

262ND Meeting

Erskineville Town Hall
Erskineville
114894

Wednesday, 29 November 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.42 pm on Wednesday, 29 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.

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	1177
Minutes by the Mayor	1177
Minute by the General Manager	1181
Petitions	1182
Questions Without Notice	1183
Report of Finance Committee	1193
Report of Finance Committee (Confidential Matters)	1207
Report of Community Services Committee	1208
Report of Planning and Development Committee	1212
Notices of Motion	1283

GENERAL MANAGER

At this stage the Mayor welcomed to the Council Meeting, Councillor Tony Dennison, from Moree Shire Plains Council.

Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 8 November 2000, be taken as read and confirmed.

At the request of Councillor Mallard, and by consent, the minutes were amended on Page 1104 relating to Question Without Notice No. 12 by the addition of the words in the heading "QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD".

Minutes, as amended by consent, were then confirmed.

MINUTE BY THE MAYOR

29 November 2000

DONATIONS - MOREE PLAINS SHIRE COUNCIL - FLOOD RELIEF (2023639)

I have received correspondence from Councillor Tony Dennison, Moree Shire Council dated 26th November, 2000, requesting if Council could make a special contribution for emergency relief due to the devastating floods experienced by their shire recently.

As people are aware the floods destroyed much of the region's crops and this was further devastating as heavy rain and floods had already caused substantial damage in 1998 and 1999.

Council in the past has contributed amounts of money for relief funds. In 1994 Council donated to drought affected areas, by way of the "Christmas in the Bush" appeal and in that same year donated to the Sutherland Bushfire Service for much needed equipment during the tragic bush fires.

The amounts donated were \$10,000 and it is felt that a contribution in the amount of \$15,000 be forwarded to Moree Shire Council to relieve the impact caused by the floods on farmers, businesses and rural workers in the area, especially in their need leading up to Christmas.

RECOMMENDATION:

That South Sydney Council contribute the amount of \$15,000 to Moree Shire Plains Council to provide assistance to farmers, businesses and rural workers in their area,

GENERAL MANAGER

as a result of the recent devastating floods, and I call on other Sydney Councils who were not affected to also donate to this cause.

Funds are available in the 2000/2001 Budget.

Councillor John W. Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE MAYOR

29 November 2000

LEASING - NEW LEASING AND LICENSING PROCEDURES (2002668)

Council resolved on 4 September, 1996, to delegate certain powers to the General Manager to approve leases and licences. The resolution is "to approve the following leasing and licensing procedures on behalf of Council:

- (1) General Licensing Agreements (excluding street barrows);
- (2) Renewal of leases;
- (3) New leases without change of use;
- (4) Assignments of leases (as the assignment is based on previously approved conditions);
- (5) Sub-leasing arrangements, where amended, under the existing leasing conditions".

It is now proposed that a further condition be included to those above, that states as follows:

- (6) Any leases, licences, renewals, assignments and sub-leases for licensed premises, refreshment rooms and restricted premises shall not form part of these delegations and shall be referred to Council for its consideration.

Councillor John W. Fowler (SGD)

Mayor

GENERAL MANAGER

Moved by Councillor Mallard, seconded by Councillor Furness:-

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

Carried.

At the request of Councillor Mallard, the Mayor asked that information regarding the formation of the Properties Sub-Committee be placed in the Councillors Information Service.

MINUTE BY THE MAYOR

29 November 2000

LEASING - ALEXANDRIA-ERSKINEVILLE BOWLING CLUB, 1 FOX AVENUE, ERSKINEVILLE (L52-00101)

Introduction

The Alexandria-Erskineville Bowling Club Ltd has had a sub-lease of land bounded by Fox Avenue and Ashmore Street, Alexandria, for many years.

The existing lease expires on 3 February, 2002.

A condition of the lease is that the rental paid by the Club is calculated on 6% of the unimproved capital value of the land.

Over the last few years the unimproved capital value on the land has been \$200,000 resulting in a rental of \$12,000 per annum gross.

This year the unimproved capital value on the land was \$1,000,000, which increased the rental to \$60,000 for the twelve (12) month period commencing on 4 February, 2000.

Representations were made by Council to the Valuer General on behalf of the Club for this valuation to be re-considered. This request was refused.

Current Position

The Club has been negotiating with the Department of Housing for over twelve (12) months as to the Club either purchasing the land or negotiating directly with the Department for a new lease. Either proposal would require Council to approve the termination of its lease of the land with the Department of Housing and the sub-lease with the Bowling Club. If leased, the rental would be approximately \$15,000 per annum.

GENERAL MANAGER

The Property Manager has discussed this matter with Mr Barry Borland, Department of Housing, who has stated that the Department has decided to negotiate a term lease with the Club. He will forward a letter to Council in the near future seeking formal termination of the leases in question.

Mr Bruce McCarthy, President, Alexandria-Erskineville Bowling Club Ltd, has made a formal request to Council as to the precarious financial position the Club will be in if Council enforces the payment of the increased rental which could result in the Club closing its doors for trading.

There are three (3) options available to Council:

- (1) Wait for the application from the Department of Housing for Council to terminate the various leases;
- (2) Re-negotiate the existing lease based on rental of \$12,000 per annum with Consumer Price Index (CPI) increases annually, with such lease back dated to 3 February, 2000; or
- (3) Grant a Subsidy under Council's Community Grants Program of \$48,000 for the additional rental for the period 4 February, 2000 until 3 February, 2001.

RECOMMENDATION:

That Council resolves to accept the following in connection with the lease to the Alexandria-Erskineville Bowling Club Limited, of land at 1 Fox Avenue, Erskineville:

- Grant a Subsidy under Council's Community Grants Program of \$48,000 for the additional rental for the period 4 February, 2000 until 3 February, 2001.

Councillor John W. Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Shaw:-

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

It was moved by Councillor Mallard, 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 the matter be deferred to the next Finance Committee meeting to be held on 6 December 2000.

Motion, as amended by Councillor Mallard carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

23 November 2000

**CONFERENCE – MANAGEMENT PLAN REVIEW –
ARRANGEMENT FOR CONFERENCE (2006310)**

In the past, Council has held Management Plan Conferences. The venue for the Conference has been outside the Sydney Metropolitan area because of the fact that other day to day interests of the Councillors can too easily become a priority.

At the previous Management Plan Conference, it was agreed that another Conference be held in early April, 2001.

All Councillors, the General Manager, Directors, Civic Affairs Manager/ Public Officer and the Supervising Committee Clerk, and other staff as required and partners, have attended previous conferences.

In order to secure a venue and ensure sufficient time for proper discussions on the Management Plan, Kirkton Park, Hunter Valley, has been booked from Friday 6th April, 2001 to Sunday afternoon 8th April, 2001. The estimated cost for reasonable accommodation, meals and conferences facilities, is estimated at \$22,000.

RECOMMENDATION

That arising from consideration of a report by the Civic Affairs Manager/ Public Officer dated 23rd November, 2000, confirmatory approval be given to the arrangements made for a Management Plan Conference to be held at Kirkton Park, Hunter Valley from 6th to 8th April, 2001, and to the attendance of the Mayor, Councillors, General Manager, Directors, Civic Affairs Manager/ Public Officer and the Supervising Committee Clerk and other staff as required, and partners, and that accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, involving an estimated expenditure of \$22,000, and that such expenditure be added to the 2000/2001 Budget.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

GENERAL MANAGER

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 76 signatures appended from residents of North Newtown situated near Brocks Lane asking South Sydney City Council to intervene in the campaign against the defaming and expulsion of Aluminium Enterprises, a factory based in that Lane.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 53 signatures appended from residents of the Camperdown area objecting to the proposed development at Nos. 3 – 11 Briggs Street, Camperdown (amended DA – 788/2000) and the over development of the area in general.

Received.

3. The Mayor tabled a petition received by the General Manager dated 6 November 2000, with approximately 40 signatures appended from residents and businesses of the Chippendale area asking Council to close Shepherd Street at the intersection of Broadway by November 2000, so businesses and residents enjoy a safer, more profitable Chippendale.

Received.

4. The Mayor tabled a petition received by the General Manager with approximately 88 signatures appended from residents of Redfern requesting Council urgently look at the deteriorating parking situation in Pitt Street (south of Redfern Street), Redfern.

Received.

5. Councillor Lay tabled a petition with approximately 15 signatures appended from residents of MacDonald Street, Erskineville, requesting Council construct a speed bump at the intersection of Smith Lane, MacDonald Street and Amy Street, Erskineville.

Received.

GENERAL MANAGER

6. Councillor Shaw tabled a petition with approximately 107 signatures appended from residents of Waratah Street and surrounding streets in Rushcutters Bay requesting Council improve footpaths and street planning in the area.

Received.

7. Councillor Shaw tabled a petition with approximately 8 signatures appended from residents of Brougham Street, Woolloomooloo, requesting that Council block public access to Hourigan Lane to curb the increasing drug use in the Lane.

Received.

8. The Mayor tabled a petition with approximately 26 signatures appended from residents of Baldwin Street, Erskineville, objecting to the amended Development Application in the vicinity of their street (DA No. 4400/00)

Received.

QUESTIONS WITHOUT NOTICE

1. **STREETS - TELEPHONE BOOTH, INTERSECTION GIBBONS STREET AND LAWSON SQUARE - REPOSITIONING - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020709)**

Question:

At the Council Meeting of 9 August, I asked about having the J C Decaux telephone booth at the intersection of Gibbons Street and Lawson Square, Redfern repositioned and you replied that the Director of Public Works and Services would be asked to prepare a report on the matter. Could you advise when this report might be forthcoming?

Answer by the Mayor:

The Director of that Section is not at Council at the moment, however, there are certain reports coming through in terms of the placement and general. There is a matter on the Agenda this evening that relates to J.C.Decaux. I will remind the Director of that request.

GENERAL MANAGER

2.

SIGNS - SHEPHERD STREET, KNOX STREET, GRAFTON STREET, GRAFTON LANE, DANIELS STREET AND SURROUNDING AREAS IN CHIPPENDALE - AUDIT OF STREET SIGNS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2014969)

Question:

Could an audit of street parking signs on Shepherd Street, Knox Street, Grafton Street, Grafton Lane, Daniels Street and surrounding areas in Chippendale be conducted as a large number of these signs have been vandalised or removed.

Answer by the Mayor:

I will have that matter addressed to at the next Traffic Committee Meeting.

3.

TRAFFIC - ROADS - ENFORCEMENT OF 3 TONNE LIMITS BY ORDINANCE INSPECTORS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2016549)

Question:

At the last two Community Consultation meetings there was confusion over the ability of Council Ordinance Officers to enforce the 3 tonne limits on roads within South Sydney. Could the Director of Public Works and Services advise Council on this matter?

Answer by the Mayor:

This is a Police matter, I will have that matter directed to the Director of Public Works and Services and ask for action on that.

4.

COMMUNITY SERVICES - KINGS CROSS COMMUNITY AND INFORMATION CENTRE - MANAGEMENT OF MEETING ROOM ADJOINING CENTRE'S OFFICE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2014512)

Question:

I have a copy of a letter from the Kings Cross Community and Information Centre dated 23 October, requesting that Council give the Centre, under Section 377 of the Local Government Act, the management of the meeting room

GENERAL MANAGER

adjoining the Centre's office. Can this matter be placed on the agenda for the next Finance Committee meeting?

