposed development does not comply with the controls, performance criteria, and objectives of Clause 5.1 in Part E of South Sydney Development Control Plan 1997 – Urban Design, as the proposal creates further overshadowing of properties that presently receive less than the 2 hours of sunlight on Midwinter’s Day.
- (B) That Council advise the persons who made representations in respect of the proposal be advised of Council’s decision

Carried.

13.

STIRLING STREET, NOS. 1 – 7, REDFERN – ERECTION OF A MULTIPLE DWELLING DEVELOPMENT – DEVELOPMENT APPLICATION (U00-00182)

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 deferred Commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, to the development application submitted by Sterling Francis Investments Pty Ltd (owner) , for permission to demolish the existing building and erect a 3/4 storey multiple dwelling building with part basement car parking on the subject site, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the consent shall not become operative until the following requirements have been met to the satisfaction of the Director of Planning and Building, namely:
 - (a) An Environmental Site Assessment (Land Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No.55 (SEPP55). The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. The environmental site assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

Note: the applicant should note that the Site Contamination Report submitted with the application has not satisfied fully the abovementioned requirements. Where remediation is required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning and Assessment Act 1979 and SEPP No.55;
 - (b) Amended plans shall be submitted that show how it is proposed to comply with the following requirements:
 - (i) at east one balcony having a minimum area of 8m² provided to each unit
 - (ii) landscaped planter boxes, at least 1500mm minimum width and providing a minimum soil depth of 300 mm provided across the total length of the site boundary to William Street at the roof deck level;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$22,410 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first

installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$4,400 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$16,242	2E97008.BGY0

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

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

where:

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

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

- (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	\$ 9,598	2E97003.BGY0
Open Space: New Parks	\$47,897	2E97009.BGY0
Accessibility And Transport	\$ 286	2E97006.BGY0
Management	<u>\$ 694</u>	2E97007.BGY0
 Total	 \$58,475	

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

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

where:

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

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

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

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

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

- (6) That the development shall be generally in accordance with plans numbered SK01 to SK10, dated 23 August, 2000;
- (7) That the owner/developer shall dedicate to the Council, free of cost to the Council, the following land:
 - (a) a 1500m wide strip along the site frontage to William Street;
 - (b) a 1500m wide strip along the site frontage to Short Street;
 - (c) a 1000m splay at the intersection of Stirling and William Street as widened;
 - (d) a 1000mm splay at the intersection of William Street and Short Street as widened in each case

limited if so desired in height and/or depth to 5m above and/or 2m below the adjacent footway level and to be detailed in a plan for consolidation of the land, to be approved by the Director of Public Works and Services, prior to issuing an Occupation Certificate;

- (8) That the developer shall provide street trees in accordance with the following schedule. The trees shall be a minimum of 75 litre containers size, a minimum of 75mm caliper and at 8-10m intervals and shall be planted prior to the issue of an Occupation Certificate:

Street	Species Name
Stirling Street	Tristaniopsis laurina
William Street	Platanus x hybrida

- (9) That a maximum of 21 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (10) That secure bicycle storage facilities shall be provided on the basis of a minimum of 9 x type 1 individual storage lockers for residents and 3 x type 3 "U" stands for visitors (A.S. 2891.3);
- (11) That a system of mirrors shall be installed at either end of the driveway to ensure the safety and convenience of drivers using the driveway and pedestrians on the adjacent public roadway - details to be submitted in the Construction Certificate;
- (12) That before entering a purchase/lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (13) That the developer shall incorporate a solar heated or gas boosted hot water system in the building. Details of proposed energy conservation measure shall be included with the Construction Certificate;
- (14) That prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) measures to control noise emissions from the site;
 - (b) measures to suppress odours and dust emissions;
 - (c) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.
- (15) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	all required mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	car park ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(iii)	the location of exhaust and intake vents.	Building Code of Australia and AS1668.1 & 2.
(iv)	the garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
(v)	the recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets.