Answer by the Mayor:

I have asked for that matter to go to Committee. There are differences in the Ward Councillors views.

5.

EMPLOYMENT - APPRENTICE GARDENERS - FILLING OF POSITIONS INVOLVING GARDENERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P52-00081)

Question:

Can Council employ trained or apprentice gardeners, instead of labourers, to fill vacancies for positions which involve gardening?

Answer by the Mayor:

As a staffing matter, I will have the appropriate Council Officer respond to the Question either through the CIS or to you.

6.

PROPERTIES - OWEN LANE NO. 3, BROADWAY - REIMBURSEMENT TO EX-RESIDENTS OF PROPERTY VALUE REMOVED DURING EVICTION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023331)

Question:

How and when will Council return or reimburse ex residents of No. 3 Owen Lane for the property valued at over \$12,000 which was removed by Council during the eviction and still not returned to the ex-residents?

Answer by the Mayor:

This matter would be best addressed to the General Manager. The General Manager will follow the matter up.

GENERAL MANAGER

7.

WARD AVENUE, NO.10, ELIZABETH BAY - DEVELOPMENT APPLICATION - QUESTION OF APPLICANT APPLYING TO CHANGE FROM RESIDENTIAL APARTMENTS TO BOUTIQUE HOTEL - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U99-00693)

Question:

Has the applicant applied to alter this Development Application (U99-00693) to change the development from residential apartments to a Boutique Hotel.

Does this change require notification to neighbouring residents and businesses and a re-advertising of the changed Development Application. Can the Planning Department update me as to the status of this Development Application as soon as possible?

Answer by the Mayor:

I will have the Director of Planning and Building submit a report in the Councillor Information Service.

8.

CLEANING - WILLIAM STREET, WOOLLOOMOOLOO (A) PROVISION OF RUBBISH BINS (B) ENFORCEMENT OF NO STANDING RESTRICTIONS INTO FORBES STREET- QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (C56-00027)

Question:

Since the opening of convenience stores at the corner of Bourke and William Streets and also at the corner of Forbes and William Streets the accumulation of rubbish along William Street, particularly between Forbes and Bourke north side has increased.

Can Officers provide a report as to the number of bins in William Street and can Council install at least one bin between Forbes and William Streets.

Can Council enforce the no standing restrictions at the left turn only into Forbes Street below William Street. No one observes these restrictions.

Answer by the Mayor:

On the first matter I will have the Director of Public Works and Services circulate this in the Councillors Information Services.

GENERAL MANAGER

I will write to the area Commander of Kings Cross Police in respect of the second part of your question.

9.

**PUBLIC RELATIONS - SOUTH SYDNEY RUGBY LEAGUE TEAM -
QUESTION OF PROVIDING ASSISTANCE - QUESTION WITHOUT NOTICE
BY COUNCILLOR POOLEY (2019355)**

Question:

In view of the strong support you expressed on behalf of Council at the rally in support of the South Sydney Rugby League Team, this Council's impending decision to support Mr. George Piggins as Council's Australia Day Ambassador and the strong community base of support which that team, like this Council enjoys in the community, would you inquire to the management of South Sydney Rugby League Club what additional support South Sydney Council may be able to give to assist that great, local, South Sydney institution, to survive and prosper?

Answer by the Mayor:

I will be happy to discuss this matter with Mr. Piggins.

10.

**ELECTIONS - POLITICAL PARTIES - FINANCIAL ASSISTANCE -
QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2006350)**

Question:

Can I preface my comments by assuring all Councillors and those present in the gallery that no member of the South Sydney Labor Caucus gave any financial assistance to the Democrats or any other Political Party in the last Council elections?

Mr. Mayor on behalf of the representatives of the South Sydney Community Independent Political Party can you give Council that same assurance?

Answer by the Mayor:

I can assure you no financial assistance was given to the Democrats or other parties.

11.

HEALTH - SUTHERLAND COUNCIL CAMPAIGN AGAINST A NUCLEAR REACTOR - MOTION AT 2000 LOCAL GOVERNMENT CONFERENCE, GOSFORD - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (H51-00492)

Question:

Mr. Mayor, the Business Paper of the Local Government Conference, held in Gosford 2 weeks ago, included a motion from this Council supporting Sutherland Council's campaign against a new nuclear reactor. When the vote was taken however, you voted against Sutherland's motion and therefore against the motion put up by resolution of South Sydney Council. I believe you as Mayor, should be condemned for failing to support the expressed wish of your own Council at a State Local Government Conference. Please may I have a written explanation in the Councillors Information Service?

Answer by the Mayor:

Yes.

12.

PLANNING - AFFORDABLE HOUSING - DISCUSSION WITH MR. HARRY TRIGGERBOFF - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2011709)

Question:

Mr. Mayor, I understand you had lunch with Mr. Harry Triggerboff at restaurant 41 this afternoon. Can you reveal to Council any planning matters you may have discussed with him? Has there been further progress on the subject of affordable housing?

Answer by the Mayor:

The Director of Planning and Building was with me and I did not raise the question of affordable housing.

GENERAL MANAGER

13.

ADMINISTRATION - MEETING ARRANGED BY LORD MAYOR OF SYDNEY WITH REPRESENTATION IN SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2023447)

Question:

The Lord Mayor of Sydney appears to have been rattled by suggestions of an ICAC investigation into his activities in other Council areas. I am told he is currently inviting representatives of selected groups in Surry Hills and elsewhere to attend a function in which he will expound his grand vision for the City. Has anyone on this Council been invited to such a meeting?

Answer by the Mayor:

Not to my knowledge

14.

PUBLIC RELATIONS - WATERLOO/REDFERN AREA - QUESTION OF SETTING UP BRANCH OF BENDIGO BANK - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2010170)

Question:

Would the appropriate Council Officers inquire into and report on the feasibility of setting up a branch of the Bendigo Bank in the Water/Redfern area? Would the same Officer also report on the potential for Council to become an investor in the Bendigo Bank?

Answer by the Mayor:

I will have a report submitted in Councillors Information Service or to the Committee.

15.

ROADS - ABERCROMBIE STREET, BETWEEN CLEVELAND AND BROADWAY - SIGN REQUESTING TRUCKS NOT TO USE AIR BRAKES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P58-00515)

Question:

I have had a request from a resident of Abercrombie Street, between Cleveland Street and Broadway to have a sign requesting trucks not use their air brakes in this street.

Answer by the Mayor:

I will refer this matter to the Traffic Committee.

GENERAL MANAGER

16.

PARKING - NO PARKING/STANDING AREAS - USE OF YELLOW KERB-LINE INSTEAD OF SIGNAGE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002804)

Question:

Could I have a report in the Councillor Information Service outlining what steps Council is taking to use the yellow kerb-line instead of signage for no parking/standing areas?

Answer by the Mayor:

I will have the matter referred to the Traffic Committee.

17.

POLICY - MATHEW TALBOTT HOSTEL - INVITATION TO APPLY FOR A GRANT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (D53-00003)

Question:

Two weeks ago, I attended the launch of an appeal at the Matthew Talbott Hostel in Woolloomooloo. The appeal launched by the Governor General, Sir William Deane and presided by his eminence Cardinal Clancy is to raise \$4 million for a special program to manage the homeless men in one programs with the aim to move them to longer term housing and care.

Could the Mayor write to the Matthew Talbott Hostel and invite them to apply for a grant to assist in this program?

Answer by the Mayor:

I will write a letter inviting them to submit an application.

18.

PARKS - FITZROY GARDENS - REPAIR OF BENCHES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2012771)

Question:

Could Council staff inspect and either remove or repair any benches in Fitzroy Gardens? Two benches have collapsed and I noticed other were in a poor state of repair?

GENERAL MANAGER

Answer by the Mayor:

I will ask the acting Director of Public Works and Services to investigate that matter tomorrow.

19.

CLEANING - KINGS CROSS AND DARLINGHURST - STEAM CLEANING OF STREET BINS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (C56-00027)

Question:

Can Council staff implement a weekly steam cleansing service to our street bins - particularly in Kings Cross and Darlinghurst?

Answer by the Mayor:

I will ask the Acting Director of Public Works and Services to investigate.

20.

STREETSCAPES - ELIZABETH STREET, STREET AND GORDON STREET, SOUTH PADDINGTON - REPLANTING OF GARDEN BEDS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2016906)

Question:

I noticed that the garden beds at the intersection of Elizabeth Street , Stewart Street and Gordon Street, South Paddington continue to remain bare of any planting. Can Council staff advise when the seven gardens will be replanted?

Answer by the Mayor:

This matter has already been attended to.

21.

PARKING - O'DEA AVENUE, SOUTHERN SIDE OF VICTORIA PARK - ERECTION OF SIGN INDICTING PARKING CLOSE TO CORNER. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002804)

Question:

Cars parked on O'Dea Avenue on the southern side of the Victoria Park are causing chaos. There are no signs indicating parking close to the corner. Can this problem be investigated?

GENERAL MANAGER

Answer by the Mayor:

The matter was considered at the last Traffic Committee Meeting and it was deferred.

22.

TRAFFIC - INTERSECTION OF HUNTLEY STREET, COLLINS STREET AND BOURKE STREET - REPORT TO TRAFFIC COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2003147)

Question:

Early last year I asked for a report to come to the Traffic Committee with regard to the intersection of Huntley ,Collins and Bourke Streets.

Could this issue be placed on the agenda of the next Traffic Committee meeting?

Answer by the Mayor:

Yes

23.

CELEBRATIONS - YOUTH WEEK - BUSINESS AND PRIVATE ENTERPRISE BECOMING INVOLVED WITH A SPONSOR OF CULTURAL ARTS, SPORTS AND BUSINESS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021302)

Question:

Can Council investigate and bring forward a report to the Cultural Committee that canvasses the prospect of business and private enterprise becoming involved with and sponsoring a cultural arts, sports and business during youth week co-ordinated by South Sydney City Council.

Answer by the Mayor:

The matter will be investigated in conjunction with the Youth week.

REPORT OF THE FINANCE COMMITTEE

22 November 2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Gregory Shaw and Tony Pooley.

At the commencement of business at 6.37 pm those present were:-

Councillors - Shayne Mallard, Gregory Shaw and Tony Pooley

Moved by the Chairperson (Councillor Mallard), seconded by Councillor Pooley-

That the Report of the Finance Committee of its meeting of 22 November 2000, be received and the recommendations set out below for Items 1,3 to 6 inclusive, 8,9, 11 to 17 inclusive, 21 to 23 inclusive, 25,27, 29 and 31, be adopted. The recommendations set out below for Items 2,7,10,18 to 20 inclusive 24,26,28 and 30 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

DONATIONS - SUBSIDISED ACCOMMODATION - COUNCIL PROPERTIES (2016721)

That the report of the Acting Director of Corporate Services dated 7 November 2000, concerning Council's subsidised accommodation schedule, be received and noted.

Carried.

GENERAL MANAGER

2.