- (16) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to “offensive noise” as defined under the *Protection of the Environment Operation Act, 1997*;
- (17) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2;
- (18) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (19) That all drainage from the landscape planting areas shall be connected to the sewerage system and shall not drain to the stormwater system;

and the following standard adopted conditions:

- (20) One Television Aerial¹¹⁴
- (21) Details of Materials – Deferred Consent¹¹⁶

- (22) Glazing Reflectivity less than 20%¹¹⁸
- (23) Display Street Number¹²⁴
- (24) Construction of Widened Roadway – Costs¹⁰⁰¹
- (25) Alteration of Public Services¹⁰⁰⁶
- (26) Builders Hoarding Permit¹⁰⁰⁸
- (27) Dedication of Road Widening¹⁰¹¹
- (28) Shoring¹⁰¹²
- (29) Alignment Levels¹⁰¹⁶
- (30) Underground Support¹⁰¹⁷
- (31) Intercom for Visitors³⁰¹¹
- (32) Vehicular Crossing³⁰²¹
- (33) Signs at Egress³⁰²²
- (34) Road Opening Permit³⁰²⁵
- (35) Cost of Signposting³⁰²⁶
- (36) Consequential Roadworks³⁰²⁷
- (37) Footway Crossing³⁰²⁸
- (38) Obstruction of Public Way³⁰²⁹
- (39) Construction Traffic³⁰³⁰
- (40) Delivery of Construction Materials³⁰³²
- (41) Stormwater Standard⁴⁰⁰¹
- (42) Clean Water Discharge⁴⁰⁰²
- (43) Landscape Plan⁵⁰⁰¹
- (44) On Slab Planting⁵⁰¹³
- (45) Maintenance of Landscaping⁵⁰¹⁴
- (46) Final Inspection⁵⁰¹⁵

- (47) Refuse Skips⁶⁰⁰²
- (48) Recycling⁶⁰⁰⁷
- (49) Storage/Garbage⁶⁰⁰⁹
- (50) Intruder Alarm⁷⁰⁰⁶
- (51) Construction Noise⁷⁰⁰⁸
- (52) Vehicle Cleansing⁷⁰⁰⁹
- (53) Water Board Certificate (s73)⁸⁰⁰¹
- (54) Comply With BCA⁹¹⁰⁴
- (55) Comply With the WorkCover Authority⁹¹⁰⁵
- (56) Construction Hours⁹¹⁵¹
- (57) Works Within Boundary⁹¹⁵²
- (58) Work on Public Way⁹¹⁵⁴
- (59) Construction Certificate Required⁹¹⁵⁵
- (60) Building/Demolition Noise Control⁹¹⁵⁶
- (61) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (62) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (63) Excavations and Backfilling⁹¹⁶⁰
- (64) Excavations and Backfilling Safely⁹¹⁶¹
- (65) Guarding of Excavations⁹¹⁶²
- (66) 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, including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

NOTE 1: That the applicant is advised that has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations.

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

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

Carried.

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

14.

ROSEBERY AVENUE, NO. 33A, ROSEBERY – ERECT A 2 STOREY DWELLING – DEVELOPMENT APPLICATION (U00-00776)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard seconded by Councillor Furness:-

- (A) That the Council, as the responsible authority grants deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, to the application submitted by Mr D Mercer (owner) for permission to erect a single dwelling house with an attic level and dormer, subject to the following conditions, namely:-
- (1) That the development consent shall not commence until and unless amended plans are submitted and approved which satisfy the following requirements, namely:-
- (a) The height of the roof ridge shall not exceed 5600mm above the natural ground level.
- (b) The western edge of the roof shall be hipped form.