**SOUTH DOWLING STREET - OXFORD STREET TO FLINDERS STREET,
DARLINGHURST - PROPOSED RENAMING (2012349)**

That the report by the Director of Public Works and Services dated 26 October 2000, regarding the proposed renaming of South Dowling Street between Oxford Street to Flinders Street, Darlinghurst, be received and noted.

Carried.

3.

**FINANCE - ACCOUNTS - INVESTMENT - MONTHLY REPORT - PERIOD
ENDING 31 JULY 2000 (2015594)**

That the Investment Report of the Director of Finance dated 8 November 2000, regarding the above be received and noted.

Carried.

4.

**FINANCE - ACCOUNTS - INVESTMENT - MONTHLY REPORT - PERIOD
ENDING 31 AUGUST 2000, (2015594)**

That the Investment Report of the Director of Finance dated 9 November 2000, regarding the above be received and noted.

Carried.

5.

**FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD
ENDING 29 SEPTEMBER 2000 (2015594)**

That the Investment Report of the Director of Finance dated 10 November 2000, regarding the above be received and noted.

Carried.

6.

**SUPPORT FOR SPASTIC CENTRE - NATIONAL BADGE DAY APPEAL
WEEK 2 - 9 MARCH 2001 (114504)**

That Council:-

- (1) agree to allow staff to support the Spastic Centre National Badge Day Appeal by selling badges from the One Stop Shop during the week 2-9 March 2001;

GENERAL MANAGER

- (2) allow staff be allowed to wear casual wear to the first Friday of the week 2 March 2001.

(DOD Report 8.11.2000)

Carried.

7.

SYDNEY PARK - EXPRESSIONS OF INTEREST FOR MARKETS (P52-00149)

- (1) That the information contained in the report by the Director of Public Works and Services dated 7 November 2000, be received and noted.
- (2) That Council call for Expressions of Interest from appropriate market operators for the licencing of weekly or monthly markets for a trial period of 6 months in the Sydney Park "Kilns" precinct, prior to Christmas 2000.

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

- (2) That Council call for Expressions of Interest from appropriate market operators for the licencing of monthly markets for a trial period of 12 months in the Sydney Park "Kilns" precinct, prior to Christmas 2000.

Motion, as amended by consent, carried.

8.

NUCLEAR FREE SECRETARIAT - BANNER - DONATION (2003149)

That confirmatory approval be given to the donation of \$95 towards a banner for the Nuclear Free Secretariat.

(A/DCS Report 7.11.00)

Carried.

9.

ELECTIONS - FUNDING DECLARATIONS FOR 1 JULY 2000 (2006350)

That Council receives and notes the declaration submitted as required by the

GENERAL MANAGER

Electoral Funding Act 1981, as detailed in the report by the Acting Director of Corporate Services dated 7 November 2000.

Carried.

10.

LICENSING - DARLINGHURST ROAD, POTTS POINT - SHOP 7, NOS. 23-31 - PROPOSED FOOTWAY LICENCE (2002056)

Deferred and the Director of Public Works and Services be requested to submit a further report to the next meeting of the Finance Committee about :-

- (1) the display of the footway licence in a prominent area;
- (2) the licencing period being reduced, having regard to the future construction of the Springfield Plaza.

It was moved by Councillor Mallard, seconded by Councillor Shaw, 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 approval be given to:-

- (1) the granting of a licence to Hungry Jacks' Pty Ltd ABN 25 008 747 073 over an area of 45 square metres of the footway of Springfield Avenue adjacent to Hungry Jacks at Shop 7, No. 23-31 Darlinghurst Road, Potts Point as shown stippled on Plan No. S4-130/603B and subject to the conditions in the attached schedule;
- (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 being reviewed at any time to ensure it is consistent with management objectives being developed for Springfield Avenue and if considered by Council to be inconsistent it shall be terminated upon one month's notice by Council.
- (4) The licence commencing only following the satisfactory compliance with conditions 7 and 8 attached, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (5) the execution of all relevant documents and plans by Council's Attorney;
- (6) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;

GENERAL MANAGER

- (7) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, or failed to execute the licence agreement;
- (8) The footway licence certificate and a plan of the licence area (both provided by Council at the commencement of the licence) shall be prominently displayed in the street frontage window of the restaurant;

(DPWS Reports 24.10.00 & 27.11.00)

At the request of Councillor Lennon, seconded by Councillor Furness, the motion be further amended by the addition of a clause (9) to the recommendation, namely:-

- (9) That the toilet facilities be opened during the operation of the footway licence.

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

11.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENT - SEPTEMBER 2000
(2022601)**

That confirmatory approval be given for the abovementioned schedule of payments, details for which are contained in the accompanying file.

(DF Report 9.11.2000)

Carried.

12.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - OCTOBER 2000
(2022601)**

That confirmatory approval be given for the abovementioned schedule of payments detailed for which are contained in the accompanying file.

(DF Report 9.11.2000)

Carried.

13.

EMPLOYMENT - LOCAL GOVERNMENT ABORIGINAL EMPLOYMENT AND CAREER DEVELOPMENT PROGRAM (114777)

That in support of this initiative regarding the Local Government Aboriginal Employment and Career Development Program and in line with Council's Vision and Mission statement "to enhance the quality of life and well being of its communities" and along with our mission "working with the community to meet its needs" approval be given to:-

- (1) the EEO Manager to explore possible opportunities and options for participation in this valuable program;
- (2) lodge an expression of interest with Aboriginal Community Programs Department of Education and Training.

(DOD Report 14.11.00)

Carried.

14.

LIBRARIES - SURVEY - 4 NEW LIBRARY POSITIONS - FURTHER REPORT (2006604)

That arising from the report by the Director of Health and Community Services dated 14 November 2000, approval be given to:-

- (1) the following 4 new positions being created.
 - Permanent full-time Reader's Services Librarian - 36-25 hours per week - position to be evaluated;
 - Permanent full-time Local History Librarian - 36-25 hours per week - position to be evaluated;
 - Permanent full time Librarian - Public Access Computer Services - 26-25 hours per week - position to be evaluated;
 - Permanent part-time Library Technician - Children's Coordinator - 21-50 hours per week - position to be evaluated;
- (2) the additional required funds being added to the Budget, subject to the exact evaluation of the positions.

Carried.

GENERAL MANAGER

15.

PARKS - VICTORIA PARK GARDENER'S LODGE - APPROVAL TO CALL EXPRESSIONS OF INTEREST (2017935)

That approval be given to advertise for expressions of interest for the adaptive reuse and fitout of the Victoria Park Gardener's Lodge.

(DPWS Report 8.11.2000).

Carried.

16.

ELECTIONS - FUNDING DECLARATIONS FOR 1 JULY 2000 (2006350)

Council receives and notes the declarations lodged by Messrs Jones and Malouf as required by the Electoral Funding Act, 1981, for the Ordinary Election held 1 July 2000.

(ADCS Report 16.11.00)

Carried.

17.

FINANCE - ACCOUNTS - BANK RECONCILIATION FOR PERIOD ENDED 31 JULY 2000 (A52-00240)

That the report of the Director of Finance dated 16 November 2000, certifying completion of the Bank Reconciliation for the period ending 31 July 2000, be received and noted.

Carried.

18.

HEALTH - CAMPAIGN TO OPPOSE FURTHER EXPANSION OF SYDNEY KINGSFORD SMITH AIRPORT - REQUEST FOR FUNDING (2016370)

- (a) That Council call on SSROC to run a campaign which will point out the many positive benefits of locating Sydney's second international airport outside the Sydney basin and to re-request a donation to finance the campaign.
- (b) That the worded message on the Council rate notice relating to the airport campaign be removed.

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

GENERAL MANAGER

- (a) That approval be given under the provision of Section 356 of the Local Government Act, 1993 to the payment of a donation of \$10,000 to the Southern Sydney Regional Organisation of Councils to be specifically used for the campaign against the further expansion of Sydney Kingsford Smith Airport and the removal of propeller aircraft (primarily regional airlines) through policy or differential pricing to Bankstown Airport.
- (b) That the worded message on the Council rates notice relating to Badgerys Creek be replaced with a message calling for a complete halt to the expansion of Sydney Kingsford Smith Airport.

After discussion on the matter, it was moved by Councillor Furness, seconded by Councillor Lay, that the motion be put.

Carried.

Motion, as amended by Councillor Lay, carried.

Councillor Mallard asked for a show of hands.

5 votes to 4.

19.

**PUBLIC RELATIONS - COUNCIL AND COMMITTEE MEETINGS -
QUESTION OF HOLDING MEETINGS AT DIFFERENT LOCATIONS
(5262801)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

- (1) That Council Officers schedule one Council meeting per Ward and report the proposed dates and venues at Council's meeting on 13 December 2000, where the Schedule of Meeting Dates is confirmed by Council;
- (2) That Council's Media Unit prepare a plan to maximise awareness and attendance at these Ward based Council meetings.

Motion negatived.

It was moved by Councillor Lay, seconded by Councillor Shaw, that the report by the Civic Affairs Manager/Public Officer dated 16 November 2000, be received and noted.

Carried.

GENERAL MANAGER

20.

COUNCILLORS - CODE OF CONDUCT COMPLAINT BY COUNCILLOR BUSH AND HEATHER TINDALE RE MAYORAL ARTICLE (A54-00013)

That Council notes the Code of Conduct matters in relation to Mayoral Columns and adopts the policy as detailed in the report of the Acting Director of Corporate Services dated 15 November 2000.

It was moved as an amendment by Councillor Lennon, seconded by Councillor Harcourt, that the Mayoral Column be used to advertise upcoming events and Council's Grants Programs.

Amendment negatived.

At the request of Councillor Furness, and by consent, the motion be amended by the deletion of bullet point four where appearing under the heading "**Policy**" in the report by the Acting Director of Corporate Services and the insertion in lieu thereof of a new bullet point four, namely:-

- Content of these pages relate only to Council business and not make reference to any Party affiliations.

Motion, as amended by consent, carried.

21.

REG MURPHY BUILDING, NO. 19 GREENKNOWE AVENUE, POTTS POINT - REPLACEMENT OF EXISTING ROOF MEMBRANE (2000488)

That approval be given to:-

- (1) renew the existing membrane, as recommended by Petrel Services Pty Limited in the amount of \$45,000;
- (2) completely remove the existing exhaust fan enclosure and modify the exhaust fan instead of refurbishing as noted in the report in the amount of \$6,000;
- (3) allocate funds in the amount of \$5,100 (10% of the total cost of the work) as a contingency for variations;
- (4) call quotations separately from approved Norcros Applicators to replace the existing membrane and contractors to remove the existing exhaust fan enclosure and modify the exhaust fan;
- (5) funds of \$56,100 (total cost to complete the proposed work) be added to the 2000-2001 Property Works Program.

GENERAL MANAGER

(A/DCS Report 15.11.00)

Carried.

22.

FEEDBACK REPORT - MANAGEMENT FORUM - FRIDAY 20 OCTOBER 2000 (114796)

- (1) That the report by the Director of Organisational Development dated 14 November 2000, be received and noted and conveyed to all senior staff.
- (2) That a date for the next Management Forum for Senior Staff be scheduled for March 2001.

Carried.

23.

PUBLIC RELATIONS - 9TH ANNUAL NSW LOCAL GOVERNMENT TOUCH FOOTBALL - CARNIVAL - SATURDAY 24 FEBRUARY 2001, PARKES, N.S.W (C52-00112)

That approval be given to:-

- (a) Council sponsoring a mens team and a mixed team on the weekend of Saturday 24 February 2001, in the amount of \$1,500 and that such amount be added to the Revenue Estimates 2000/2001;
- (b) vehicles being made available from the Public Works and Services Department to help transport equipment to the event and to supply travel for Council staff and supporters.

(CAMPO Report 17.11.2000)

Carried.

24.

STREETS – LIGHTING – VICTORIA PARK DEVELOPMENT (2023278)

(Also listed as Item No. 23, Planning and Development Committee)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That approval be given to:-

GENERAL MANAGER

- (1) adopt in principle the use of Metal Haldie Street and park lighting throughout the Victoria Park Development subject to design of the network being carried out to ensure that Council is able to achieve a contestable electricity supply at an estimated additional cost of \$6,000, for which funds will be allocated in the 2000/2001 Revenue Estimates;
- (2) investigate the feasibility and cost implications of using Metal Halide Street and park lighting throughout the Green Square area, including further negotiations with Energy Australia as to their levels of service provision.

(DPWS & DPB Joint Report 17.11.00 and Supplementary Report 27.11.00)

Carried.

25.

STREETS – WORKS PROGRAM – TENDER ASSESSMENT FOR FOOTWAY RECONSTRUCTION PROGRAM (2015562)

At the Committee Meeting and Council Meeting Councillor Shaw declared an interest in the Item and did not take part in discussions or voting on the matter.

- (1) That Sydney Civil, Remediation & Environmental Contractors P/L, Ozpave P/L and Pavement Savage be awarded contracts at approximately 10,000m² of footpath pavement works per contractor in accordance to their Schedule of Rates submitted;
- (2) That because of the nature and high volume of contract work, it is also recommended that Kingston Industries P/L and Mayale P/L be kept as alternate contractors, should preferred contractors not comply with contractual obligations or if additional resources are required to meet Councils programming requirements;
- (3) That the General Manager be requested to submit a report to the next meeting of the Finance Committee about a communication strategy for the footway program.

(DPWS Report 17.11.2000)

Carried.

26.

AUTOMATIC PUBLIC TOILETS (APTS) – J.C. DECAUX CONTRACT – COUNCILLORS BRIEFING (2014501)

That approval be given to the acceptance of the quotation submitted by EDWA (Aust) Pty Ltd for the preparation of Master Plan and facilitation of Public consultation for the installation of Automatic Public Toilets, including the

GENERAL MANAGER

preparation of D.A submissions for assessment, at a total consultancy cost of \$68,930 to be funded from the general funds.

Carried.

(DPW Report 17.11.2000)

27.

ADMINISTRATION - REIMBURSEMENT OF LEGAL FEES TO FORMER MAYOR, VIC SMITH (2022682)

That the solicitor's fees in the sum of \$4,500, incurred by the former Mayor of South Sydney, Vic Smith, in respect of the legal expenses incurred in relation to an ICAC hearing held on 22nd June, 2000, as detailed in the report of the General Manager dated 17th November, 2000, be paid to Bowen & Gerathy.

Carried.

28.

PLANNING – LOW COST ADAPTABLE FLOORSFACE FOR ARTISTS (2011709)

That Council receives and notes the non-availability of low cost adaptable floor space for artists.

(ADCS Report 17.11.2000)

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

That the matter be deferred for a further report giving further information regarding available space for artists in the South Sydney area.

Motion, as amended by consent, carried.

29.

TRAFFIC - EASTERN DISTRIBUTOR LOCAL AREA IMPROVEMENT PLAN PACKAGE A – REDFERN (SOUTH OF CLEVELAND STREET) TENDER NUMBER S6023/00 (2023035)

That approval be given:-

- (1) to accept the tender submission from Mayale Pty Ltd for the Eastern Distributor Local Area Improvement Plan Package A - Redfern (South of Cleveland Street) construction works for a sum of \$344,259.70.

GENERAL MANAGER

- (2) to provide a contingency amount of \$35,000 to cover latent conditions during the Contract.

-funds of \$379,000 are available in the 2000/2001 Budget allocation as part of the approved Eastern Distributor LAIP (Project 21301).

(DPWS Report 17.11.2000)

Carried.

30.

COMMITTEES - SYDNEY GAY AND LESBIAN MARDI GRAS - SPONSORSHIP REQUEST (2023272)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That Option 3 be adopted in the following terms:-

- (1) Sydney Gay and Lesbian Mardi Gras agrees to seek Development Approval for raised seating for the 2002 Mardi Gras Parade.
- (2) That in return and in anticipation of future sponsorship arrangements, during the 2001 season Council agrees to:-
 - (a) provide waste services (estimated value \$40-50,000);
 - (b) meet the cost of half of the Parade barricades (estimated value \$30,000) for public safety and crowd control reasons;
 - (c) confirm the existing approval for a Cuisine on the Green event during the SGLMG Festival season (estimated value of \$15,000); and
 - (d) waive (by donation) the equivalent of any hiring of DA fees (not inclusive of staff wages) for use of Victoria Park and Pool in relation to Fair Dayr and the Pool Patty. This shall include the previous levels of childcare and playground assistance (estimated value of item (d) being \$65,500)
- (3) Sponsorship arrangements for subsequent years will be negotiated at the conclusion of the 2001 season with a view to triennium funding. With the exception of waste services (item 2a), it would then be expected that SGLMG would then assume at least items 2b,2c and 2d.

(GM Report 21.11.00)

GENERAL MANAGER

It was moved as an amendment by Councillor Furness, seconded by Councillor Lennon that the clause (1) of the recommendation be deleted and the insertion in lieu thereof, of the new clause (1) namely:-

- (1) That the Sydney Gay and Lesbian Mardi Gras agrees to seek Development Approval for raised seating for the 2002 Mardi Gras parade, subject to the findings of the feasibility study and the community support to such a proposal.

Amendment carried.

It was moved as a further amendment by Councillor Bush, seconded by Councillor Mallard that the following new clauses (2)(e) and (4) be added to the recommendation, namely:-

- (2)(e) That the Director of Public Works and Services ensure that the number of life guards on duty during the pool party be sufficient to cope with the number of people attending the party.
- (4) That the Sydney Gay and Lesbian Mardi Gras supply the appropriate audited books to Council after the completion of the events.

Amendment carried.

Motion, as amended by Councillor Furness and Bush carried.

31.

**CELEBRATIONS - JOURNEY OF A NATION – CENTENARY OF
FEDERATION PARADE (2021177)**

That Council agrees to hold a civic reception on the roof of 94 Oxford Street on 1 January 2001 to view Journey of Nation: The Centenary of Federation Parade for a maximum of 300 people, the guest list to include Councillors, civic dignitaries, community leaders, representatives of community organisation, citizens of South Sydney and staff, to a total cost of \$25,000 and for which funds are available in the 2000/2001 Budget. (1.51.3110.16615.0)

GM Minute 21.11.2000)

Carried.

The Finance Committee Meeting terminated at 8.17 p.m.

GENERAL MANAGER

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY 22 NOVEMBER AT 8.18 PM

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

The reasons for the press and public being excluded from the above mentioned Item are as follows, namely:-

Item ...1... - Property Matter

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 22 November 2000, be received and the recommendations set out below for Item 1.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES - EUSTON ROAD, NO. 70 ,ALEXANDRIA - ACQUISITION OF INDUSTRIAL PROPERTY (2023579)

That the recommendation of the Acting Director of Corporate Services dated 17 November 2000, regarding the above matter, be approved and adopted.

At this stage and at 7.45 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 matter, as it dealt with acquisition by Council of a property.

Carried.

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

GENERAL MANAGER

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

At. 7.51 p.m the Council Meeting resumed.

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

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

That the recommendation of the Acting Director of Corporate Services dated 17 November 2000, regarding the above matter be approved and adopted.

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

The Finance Committee (Confidential Matters) Meeting terminated at 8.19 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

22 November .2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Gregory Shaw and Tony Pooley.

At the commencement of business at 8.20 p m those present were -

Councillors:- Furness, Mallard, Shaw and Pooley.

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

That the Report of the Community Services Committee of its meeting of 22 November 2000, be received and the recommendations set out below for Items 1,4 and 5 , be adopted. . The recommendations set out below for Items .2 and 3 having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

CELEBRATIONS - AGED SERVICES - ACTIVITY CLUBS - SPECIAL ARRANGEMENTS - XMAS NEW YEAR PERIOD (2022107)

That arising from a report from the Director of Health and Community Services dated 10 November 2000, approval be given to:-

- (1) the operation of our Activity Clubs take place at Darlington, Woolloomooloo and Kepos St Activity Clubs only on the 27 and 28 December 2000 with members from the other three clubs to be transported to these centres;
- (2) a special New Years Eve buffet breakfast be served at Kepos St Activity club for members of all Activity Clubs on the morning of 29 December 2000 at the usual cost of \$3, with free transport provided;
- (3) that all meals-on-wheels clients receive a complimentary hamper of nutritious foods on 20 December 2000;
- (4) that for all meals-on-wheels clients one hot meal and one salad meal be delivered on 28 December with no delivery on 29 December 2000, at the usual price of \$3 per meal;
- (5) that all Councillors be invited to share in the Christmas Luncheon and New Years breakfast as per attached schedule.

Carried.

2.

PARKS - BARCOM AVENUE PARK, DARLINGHURST - APPROVAL TO FORM STEERING COMMITTEE AND NOMINATE COUNCILLOR REPRESENTATION

That approval be given to:-

- (1) formation of a Steering Committee to oversee development of public domain options for Barcom Avenue and Barcom Avenue Park;
- (2) Councillor Mallard to chair the Committee.

(DPWS Report 30.10.00)

At the request of Councillor Shaw, and by consent, the motion was amended by the addition of the words " and any interested Councillors be invited to attend the meeting " after the word "Committee" in clause (2) of the recommendation.

GENERAL MANAGER

Amendment carried.

At the request of Councillor Furness and by consent the motion be further amended by the deletion of the name "Councillor Mallard" where appearing in clause (2) of the recommendation and the insertion in lieu thereof, of the name "Councillor Lennon".

Motion, as amended by Councillors Shaw and Furness, carried.

3.

TREES – KIPPAX LAKE AREA OF MOORE PARK – ADMINISTRATION OF TREE PRESERVATION ORDER IN RELATION THERETO (T53-00743)

- (1) That the report by the Director Public Works and Services dated 17 November 2000 regarding the status of trees in the Kippax Lake area of Moore Park (which comes under the control of the Centennial Park & Moore Park Trust) in respect of Council's Tree Preservation Order, be received and noted.
- (2) That the Director of Public Works and Services be requested to submit a report on the question of Council exercising authority over the Moore Park and Centennial Park Trust under the Council's Tree Preservation order.

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

- (1) That although Council has delegated authority for tree preservation to Centennial Parklands, a letter be written to Centennial Parklands requesting that Council be notified of any tree removal proposal and that the reasons for removal be explicitly stated;
- (2) That Council notify Centennial Parklands that a new Council has been elected in South Sydney and request a briefing of the new Council by Centennial Parklands on its masterplan and tree management proposals.

(DPWS Report 27.11.00)

Carried.