- (c) The first floor dormer window facing north shall be reduced in size by setting the dormer back within the roof plane to a point achieving a 900mm sill height;
 - (d) The roof pitch not exceeding 30°.
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$780, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the development shall be generally in accordance with plans reference DMR1 and 2 Issue A dated 7 July 2000 as amended to satisfy condition (1);
 - (5) That the driveway within the right of carriageway over lot 2 no. 33 Rosebery Avenue) shall be constructed to the minimum standard of 2 concrete strips laid on a prepared subsurface with drainage connected to the Council's stormwater system and completed prior to the issue of the Occupation Certificate;
 - (6) That a solar heated or gas booster hot water system shall be installed in the development - details shall be submitted in the construction certificate;

and the following adopted standard conditions:

- (7) Details of Materials – Deferred Consent¹¹⁶
- (8) Alignment Levels¹⁰¹⁶
- (9) Consequential Roadworks³⁰²⁷
- (10) Obstruction of Public Way³⁰²⁹
- (11) Delivery of Construction Materials³⁰³²

- (12) Stormwater Standard⁴⁰⁰¹
- (13) Clean Water Discharge⁴⁰⁰²
- (14) Refuse Skips⁶⁰⁰²
- (15) Drainage Design Certificate⁹⁰¹¹
- (16) Drainage Details with Construction Certificate⁹⁰¹³
- (17) Comply With BCA⁹¹⁰⁴
- (18) Construction Hours⁹¹⁵¹
- (19) Works Within Boundary⁹¹⁵²
- (20) Work on Public Way⁹¹⁵⁴
- (21) Construction Certificate Required⁹¹⁵⁵
- (22) Natural light and ventilation⁹⁶¹³

NOTE 1 That the applicant is advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (approvals) Regulations.

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

- (B) That the persons who made representations regarding this application be notified of Council's decision.

Carried.

15.

LIVERPOOL STREET, NO. 354, DARLINGHURST – DEMOLISH TERRACE AND ERECT MIXED USE BUILDING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED ON CONSENT (U99-01473)

- (A) That the Council as the responsible authority grants its deferred commencement consent to the application submitted by Mr John Tauszik to demolish the existing terrace and erect a three storey building comprised of a shop and three units, subject to the following conditions, namely:-
- (1) That this deferred commencement consent, pursuant to S. 80(30) of the Environmental Planning and Assessment Act, 1979, shall not operate until the following information and amendments to the plans have been submitted to the satisfaction of the Director of Planning and Building:
- (a) the 2 bedrooms on the ground floor shall be amalgamated, and reduced in size, to form 1 bedroom in order that natural ventilation, sanitary and garbage facilities can be provided in accordance with condition Nos. 14, 22 and 26;
 - (b) that the 2 bedsit units on the second floor shall be amalgamated, and reduced in size, to form 1 unit, to be achieved by increasing the setback of this level from the rear boundary by a minimum of 3m;
 - (c) the rear balcony on the second level shall be deleted;
 - (d) that the first floor terrace shall be lowered by decreasing the floor to ceiling height of the garage to the minimum height specified in the provisions of the Building Code of Australia. The 1.5m perimeter wall measured from the finished floor level of the terrace shall be maintained;
 - (e) that access from the rear first floor unit to the terrace area shall be relocated to the Boundary Street side of the building;
 - (f) disabled access shall be provided to the shop;
 - (g) a detailed schedule and colour samples/brochures of all external finishes, including:
 - (i) external finishes to walls;
 - (ii) roofing;
 - (iii) balcony treatment;
 - (iv) windows and doors, including the garage door;

and such materials shall be sympathetic and consistent with the attributes and character of the site and surrounding area;

- (h) A detailed landscape plan and specification for the first floor planter box on the rear terrace, prepared by a qualified Landscape Architect or designer, indicating planting types and species, plant number and sizes, irrigation and drainage. The mature height of the plants shall not exceed the finished height of the perimeter wall around the terrace;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6,600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$800, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That before entering a purchase/lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold that residents are not eligible to participate in on-street resident parking schemes. A sign to this affect shall be located in a prominent place, to Council's satisfaction, such as a directory or notice board, where it can easily be observed and read by persons entering the building;
- (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	\$ 534	2E97003.BGY0
Open Space: New Parks	\$2,472	2E97009.BGY0
Accessibility And Transport Management	\$ 16	2E97006.BGY0
	\$ 45	2E97007.BGY0
Total	\$3,068	

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 - Quarter 1998/99.