4.

COMMUNITY SERVICES – SOUTH SYDNEY ART IN SIGHT PROGRAM – EVALUATION AND SECOND COMMISSION (2001509)

That arising from the report by the Director of Health and Community Services, dated 17 November 2000, that Council approve the above recommendations, including the commencement of the process for the second commission in early 2001, utilising funds available in the 2000/2001 budget for this purpose.

Carried.

5.

COMMUNITY SERVICES – 2001 AUSTRALIA DAY COMMUNITY AWARD NOMINATIONS (C52-00117)

That arising from a report by the Director of Health and Community Services dated 17 November 2000, approval be given to the presentation of the:

(1) Year 2001 AUSTRALIA DAY COMMUNITY AWARDS to:

Citizen of the Year – Mr Guido Gouverneur

Young Citizen of the Year – Ms Cindy Rodriguez

Community Event of the Year – Woolloomooloo Community

Festival

(2) Year 2000 CITIZENS COMMUNITY ACHIEVEMENT AWARDS to be presented at the Mayor's 2000 Community Christmas Celebration:

(1) Ms Robyn Quinn

(2) Mr Peter Piercy

In addition to the 'Bluebirds' from Rachel Forster Hospital.

Carried.

The Community Services Committee Meeting terminated at 8.31 p.m.

GENERAL MANAGER

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

22 November 2000

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

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

At the commencement of business at 6.45 p m, those present were -

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

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

That the Report of the Planning and Development Committee of its meeting of 22 November 2000, be received and the recommendations set out below for Items 2 to 4 inclusive, 7 to 10 inclusive, 12 to 15 inclusive, 19,21, 22,24 and 27 inclusive, be adopted. The recommendations for Items 1,5,6,11,16 to 18 inclusive, 20,23, 29 to 30 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CALDER ROAD, NO. 29, DARLINGTON - ALTERATIONS AND ADDITIONS TO FIRST FLOOR AT REAR OF DWELLING - DEVELOPMENT APPLICATION (00-00607)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

(A) That Council as the responsible authority grants its consent to the application submitted by Peter Madjakis with the authority of R. Bracher (owner) for permission to construct a first floor addition at the rear of the existing dwelling, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered WD-01-05, inclusive, drawn by PH of Arkitekton and dated May 2000;

GENERAL MANAGER

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
- (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 \$36, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (4) That the rear first floor balcony shall incorporate lattice privacy screens to both sides at a height of no less than 1.5 metres;
- (5) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (6) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (7) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (8) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (9) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (10) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the

GENERAL MANAGER

Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);

- (11) 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);
- (12) That all proposed work shall be wholly within the boundaries of the site;
- (13) 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;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) 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;
- (16) That the requirements of the Work Cover Authority shall be complied with;
- (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 details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (19) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (20) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension

GENERAL MANAGER

shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;

- (21) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (22) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (23) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (24) 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 suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
 - (c) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (d) 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;
 - (e) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (f) Balustrades shall comply fully with the requirements of Part 3.9.2 of the Building Code of Australia.

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

practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council;

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

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

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

Carried.

2.

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)

- (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 (DA U00-00968) 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, 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) in order to ensure suitable privacy to the courtyard of Unit 1, timber screening is to be provided on the southern side of the landing adjacent to Unit 2;
 - (b) an external colour scheme being submitted to the satisfaction of Council's Heritage Planner;
 - (c) A residential garbage room, fully enclosed, being provided in part of the space allocated for bicycles, which is in excess of Council's requirements;
 - (2) That the development shall be generally in accordance with Drawings A01-A03 (Issue B) and A04 (Issue A), dated August 2000 and drawn by JL of Brenchley Architects;

GENERAL MANAGER

- (3) That this approval does not relate to those works shown on drawings submitted as part of DA U00-01140, which have been carried out without the consent of Council;
- (4) That all reference to the new crossovers on Chelsea Street being omitted from the plans;
- (5) That the courtyards to the east of Unit 1 and to the west of Tenancy 2 not being used for the parking of motor vehicles;
- (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	\$1,020	2E97008.BGY0

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

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

- (7) 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	\$682	2E97003.BGY0
Open Space: New Parks	\$3344	2E97009.BGY0
Accessibility And Transport	\$21	2E97006.BGY0
Management	\$54	2E97007.BGY0
Total	\$4102	

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

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

where:

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

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

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

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

Part B

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

GENERAL MANAGER

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the 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.

- (8) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6435 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;
- (9) 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;
- (10) That to improve the amenity of the building occupants and to soften the appearance of the building, each of the landings and terraces shall be landscaped. In this regard, planter boxes shall

GENERAL MANAGER

be installed with species planted which would grow to a minimum height of two metres above the level of the terraces where they are provided;

- (11) That the first floor balcony French doors at No. 686 Bourke Street are to be timber-framed;
- (12) That the proposed shop front at No. 686 Bourke Street which is marked to 'future detail' shall be timber-framed with similar detailing and proportions to the existing shop front at No. 688 Bourke Street;
- (13) That the awning, including the canopy over the door along the Chelsea Street elevation, is to be constructed of corrugated metal;
- (14) That the proposed new parapet 'masonry feature' on the Chelsea Street elevation is to be deleted and the existing parapet detailing, including the urns, are to be retained and not altered in any way;
- (15) That the solar hot water system shall have a minimum NatHERS Star rating of 3.5 and shall comply in all respects with the provisions of Part E, Section 5 of DCP 1997;
- (16) That light and ventilation shall be provided in accordance with the requirements of Part F4 of the Building Code of Australia;
- (17) That the ceiling beneath the floors of the building shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (18) That the bounding wall between the car parking area and the courtyard shall have a minimum fire resistance level of 60/60/60;
- (19) That the proposed non-fire isolated stairway shall be redesigned to provide a continuous means of travel by its own flight of stairs and landings from every storey in accordance with D1.9 of the Building Code of Australia;
- (20) That Unit 2 at first floor level shall be redesigned to provide the travel distance not to exceed 6 metres from the required exit in accordance with D1.4 of the Building Code of Australia;
- (21) That the egress and travel distance to Unit 5 shall comply with D1.4 of the Building Code of Australia;

and the following adopted standard conditions:

- (22) Ventilation⁷⁰²³

- (23) Resident Parking Access³⁰⁰¹
- (24) Consolidate Lots¹²²
- (25) Street Number Application¹²³
- (26) Works on Public Way Cost¹⁰⁰²
- (27) Builders Hoarding Permit¹⁰⁰⁸
- (28) Cost of Signposting³⁰²⁶
- (29) Consequential Roadworks³⁰²⁷
- (30) Footway Crossing³⁰²⁸
- (31) Obstruction of Public Way³⁰²⁹
- (32) Delivery of Construction Materials³⁰³²
- (33) Stormwater Standard⁴⁰⁰¹
- (34) Clean Water Discharge⁴⁰⁰²
- (35) Landscape Plan⁵⁰⁰¹
- (36) On Slab Planting⁵⁰¹³
- (37) Final Inspection⁵⁰¹⁵
- (38) Refuse Skips⁶⁰⁰²
- (39) Commercial Garbage Contract⁶⁰⁰³
- (40) Commercial Garbage Storage⁶⁰⁰⁴
- (41) Recycling⁶⁰⁰⁷
- (42) Storage/Garbage⁶⁰⁰⁹
- (43) Drainage Design Certificate⁹⁰¹¹
- (44) Construction Hours⁹¹⁵¹
- (45) Works Within Boundary⁹¹⁵²
- (46) Work on Public Way⁹¹⁵⁴
- (47) Structural Design Certificate⁹⁰⁰⁶

- (48) Construction Certificate Required⁹¹⁵⁵
- (49) Building/Demolition Noise Control⁹¹⁵⁶
- (50) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (51) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (52) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (53) Protection from Termites⁹²⁰³
- (54) Glazing Provisions⁹³³⁰
- (55) 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 all relevant sections of the BCA shall be complied with;
 - (b) That the proposed work shall be constructed in Type () construction in accordance with the requirements of specification C1.1-() of the BCA;
 - (c) That the proposed work shall be constructed in Type () construction in accordance with the requirements of specification C1.1-() of the BCA;
 - (d) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (e) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
 - (f) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
 - (g) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of or protected in accordance with C3.14 and C3.15 of the BCA;

- (h) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (i) 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;
- (j) That access and car parking for people with disabilities shall be provided in accordance with Part D3 of the BCA;
- (k) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (l) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (m) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (n) 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;
- (o) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (p) 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;
- (q) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (r) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7

- (s) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (t) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (u) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (v) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (w) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;
- (x) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (y) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (z) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing - /60/30 fire door in accordance with D2.8(b) of the BCA;

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;

GENERAL MANAGER

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

Carried.

3.

CLEVELAND STREET, NO. 471, SURRY HILLS - USE PREMISES AS A BACKPACKERS HOSTEL - DEVELOPMENT APPLICATION (U00-00814)

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 15 November 2000.

Carried.

4.

PLANNING - COMMUNITY SERVICES - RESEARCH - RESIDENTS SURVEY (2023120)

- (1) That the report by the Director of Planning & Building dated 14 November 2000, regarding the above be received and noted.
- (2) That on submission of the report to Council regarding the review of Development Control Plan 11, a briefing be held with all Councillors.

Carried.

5.

ROCHFORD STREET, NO. 107, ERSKINEVILLE - TWO STOREY ADDITION TO REAR OF DWELLING - DEVELOPMENT APPLICATION (U00-00935)

At the Committee Meeting. Councillor Bush was Acting Chairperson during voting on this Item.

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the application be deferred to the next Planning and Building Committee

GENERAL MANAGER

meeting to be held on 6 December 2000, to allow for further discussion with the applicant's architect.

Carried.

6.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

That the application by Winten (No. 5) Pty Ltd to the erection of a residential flat building containing 30 units and a shop, be deferred as requested by the applicant in Fax dated 29 November 2000.

Carried.

7.

NICHOLS STREET, NOS. 13-29, SURRY HILLS - ERECTION OF DWELLING HOUSE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U00-00301)

- (A) That the Council as the responsible authority grants its consent to an amended development application submitted by Tabma Properties Pty Ltd for the erection of a single dwelling house, at Nos.13-29 Nichols Street, Surry Hills 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 \$2145 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 \$260, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

GENERAL MANAGER

- (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – 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	\$661	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.

- (4) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental 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	\$ 443	E97003.BGY0
Open Space: New Parks	\$2102	E97009.BGY0
Accessibility And Transport	\$ 13	E97006.BGY0
Management	\$ 34	E97007.BGY0
Total	\$2592	

GENERAL MANAGER

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.

GENERAL MANAGER

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

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

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

- (5) That the development shall be generally in accordance with plans numbered 540 plans 01 to 05 issue A dated February 2000 and date stamped and annotated in red;
- (6) That the proposed building shall respect any rights-of-way which may be applicable to this part of the site, and it is the responsibility of the applicant to ensure that this is the case;
- (7) That the gate should be of hinged type as shown on the plan and shall be of dark colour such as charcoal or black;
- (8) That the façade of the building shall be of a light tone with a dark contrasting colour to light openings;
- (9) That the string coursing and the decorative mouldings over the front windows on the first floor shall be deleted to allow the buildings to read as a new structure in the streetscape;
- (10) That a parking space of dimensions not less than 2.5 x 5.4 metres below or near to the dwellings on the site shall be marked and reserved for use in conjunction with the dwelling;
- (11) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (12) Before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the

GENERAL MANAGER

hoarding without the approval of the Director of Public Works and Services;

- (13) 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);
- (14) 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;
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (17) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (18) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (19) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);

- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (22) 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;
- (23) That all relevant sections of the BCA shall be complied with;
- (24) 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;
- (25) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (26) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (27) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (28) 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.
- (29) That the privacy screening shall be continued along the entire eastern edge and along both side of the walkway connecting the dwelling to the rear elevated deck.

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

GENERAL MANAGER

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 is advised that the proposal has not been assessed for compliance with the Building Code of Australia or Local Government (approvals) Regulation.

NOTE 2: 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.

8.

CLEVELAND STREET, NOS. 232-236, SURRY HILLS - DEMOLISH EXISTING BUILDING AND ERECT A 2 STOREY RETAIL WAREHOUSE BUILDING - DEVELOPMENT APPLICATION (U00-00683)

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 17 November 2000.

Carried.

GENERAL MANAGER

9.

PLANNING - LEP 1998 AND DCP 1997 - URBAN DESIGN - TOURIST ACCOMMODATION PROVISIONS - HEALTH - PLACES OF SHARED ACCOMMODATION POLICY (2015554 & 2020365)

That Council:-

- (1) prepare a Draft Local Environmental Plan which amends Clause 43 of Local Environmental Plan 1998, as set out in Attachment Three to this report and notify the Director General of its decision;
- (2) prepare a Development Control Plan for tourist accommodation for inclusion into Development Control Plan 1997: Urban Design as set out in Attachment Four to this report;
- (3) following public exhibition of the Draft amendments to Local Environmental Plan 1998 and Development Control Plan 1997: Urban Design in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, prepare a further report for consideration by the Planning and Development Committee detailing any submissions to the proposed amendments of Development Control Plan 1997 and Local Environmental Plan 1998;
- (4) adopt the tourist accommodation provisions and controls proposed to be incorporated into Development Control Plan 1997: Urban Design as set out in Attachment Four to this report, as an interim policy;
- (5) adopt the amended Health Policy for Places of Shared Accommodation as set out in Attachment Five of this Report.

(DPB & DCS Joint Report 15.11.2000)

Carried.

10.

PLANNING - STAGE ONE REVIEW OF DEVELOPMENT CONTROL PLAN 1997 - URBAN DESIGN - PROPOSED AMENDMENT (2015554)

That Council:-

- (1) prepare a Development Control Plan amendments for inclusion in Development Control Plan 1997: Urban Design as set out in Attachments Two to Ten to this report;
- (2) exhibit the draft amendments to Development Control Plan 1997: Urban Design in accordance with the requirements of Section 51A (4) of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000;;

GENERAL MANAGER

- (3) prepare a further report for consideration by the Planning and Development Committee detailing any submissions to the proposed amendments of Development Control Plan 1997 following exhibition.

(DPB Report 16.11.2000)

Carried.

11.

KINGSCLEAR ROAD, NO. 89, ALEXANDRIA,- ALTERATIONS AND ADDITIONS TO EXISTING TERRACE - DEVELOPMENT APPLICATION (U00-01006)

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 a deferred commencement consent under Section 80(3) of the EPA Act 1979, to the application submitted by Archivision Design for permission to carry out alterations and additions to an existing dwelling at No. 89 Kingsclear Road, subject to the following conditions, namely:-
- (1) The consent shall not operate until the applicant has provided details and plans showing how it is proposed to comply with the following conditions (a) to (g) 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;
- (a) That the front dormer shall be at a ratio of 1.5:1 (height:width) and be set down a minimum of 200mm from the ridge line;
- (b) That the proposed raising of the ridge line shall continue across the full width of the dwelling;
- (c) That the rear skillion dormer shall be setback a minimum of 500mm from side boundary and a minimum of 200mm from the rear wall;
- (d) That the proposed roofing material shall be corrugated colourbond to match existing;
- (e) That the front fence shall be timber or palisade to a maximum height of 1200mm in accordance with Clause 4.1.8 of Council's Heritage and Conservation DCP 1998;

GENERAL MANAGER

- (f) That the rear lane studio roof shall be a maximum height of 5.4m on the laneway curved inwards towards the property and shall provide for one inward facing dormer set in 900 mm from each side boundary and set in 1000 mm from its eastern alignment.
 - (g) That the rear lane studio first floor windows shall be in the form of dormer window and/or skylights with appropriate consideration to the privacy of other properties;
- (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 \$140, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That a dilapidation report shall be prepared to assess existing and future impacts of development on both adjoining properties (Nos. 87 and 91 Kingsclear Road, Alexandria) and shall be submitted with the construction certificate;
 - (5) That the rear studio shall be used for residential purposes only;
 - (6) That the rear studio shall be used in conjunction with the main dwelling;
 - (7) That the proposed front dormer shall be constructed in timber joinery and the roof materials shall match the existing roof materials, to be detailed in the application for a Construction Certificate;
 - (8) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);

GENERAL MANAGER

- (9) 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;
- (10) 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;
- (11) 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;
- (12) 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;
- (13) 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;
- (14) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (15) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (16) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these

GENERAL MANAGER

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 the applicant shall comply with the following conditions of 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 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;
 - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
 - (c) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
 - (d) 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;
 - (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;

GENERAL MANAGER

- (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) 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 with particular attention directed to the proposed attic external walls to dormers;
- (20) That all relevant sections of the BCA shall be complied with;
- (21) 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;
- (22) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (23) 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;

- (24) 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;
- (25) That the requirements of the Work Cover Authority shall be complied with;
- (26) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (27) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (28) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (29) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (30) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (31) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (33) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;
- (34) That, subject to access being provided, the applicant shall meet the cost of having professionally prepared dilapidation reports carried out on both of the adjoining properties prior to the commencement of any work on the site;

GENERAL MANAGER

- (35) That the applicant shall meet the cost of providing a boundary fence on both sides of the rear deck to a height of 1.8m above the deck (unless otherwise agreed in writing by the adjoining owners) prior to an occupation certificate being given.

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

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

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

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

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 the application be refused.

Negatived.

It was moved by Councillor Harcourt, seconded by Councillor Lay that the motion be amended by the additional clauses (36) and (37) and 1(h) to the recommendation, namely:-

- (36) That the applicant consult with his neighbour over the colour of the bricks used for the rear lane development, to ensure that they match the proposed shared garden wall and are of the colour acceptable to both parties;
- (37) That the raised ridge line of the main roof shall be the same dimension as that requested by the applicant;

- (1) (h) That the inward facing dormer shall have plantation shutters or fixed blades, so as to prevent the overlooking.

Motion, as amended by Councillor Harcourt, carried.

12.

PHILLIP STREET, NOS. 173 - 175, WATERLOO - USE PREMISES FOR HIRE AND SERVING OF PLANT AND EQUIPMENT - DEVELOPMENT APPLICATION (U00-01113)

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 17 November 2000.

(DPB Report 17.11.2000)

Carried.

13.

PLANNING - CAR PARKING POLICIES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2022930)

That the issues raised by this Question Without Notice be examined in detail during the next review of DCP 11 - Transport Guidelines for Development.

(DPB Report 17.11.2000)

14.

PLANNING - SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 (AMENDMENT NO. 5) - EXEMPT AND COMPLYING DEVELOPMENT DCP - MISCELLANEOUS CHANGES (2022710)

That Council change the title of the Exempt and Complying Development Control Plan 2000 to South Sydney Development Control Plan 1999 - Exempt and Complying Development and notify this title change in local newspapers.

(DPB Report 17.11.00)

Carried.

GENERAL MANAGER

15.

DARLINGHURST ROAD, NOS. 207 - 211, DARLINGHURST - EXTEND TRADING HOURS OF BISTRO - DEVELOPMENT APPLICATION (U00-00643)

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 17 November 2000.

Carried.

16.

DARLINGHURST ROAD, NO. 37, KINGS CROSS - RESTRICTED PREMISES - DEVELOPMENT APPLICATION (U00-00906)

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 Mr Rick Vermunt with the authority of V and D Maksimovich, for a restricted premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 87-158 and 'annexure B' dated 2/7/87, marked 'annexure D' received by Council on 7/8/00 marked 'annexure E' received by Council on 7/8/00, and the final Plan of Management for the premises (undated) submitted with the application;
 - (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 the hours of operation shall be restricted to Mondays to Saturdays 8.00am to 5.00am the following mornings and Sundays 12 noon to 3.00am Sundays the following morning;

GENERAL MANAGER

- (4) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (5) That the proposed signage shall;
 - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
 - (e) not carry a message(s) which is offensive;
- (6) That the exterior of the premises not be painted in excessively bright or fluorescent colouring;
- (7) That the premises shall be operated in accordance with the plan of management approved by Council at all times;
- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (9) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (a) all required mechanical ventilation systems;
- (10) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (11) 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;
- (12) 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);
- (13) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between

GENERAL MANAGER

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;

- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) 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;
- (16) 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;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (19) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied;
 - (a) That all relevant sections of the BCA shall be complied with;
 - (b) 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;
 - (c) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7

GENERAL MANAGER

- (d) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
 - (e) That current certification for all essential services installed in the building shall be submitted to Council.
- (20) That the toilets within the premises shall be kept locked and shall be for staff use only;
- (21) The rear door be used for unloading of goods only between the hours of 7.30am to 6.00pm Mondays to Fridays and shall not be used by customers for access to or from the premises except in cases of emergency;
- (22) That no advertising signs shall be erected on the rear of the property;
- (23) That waste bins be left out in the rear lane only immediately before and after collection and shall otherwise be stored on site;

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

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

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

Carried.

17.

FRANCIS STREET, NO. 30, EAST SYDNEY - ALTERATIONS AND ADDITIONS TO REAR OF TERRACE TO CONVERT TO TWO ONE-BEDROOM UNITS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U00-00693)

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 to the development application submitted by Lyn Pritchard for permission to carry out alterations and additions to the rear of the existing terrace to convert to two one-bedroom units, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging a construction certificate:
- (a) A scale plan of the drawing submitted by the applicant on 27 November showing the second floor cut back to the line of the existing boundary wall of the western neighbour.
 - (b) Replacing part of the first floor rear roof with a side sloping skillion.
 - (c) Providing details of external materials, finishes and colour.
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1425 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 \$190, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental 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	\$128	2E97003.BGY0
Open Space: New Parks	\$ 627	2E97009.BGY0

GENERAL MANAGER

Accessibility And Transport	\$4	2E97006.BGY0
Management	\$10	2E97007.BGY0
Total	\$769	

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

GENERAL MANAGER

Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$191	2E97008.BGY0

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

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

- (6) That the FSR shall not exceed 1,35:1;
- (7) That all proposed windows for the first floor living room and kitchen shall be timber framed;
- (8) That windows for the first floor living room and kitchen shall be timber framed;
- (9) That east facing window at the first floor shall be fixed and obscured at the lower level;
- (10) That 1m planter box shall be placed along the northern edge of the proposed first floor deck;
- (11) That privacy screens shall be of an open lightweight or lattice type 1600mm above floor level;
- (12) That new services to the existing terrace shall be placed as unobtrusively as possible with the minimum intervention of the original building fabric;
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (14) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That the developer/owner shall supply a Traffic Control Plan, which shall be approved by the Director of Public Works and Services prior to the approval of the Construction Certificate;
- (17) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;

GENERAL MANAGER

- (18) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (19) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) 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;
- (22) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (23) 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 all building work must be carried out in accordance with the provisions of the Building Code of Australia.