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

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

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

Part B

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved 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	\$826	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:

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 development shall be generally in accordance with plans numbered RC200305-101A to 105A and 201A and 203A dated 30 March 2000 and stamped "endorsed" as amended by conditions of this consent with such amendments being indicated in red on the approved plans;
- (8) That the hours of operation of the shop shall be restricted to between 7.00am and 7.00pm Mondays to Fridays and 8.00am and 7.00pm Saturdays and Sundays;
- (9) That should the existing tree at the rear of no. 172 Barcom Avenue be covered by Council's Tree Preservation Order and is required to be lopped an application shall be submitted to the Director of Public Works and Services for approval. The consent of the owner of the property is also required;
- (10) That either a 3.5 star energy efficient natural gas hot water system or thermal heat-pump hot water system shall be installed to service the development. Details in this regard shall be submitted with the construction certificate;
- (11) That the owner/developer shall dedicate for road purposes, free of cost to Council, a 1.5m x 1.5m splay at the intersection of Liverpool Street and Boundary Street, to be detailed in a plan of subdivision/consolidation of the land, to be registered at the land titles office prior to issuing an Occupation Certificate;
- (12) The use of the premises shall not give rise to:
 - (a) Transmission of "offensive noise" to any place of different occupancy, and
 - (b) A sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an L_{A10, 15min}

and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and

- (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (13) That the business proprietor of the coffee shop shall enter into a contract for the removal of trade waste from the premises;
- (14) That separate garbage/recyclable rooms for residential and commercial waste shall be provided within the site in an approved position and constructed in accordance with the requirements of Council’s Waste Management/ Minimisation Fact Sheets.
- (15) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (16) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	all proposed mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	all required mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(iii)	the garbage rooms.	SSCC Waste Management / Minimisation Facts Sheets.
(iv)	the layout, disposition and method of installation of vertical lift food conveyor, food preparation and storage areas.	National Code for the Construction and Fitout of Food Premises & the Food (General) Regulation, 1997.

and the following adopted standard conditions:

- (17) Separate Application for Signs²⁰⁰¹
- (18) Signs/Goods on Footpath²⁰⁰³
- (19) Water Board Certificate (s73)⁸⁰⁰¹

- (20) Breakdown of materials on site⁷⁰⁰¹
- (21) Emissions⁷⁰⁰⁴
- (22) Sanitary Facilities⁷⁰¹⁶
- (23) Fitout of Food Premises⁷⁰²⁰
- (24) Exhaust for Food⁷⁰²¹
- (25) Air Handling - Food⁷⁰²²
- (26) Ventilation⁷⁰²³
- (27) Comply With BCA⁹¹⁰⁴
- (28) Construction Certificate Required⁹¹⁵⁵
- (29) Building/Demolition Noise Control⁹¹⁵⁶
- (30) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (31) Construction Hours⁹¹⁵¹
- (32) Works Within Boundary⁹¹⁵²
- (33) Excavations and Backfilling⁹¹⁶⁰
- (34) Excavations and Backfilling Safely⁹¹⁶¹
- (35) Demolition to Comply With Aust Standard⁹¹⁶³
- (36) Comply With the WorkCover Authority⁹¹⁰⁵
- (37) Stormwater Connection Fee⁰⁰⁰⁵
- (38) Consolidate Lots⁰¹²²
- (39) Street Number Application⁰¹²³
- (40) Works on Public Way Cost¹⁰⁰²
- (41) Builders Hoarding Permit¹⁰⁰⁸
- (42) Alignment Levels¹⁰¹⁶
- (43) Cost of Signposting³⁰²⁶
- (44) Consequential Roadworks³⁰²⁷

- (45) Footway Crossing³⁰²⁸
- (46) Obstruction of Public Way³⁰²⁹
- (47) Stormwater Standard⁴⁰⁰¹
- (48) Clean Water Discharge⁴⁰⁰²
- (49) Garbage on Public Way⁶⁰⁰¹
- (50) Refuse Skips⁶⁰⁰²

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

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

NOTE 1: 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.

NOTE 2: That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations.

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

Carried.

16.

ABERCROMBIE STREET, NOS. 87 – 91, CHIPPENDALE – EXTENSION OF OPERATING HOURS OF HOTEL, EXPAND GAMING AREA AND USE AS PLACE OF ENTERTAINMENT – DEVELOPMENT APPLICATION (U00-00861)

- (A) That the Council refuses to grant its consent under the NSW Environmental Planning and Assessment Act to the proposed internal

building works submitted by Jaswinder Chagger with the authority of Jaswinder Chagger, Omkar Chagger and Jag Chagger for the following reason, namely:-

- (1) Council cannot retrospectively approve unauthorised building work.
- (B) That Council take no further action to remove the unauthorised building work involving the removal of the internal column and wall opening indicated on the plans numbered 00861/00 and date stamped 26 July 2000, subject to the following condition, namely:-
- (1) That a structural certificate shall be submitted by a Council certified engineer certifying the work within 3 months from the date of this consent.
- (C) That the Council grants its consent to the development application submitted by Jaswinder Chagger with the authority of Jaswinder Chagger, Omkar Chagger and Jag Chagger for extended Sunday hours and the use of the premises as a place of public entertainment subject to the following conditions, namely:-
- (1) That pursuant to Section 80(3) of the NSW Environmental Planning and Assessment Act, the consent shall not operate until the applicant has provided details responding to the following matters which shall be submitted within three months of the date of this deferred commencement and shall be approved in writing by the Director of Planning and Building:
 - (a) That it shall be demonstrated by a suitably qualified acoustic consultant that internal noise levels within the premises have been 'limited' or controlled to cause compliance with the following noise assessment criteria:
 - (i) The L_{A10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
 - (ii) Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises.

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

- (2) That the development shall be generally in accordance with the plans numbered 00861/00 and date stamped 26 July 2000 subject to conditions;
- (3) That the hours of operation shall be restricted to between 10:00 am to 12:00 midnight Monday to Saturday and from 10:00 am to 10:00 pm Sunday;
- (4) That the hours of public entertainment shall be restricted to between 7:30 pm and 11:30 pm Wednesday to Saturday and 7:30 pm to 10:00 pm Sunday;
- (5) That the extension of operating hours and the use of the premises as a place of public entertainment shall cease after a period of 12 months from the date of this consent. The applicant is advised that a further application may be lodged before the expiration of the 12 month trial period to Council's consideration of the use of the premises for public entertainment;
- (6) That the submitted plans for the Construction Certificate shall be amended to exclude the unauthorised work;
- (7) That the management plan numbered 00861/00 and date stamped 10 October shall be complied with;
- (8) That 2 security guards are to be posted and remain in clearly visible position on the doors during the use of the premises for public entertainment;
- (9) That the beer garden shall not be used for entertainment;
- (10) That the applicant submit to Council a final plan to consolidate Lot 1 and Lot 4 of SP 58556;
- (11) That the collection of refuse from the premises shall not occur between 8:00pm and 8:00am on any day of the week;
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (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;
- (15) 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);
- (16) That all proposed work shall be wholly within the boundaries of the site;
- (17) 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;
- (18) That structural details shall be submitted with the application for the amended Construction Certificate;
- (19) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (20) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (21) This approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building;
- (22) 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;
- (23) That structural details shall be submitted with the application for a Construction Certificate;
- (24) That no demolition/construction work shall be carried out prior to obtain Construction Certificate from Council;

- (25) 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);
- (26) That all proposed work shall be wholly within the boundaries of the site;
- (27) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (28) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (29) This approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building;
- (30) That no demolition/construction work shall be carried out prior to obtaining a Construction Certificate from Council;
- (31) That all proposed work shall be wholly within the boundaries of the site;