This does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
 - (b) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (i) Physical barriers in accordance with AS 1694

GENERAL MANAGER

- (ii) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (c) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (d) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (e) That the proposed work shall be constructed in Type (3) construction in accordance with the requirements of specification C1.1-(A) of the BCA;
- (f) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (g) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (h) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (i) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7
- (j) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (k) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (l) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (m) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;

- (n) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (o) That the proposed glass roof shall be deleted;
- (p) That details of the laundry facilities shall be provided;
- (q) That details of method of protection's of openings shall be submitted prior to release of the Construction Certificate;
- (r) That doors to the sanitary compartments shall comply with clause F2.5. Details shall be submitted for consideration;
- (s) That details of the height of the ensuite in the attic level be submitted;
- (t) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (u) 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;
- (v) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (w) 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);
- (x) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

GENERAL MANAGER

- (y) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (z) That the demolition work shall comply with Australian Standard 2601-1991;

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.

18.

OXFORD STREET, NO. 263, DARLINGHURST - USE OF EXISTING BUILDING FOR THE PURPOSE OF A RESTRICTED PREMISES - DEVELOPMENT APPLICATION (U00-00874)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority, refuses its consent to the application, submitted by Kim Burrell for permission to use the ground floor as a restricted premises, for the following reasons, namely:-
 - (1) That the proposal does not comply with the requirement in Clause 47 of LEP 1998 for restricted premises to be located at least 1500 mm above or below street level;
 - (2) That the proposed development does not comply with the provisions of the Sex Industry Policy and in particular Section 2.1 location with respect to churches, hospitals and hotels or places where alcohol is served;
 - (3) That the proposal is inconsistent with the character of this section of Oxford Street and would have a detrimental impact on the

GENERAL MANAGER

amenity of the area and the potential to provide local retailing facilities;

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

Carried.

19.

GRIFFIN STREET, NO. 16, SURRY HILLS - ALTERATIONS AND ADDITIONS TO TWO STOREY TERRACE HOUSE ROOF LEVEL SWIMMING POOL - DEVELOPMENT APPLICATION (U00-00765)

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 16 November 2000.

Carried.

20.

WYNDHAM STREET, NOS. 114-116, ALEXANDRIA - ERECT TWO 3 BEDROOM TERRACE HOUSES ON A VACANT SITE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U00-00463)

- (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 Nikiforos Family Trust for permission to erect two 3-bedroom terrace houses, 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 \$3760 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

GENERAL MANAGER

ensure that the plans are suitably endorsed. The levy, to the value of \$501, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (3) That the development shall be generally in accordance with plans numbered A0/50/1, dated 30 June, 2000 except where modified by conditions;
- (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 1997, the following monetary contributions towards the cost of providing facilities and amenities are required:

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,239.48	2E97003.BGY0
Open Space/Townscape/ and Public Domain	\$5,886.65	2E97009.BGY0
Accessibility and Transport	\$ 37	2E97006.BGY0
Management	\$ 96	2E97007.BGY0
Total	\$7,127.46	

The above must be paid to the Council in cash or by unendorsed bank cheque, before issuing a Construction Certificate.

Details about the contribution, including how it is determined, adjustments for CPI and works in kind can be found in the Contributions Plan (available at the Council, 140 Joynton Avenue, Zetland). No works will be offset against the required monetary contribution without the prior written consent of the Director of Planning and Building or the Director of Public Works and Services;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1852	
2E97008.BGY0		

GENERAL MANAGER

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

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

where:

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

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

- (6) That the first floor balconies facing Wyndham Street shall run the full width of each dwelling with 1m long protruding blade walls at each end;
- (7) That the roofs of the trees on the adjoining property shall be protected from any development;
- (8) That an energy efficient solar or gas to water system shall be installed in accordance with the requirements of DCP 1997;
- (9) That a survey plan shall be prepared which accurately depicts the boundary between 112 and 114 Wyndham Street and the corner splay at the rear of the site. This plan shall be made available to the owner of 112;
- (10) That no portion of the roof area above the family room of 116 Wyndham Street shall be used as a deck;
- (11) That the rear facing first floor bedroom windows of 116 Wyndham Street shall be double hung and fixed at the lower level;
- (12) That the ground floor pergolas shall be constructed of timber and shall not incorporate any solid roofing materials;
- (13) That a detailed, coloured elevation of the front façade showing all materials and finishes shall be submitted with the Construction Certificate and these shall be consistent with the requirements of DCP 1997;

GENERAL MANAGER

- (14) 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;
- (15) The development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996. In particular the development must have satisfactory width of vehicular entrance so that a car can turn into and out of the garages;
- (16) The developer shall include with the application for a Construction Certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The developer shall apply and pay the fees for us to consider these levels. The developer shall adopt the final boundary alignment levels fixed by Council;
- (17) The Developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;

and the following adopted standard conditions:

- (18) Alignment Levels¹⁰¹⁶
- (19) Obstruction of Public Way³⁰²⁹
- (20) Delivery of Construction Materials³⁰³²
- (21) Stormwater Standard⁴⁰⁰¹
- (22) Refuse Skips⁶⁰⁰²
- (23) Construction Hours⁹¹⁵¹
- (24) Works Within Boundary⁹¹⁵²
- (25) Work on Public Way⁹¹⁵⁴
- (26) Landscape Plan⁵⁰⁰¹
- (27) Street Trees⁵⁰⁰⁸
- (28) Final Inspection⁵⁰¹⁵
- (29) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (30) Natural light and ventilation⁹⁶¹³

GENERAL MANAGER

- (31) Comply With BCA⁹¹⁰⁴
- (32) Construction Certificate Required⁹¹⁵⁵
- (33) Works on Public Way Cost¹⁰⁰²
- (34) Alteration of Public Services¹⁰⁰⁶
- (35) Builders Hoarding Permit¹⁰⁰⁸
- (36) Dedication of Roads/Splay¹⁰⁰⁹
- (37) Resident Parking Access³⁰⁰¹
- (38) Cost of Signposting³⁰²⁶
- (39) Consequential Roadworks³⁰²⁷
- (40) Footway Crossing³⁰²⁸
- (41) Obstruction of Public Way³⁰²⁹
- (42) Stormwater Standard⁴⁰⁰¹
- (43) Clean Water Discharge⁴⁰⁰²
- (44) Connection to Council's Stormwater System⁴⁰⁰⁵
- (45) Refuse Skips⁶⁰⁰²
- (46) Drainage Design Certificate⁹⁰¹¹
- (47) Work on Public Way⁹¹⁵⁴
- (48) That a dilapidation survey shall be undertaken at the expense of the applicant by appropriately qualified persons for the adjoining property at 112 Wyndham Street and shall be submitted with the application for a Construction Certificate;
- (49) That on-site drainage shall be to Wyndham Street and no stormwater shall be discharged into the laneway;
- (50) That paving in the rear courtyard areas shall be of a permeable nature in accordance with the requirements of DCP 1997;
- (51) That a 2.5m by 2.5m splay shall be provided at the south-western corner of the site (intersection of Wyndham Street and Wyndham Lane) to facilitate access to the laneway;

- (52) That a 3m x 3m splay taken from the point of prolongation of the boundary lines shall be provided at the south eastern corner of the site (intersection of the laneways) as indicated in red on the approved plan.
- (53) That the northern boundary fences shall be of timber construction.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

21.

LAYTON STREET, NO. 7, CAMPERDOWN - PROPOSAL TO ESTABLISH BACKPACKERS HOSTEL - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U99-01392)

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 17 November, 2000.

Carried.

22.

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

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 16 November 2000.

Carried.

23.

STREETS - LIGHTING - VICTORIA PARK DEVELOPMENT (2023278)

(Also listed as Item No. 24 Finance Committee)

That approval be given to:-

GENERAL MANAGER

- (1) adopt in principle the use of Metal Halide street and park lighting throughout the Victoria Park Development subject to design of the network being carried out to ensure that Council is able to achieve a contestable electricity supply at an estimated additional cost of \$6,000 for which funds will be allocated in the 2001/02 budget estimates;
- (2) investigate the feasibility and cost implications of using Metal Halide street and park lighting throughout the Green Square area, including further negotiations with Energy Australia as to their levels of service provision.

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

That approval be given to:-

- (1) adopt in principle the use of Metal Haldie Street and park lighting throughout the Victoria Park Development subject to design of the network being carried out to ensure that Council is able to achieve a contestable electricity supply at an estimated additional cost of \$6,000, for which funds will be allocated in the 2000/2001 Revenue Estimates;
- (2) investigate the feasibility and cost implications of using Metal Halide Street and park lighting throughout the Green Square area, including further negotiations with Energy Australia as to their levels of service provision.

(DPWS & DPB Joint Report 17.11.00 and Supplementary Report 27.11.00)

Motion, as amended by consent, carried.

24.

FOOTPATH - RECONSTRUCTION AT KING STREET, NEWTOWN BETWEEN BROWN STREET AND ERSKINEVILLE ROAD (S56-01049)

That approval be given to Council's contractor Civil Systems Engineering Pty Ltd to carry out footpath construction at night at King Street, Newtown between Brown Street and Erskineville Road, subject to the following conditions, namely:-

- (1) That night work to be limited to a maximum of six nights in January and February 2001;
- (2) That the contractor shall give seven days prior notice to all occupants who will be affected and to the Director of Public Works and Services;

GENERAL MANAGER

- (3) That the contractor will limit noise at night and will use only hand work and small machinery;
- (4) That concrete trucks shall delivery in a forward direction to minimise any reversing.

(DPWS Report 17/11/00)

Carried.

25.