-that an alternative solution to the following conditions would be acceptable to Council if it addresses all of the performance requirements of the BCA;
- (32) That an additional exit shall provided to the proposed gaming area in accordance with the requirements of clause D1.2 of the BCA. Details shall be submitted to Council;
- (33) That the door openings in the external wall on first floor of lot 4 shall be provided with sufficient handrails and balustrades . Details shall be submitted to Council;
- (34) That unobstructed access shall be provided and maintained to all exits at all times;
- (35) That access for people with disabilities shall be in accordance with part D3 of the BCA;

- (36) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (37) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (38) That the main electrical switchboard shall be installed in accordance with the requirements of Clause D2.7 and C2.13 of the BCA;
- (39) That the openings in the external walls (where applicable) shall be protected in accordance with the requirements of clauses C3.2-4 of the BCA;
- (40) That the walls and ceilings of the storage cupboard under the stairs shall have a fire resistance level of 60/60 and be fitted with a 60/30 fire door, complying in all respects with the requirements of AS1905; or alternatively, the area shall be permanently sealed against use of any kind;
- (41) That all existing Essential Services shall be maintained to the effect of form 15A 'Annual Fire Safety Statement' of the Environmental Planning and Assessment Act 1979;
- (42) That in any auditorium or foyer of a place of public entertainment any curtain or blind shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (43) That fabric used to cover closed-back upholstered chairs in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (44) That the entertainment area shall be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60;
- (45) That the storeroom shall be separated from other parts of the building by construction having a fire-resistance level of not less than 60/60/60;
- (46) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (47) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (48) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (49) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (50) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (51) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
- (52) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (53) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
- (54) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (55) That all internal areas including toilets and bathroom shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the Building Code of Australia and Council's Ventilation Code;
- (56) That sanitary facilities shall be provided in accordance with the requirements of F2.3 of the BCA;
- (57) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (58) That the maximum authorised capacity shall be calculated in accordance with table D1.13 and part H of the BCA;
- (59) That should the proposed amalgamation of lots 1 and 4 not be approved by Council then all openings between the two buildings shall be in accordance with table 3 of specification C1.1 or protected in accordance with C3 (2-4) of the BCA;

NOTE 1:

The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or *Protection of the Environment Operations Act, 1997* for a pollution offense if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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 the Council's decision.

At the request of Councillor Furness, and by consent, the motion was amended by the deletion of conditions (4) and (5) of the recommendation and the insertion in lieu thereof of the new conditions (4) and (5), namely:-

- (4) That the hours of public entertainment shall be restricted to between 7:30 pm and 10:30 pm Thursday to Saturday;
- (5) That the extension of operating hours and the use of the premises as a place of public entertainment shall cease after a period of 6 months from the date of this consent. The applicant is advised that a further application may be lodged before the expiration of the 6 month trial period to Council's consideration of the use of the premises for public entertainment;

Motion, as amended by consent, carried.

17.

MASTERPLAN – GREEN SQUARE GARDENS, NOS. 22 – 26 MCEVOY STREET AND NO. 7 POWELL STREET, WATERLOO (U00-00704)

- (A) That Council advise the proponents of the Masterplan Green Square Gardens Pty Ltd for the property known as 22-26 McEvoy Street and 7

Powell Street, Waterloo, for mixed use redevelopment of the site comprising residential apartments, two cafes, a gymnasium and a medical centre, that the general principles and concept of the Masterplan are supported, subject to the following recommendations, namely:-