OXFORD STREET, NO. 88, AND THE BASEMENTS OF NOS. 90 AND 92, DARLINGHURST - ALTERATIONS AND EXTENSIONS TO NIGHT CLUB/ BAR (U00-00770)

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 Mr D.R. McPherson, with the authority of South Sydney City Council, for alterations and extensions to a nightclub/bar at Lot 1, DP 815188, No. 88 Oxford Street, and the basements of Nos. 90 and 92 Oxford Street, Darlinghurst, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered DA - 02, undated, prepared by Clark Pearse Architects, submitted 7/11/2000, plans in Proposed Acoustic Treatment Report, dated 29/4/2000, submitted plan number M02A, dated 5/5/2000, prepared by Noppen Air Pty Ltd, and Security & Risk Management Strategy for edenniteclub, dated 13th October 2000, prepared by Guards Mark and submitted 18/10/2000;
 - (2) That the maximum authorised capacity (including entertainers and staff) shall not exceed 470 persons;
 - (3) That the hours of operation of the nightclub/bar are restricted to 8pm to 3.00am the following day, seven days, and upon expiration of the permitted hours, all nightclub/bar services to patrons shall cease, no patrons shall be permitted entry and all patrons on the subject premises shall be required to leave within the following hour;
 - (4) 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

GENERAL MANAGER

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;

- (5) 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 \$360, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) That queuing shall not be permitted outside the premises unless the queue is single file, the length of the queue is restricted to the width of the frontage of the premises, the queue is located against the frontage of the premises, the queue does not obstruct pedestrian passage along the footpath, and the behaviour of those queuing does not adversely affect pedestrians;
- (7) That the exit door to Foley Street at the basement level shall be used as an emergency exit only;
- (8) That no external stowage of glass or bottles for collection/ recycling or any other purpose shall take place between 9.00pm and 9.00am the following day; that glass or bottles shall be placed for external collection/recycling in solid containers and not in only plastic bags; and that external areas used for collection/recycling shall be kept clean and tidy at all times;
- (9) That a sign no smaller than 800mm by 600mm, advising people not to queue outside the premises, shall be located in a prominent location to the front of the premises to the satisfaction of Council's Planning & Building Department;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668, Parts 1 and 2;
- (11) That the construction of the bar shall comply with the requirements of the National Code for the Construction and Fitout of Food Premises;
- (12) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;

GENERAL MANAGER

- (13) 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)	The coolroom	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997.
(ii)	The bar area.	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997.

- (14) That the design, installation, operation and performance of the new and alterations to existing mechanical ventilation systems must:
- (a) provide to each enclosure ventilated by mechanical means indoor air quality suitable for the health and safety of occupants therein;
 - (b) not adversely affect the performance of the building under fire conditions or the ventilation performance of the existing systems approved by Council; and
 - (c) be in accordance with the Building Code of Australia, AS1668 Parts 1 and 2;
- (15) Noise emissions from internal activities associated with the development shall comply with the following criteria:
- (a) The L10 noise level emitted from the licensed premises shall not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
 - (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affect residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;

GENERAL MANAGER

- (c) 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;

- (16) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (17) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (18) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (19) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (22) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That an application for a construction certificate, with supporting plans, specifications and details demonstrating

GENERAL MANAGER

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;

- (b) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
 - (c) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
 - (d) 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;
 - (e) 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.
 - (f) That all works shall be carried out within the boundaries of the allotment;
 - (g) That a copy of the approval for the place of public entertainment shall be conspicuously displayed in the place of public entertainment, in accordance with the requirements of Schedule 2 of Local Government (Approvals) Regulation 1993;
 - (h) That the capacities for each of the various areas shall not exceed the number shown on the Certificate of Classification;
 - (i) That the premises, and its site, shall be maintained in a clean and hygienic condition, clear of all undergrowth, rubbish, flammable or noxious material, and other material likely to constitute a fire or health hazard;
 - (j) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
- (23) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to

GENERAL MANAGER

the certifying authority, illustrating how the relevant performance requirements can be satisfied:

- (a) That a system of emergency lighting shall be installed throughout the building to provide sufficient light in an emergency, in accordance with the requirements of Clause E4.2 of the BCA and AS2293 (Part 1);
- (b) 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;
- (c) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (d) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (e) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (f) That certification shall be required that the automatic sprinkler installation has been installed in accordance with the requirements of Australian Standard 2118;
- (g) That unobstructed access shall be provided and maintained to all exits at all times;
- (h) 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;
- (i) That the edges of the treads of steps shall be made conspicuous;
- (j) 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;
- (k) That the electric mains installation shall comply with the requirements of Clause H101.19 of the BCA;
- (l) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".

GENERAL MANAGER

- (m) The materials used in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4 of the BCA;
 - (n) 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;
 - (o) That landings in a stairway shall be in accordance with the requirements of clause D2.14 of the BCA;
 - (p) That the goings and risers shall be provided in accordance with the requirements of clause D2.13 of the BCA;
 - (q) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
 - (r) That any basement storey used for a place of public entertainment shall comply with the requirements of Clause H101.18 of the BCA;
 - (s) That all internal areas including toilets for both sexes shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA Code of Australia and Council's Ventilation Code;
 - (t) 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;
 - (u) That access for people with disabilities shall be in accordance with part D3 of the BCA. Details shall be provided to Council;
 - (v) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (24) That the proposed air conditioning units overhanging Foley Street be replaced with a mechanical ventilation system that satisfies the requirements of Council Encroachment Policy and Council's standard conditions in relation to noise and details shall be submitted for approval prior to lodgement of a construction certificate.

GENERAL MANAGER

- (B) That the persons who made representations with respect to the proposal be advised of Council's decision.
- (C) That the appropriate Council Officer prepare a report to Council developing a policy for all of Council's rental properties.
- (D) That the applicant be advised that he surrender the footway licence on the site.

Carried.

26.

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

- (A) That subject to concurrence from the Roads and Traffic Authority, Council as the responsible authority grant its deferred commencement consent to the development application submitted by SCEGGS Darlinghurst Limited for permission to demolish the existing primary school buildings and erect a new primary school building and carry out alterations and additions to the existing Arts Building subject to the following conditions, namely:-
 - (1) That this deferred commencement consent, pursuant to S.80(3) of the Environmental Planning and Assessment Act, 1979, shall not operate until the following information, and amendments to the plans, has been submitted to the satisfaction of the Director of Planning and Building:
 - (a) 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;
 - (v) entry gates and fencing;

and such materials shall be sympathetic and consistent with the attributes and character of the site and surrounding area;
 - (b) An energy performance report, prepared by an accredited energy consultant, containing the following information:
 - (i) Details of the total anticipated energy consumption of the proposal on Meg Joules per annum per square metre (MJ/am²) estimated using a computer program. Appropriate computer

GENERAL MANAGER

programs are BUNYIP (CSIRO) or its recognised equivalent for commercial buildings; and NatHERS (CSIRO) or its recognised equivalent for residential buildings.

- (ii) Details of all passive and active energy efficient design measures that have been incorporated into the proposal.
 - (iii) Details of how the energy efficiency of the building may be improved, the cost of such changes and their anticipated cost savings.
 - (iv) Energy consumption details of:
 - Plant and equipment;
 - Fixed appliances, and
 - Lighting.
 - (v) Details of the effect the proposal may have on any solar thermal collectors in the immediate vicinity of the proposal.
 - (vi) Details of renewable energy sources in the proposal.
- (c) the top floor of that part of the building containing the staff room shall be deleted and the pitched roof form of the adjoining terraces shall be continued;
 - (d) the planter boxes on the roof terrace shall be reduced to the minimum depth required to sustain vegetation that will reach a mature height not exceeding the height of the parapet;
 - (e) the western elevation of the car park shall be redesigned so as to include an increased recess area to accommodate planting that will screen the ventilation grilles;
 - (f) the height of the masonry component of the western wall of the car park/ playground shall be reduced in height to the finished level of the playground;
 - (g) an open style mesh, with a minimum height of 2m, shall be erected behind the palisade fence of the western side of the playground; and
 - (h) a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and

GENERAL MANAGER

proposed critical levels, drainage, planting types and species, plant numbers and sizes (minimum plant sizes are to be 75 litres for trees and 25 litres for shrubs) and irrigation.

- (i) details of mechanical ventilation;
 - (j) That a Conservation Management Plan is to prepared, by a suitably qualified conservation architect or planner, with respect to the restoration and continued maintenance of the quarry face and sandstone retaining wall. The plan shall be submitted prior to the release of an Occupation Certificate;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$25, 080 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 \$12, 720, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the Magnolia Tree, proposed to be removed, shall be relocated (transplanted) to a suitable location on the site;
 - (5) That the proposed steel framed pergola in the playground area shall not overhang the western wall;
 - (6) That construction of the new building shall not commence until such time as the site has been remediated and a Site Audit Statement undertaken ensuring that that the site meets the appropriate health standards for the purpose of a primary school;
 - (7) That the remediation works shall be undertaken in accordance with Council's contaminated Lands Policy;
 - (8) That the recessed artwork panels in the in the western boundary wall shall be maintained at all times;

- (9) That the use of the roof terrace shall be restricted to passive recreation purposes of senior students only between one hour prior to the commencement and one hour proceeding core senior school hours. A separate development application shall be submitted for Council's consideration for use of the roof terrace for any other purpose;
- (10) That no shade structures, canopies and the like shall be erected on the roof terrace;
- (11) That no air conditioning units, plant and the like shall be erected on the roof terrace;
- (12) That appropriate measures shall be undertaken to protect the quarry face and sandstone retaining wall during demolition, excavation and construction activities. Details in this regard shall be submitted with the Construction Certificate;
- (13) That the external staircase on the southern elevation of the building (Stair 2A) shall only be used for emergency egress purposes;
- (14) That the Traffic Management Plan for student pick/set down as detailed in the traffic study, prepared by Colston Budd Hunt and Kafes Pty Ltd dated October 1999, shall be implemented in consultation with Council's Public Works and Services Department;
- (15) That the changes to traffic restrictions in Bourke Street required to enable the implementation of the Traffic Management Plan shall be subject to the approval of the South Sydney Traffic Committee and funded by the applicant;
- (16) That the number of bicycle parking spaces shall be provided in accordance with the minimum requirements of Development Control Plan No. 11 – Transport Guidelines for Development for the primary school students and shall be designed in accordance with Type 2 facilities as detailed in AS 2890.3. Details in this regard shall be indicated on the plans submitted with the Construction Certificate;
- (17) That the design of the car park and internal roads shall comply with AS 2890.1 including the requirements for a 2 metre splay for the driveway at the boundary alignment and 5% ramp gradient for the first 6 metres from the boundary to allow sight distance to pedestrians;
- (18) That a warning light/lights and appropriate signage shall be erected in a suitable location to alert pedestrians walking in either

a northerly or southerly direction along the footpath of Bourke Street of vehicles exiting the car park;

- (19) That a maximum of 72 off-street car parking spaces shall be provided on the site, including a maximum of 22 car parking spaces in the proposed car parking area. Each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.4m;
- (20) That of the 22 car parking spaces in the proposed car park, at least 2 spaces shall be a minimum of 3m x 5.5m (with a minimum headroom of 2.5m) and shall be clearly line marked and appropriately located for disabled driver's parking. The spaces shall not be stacked;
- (21) That the surface of the car park shall be sealed to allow safe and clear operation of the car park, appropriately line-marked for spaces and to aid traffic circulation, prior to issuing an Occupation Certificate;
- (22) That all street trees shall be retained and preserved and appropriately protected during demolition, remediation, excavation and construction activities by the erection of a safety fence or barricade around the drip line/ canopy edge;
- (23) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
- (24) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1668.1 and 2;
- (25) The car parking area being ventilated in accordance with Australian Standard 1668 Parts 1 and 2;
- (26) That the storage and handling of garbage shall comply with the requirements of Council's "Waste/Minimisation Fact Sheets";
- (27) That the garbage room shall be constructed in accordance with Council's "Waste/Minimisation Fact Sheets";
- (28) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (29) That the noise from construction/demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:

GENERAL MANAGER

- (a) Construction periods of 4 weeks and under:

The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

- (b) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: The above noise levels are applicable for construction hours of (i) Mondays to Fridays, 7.00am to 5.00pm; (ii) Saturdays, 7.00am to