- (1) That further discussions take place between the proponent and Council officers to refine the public domain improvements proposed in return for floor space bonus on the site and that a detailed cost of works be submitted for endorsement prior to the issue of development consent for the site;
 - (2) That the proponent be advised that car parking, bicycle parking and servicing requirements, particularly with regard to loading/unloading facilities for the site shall comply with Development Control Plan No. 11 – Transport Guidelines;
 - (3) That a Local Drainage Management Plan shall be required to be submitted addressing the requirements of DCP 1997 prior to final determination of the development application;
 - (4) That the proponent be advised that submission of a Site Audit Statement by an independent EPA accredited auditor shall be required prior to any work commencing on the site;
 - (5) That the applicant be advised that the proposed residential unit mix should more closely reflect the requirements of Part D – Social Planning Design Criteria of DCP 1997;
 - (6) That amended shadow diagrams shall be submitted for assessment prior to determination of the development application, indicating the provision of solar access to the units and the central courtyard in accordance with the requirements of DCP 1997;
 - (7) That further design consideration be given to the stepped entry to the through-site link on the corner of Powell and Hunter Streets, with a view to improving the visual connectivity and reducing the impact of height and scale of the steps;
 - (8) That further detailed design drawings of the Hunter Street elevation showing the proposed winter gardens, and the Powell Street elevation showing the artist studios, shall be submitted prior to determination of the development application;
- (B) That Council seek legal advice regarding the potential liability involved with the proposed winter gardens and artist studios, in respect to flooding.

- (C) That Council advise those people who made representations in respect of the matter.

Carried.

At the Committee Meeting and Council Meeting, Councillor Lennon requested that her name be recorded as voting against the foregoing motion.

18.

CLEVELAND STREET, NO. 288, SURRY HILLS – MASSAGE PARLOUR – DEVELOPMENT APPLICATION (U00-00192)

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 20 October 2000.

Carried.

19.

RAINFORD STREET, NO. 43, SURRY HILLS – DEMOLITION OF AN EXISTING FACTORY AND ERECTION OF 6 STRATA TOWNHOUSES (U99-01131)

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 October 2000.

Carried.

20.

FORBES STREET, NOS. 165 – 215 AND BOURKE STREET, NOS. 224 – 228, DARLINGHURST – CONSTRUCTION OF NEW PRIMARY SCHOOL BUILDING – DEVELOPMENT APPLICATION (U99-01428)

That the application be deferred for a further report on:-

- (1) the letter submitted from Abbott Tout regarding their claim of Council's ability to deal with the application;
- (2) after further advice has been received from the Australian Heritage Commission regarding its position.

Carried.

21.

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

That the application be deferred to the next Planning and Development Committee Meeting to be held on 22 November 2000, to allow for further consultation with the Director of Planning and Building and the applicant, and that the meeting include the Ward Councillors and the owners of properties Nos. 12 and 16 Macleay Street.

Carried.

22.

PLANNING - PRODUCING AND USING TRANSPORT ACCESS GUIDES BY SEDA (SUSTAINABLE ENERGY DEVELOPMENT CORPORATION) - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2022930)

That the Planning and Building Department in liaison with the Media Unit prepare:-

- (1) Transport Access Maps and information on commonly used Council facilities;
- (2) A transport information web-page linked to external transport sites, and
- (3) Instructions to appropriate officers on how to apply these resources most effectively.

(DPB Report 26.10.00)

Carried.

23.

PLANNING - HERITAGE REFERENCE GROUP - ESTABLISHMENT (2016713`)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That approval be given to:-

- (1) establishing a Heritage Committee with the objectives and membership as outlined in the report:
- (2) the committee be an Advisory Committee;
- (3) the role of the Committee, be to advise on:

Heritage policy and major development applications with significant heritage implications (as determined by Council's Statutory Planning Manager in consultation with the Strategic Planning Manager).

- (4) The Mayor, Councillor John Fowler to Chair the Heritage Committee and that any interested Councillors be invited to attend the meeting;
- (5) That the Director of Planning and Building investigate the provision of adequate secretarial/administrative support and that this matter be reported to Council together with specific terms of reference for the Committee and that invitations be issued to the National Trust, RAIA, Art Deco Society/20th Century Society and South Sydney Heritage Society to nominate a representative for the Committee.

(DPB Report 30.10.00)

Carried.

The Planning and Development Committee Meeting terminated at 9.40 p.m.

The Council Meeting terminated at 8.45 p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER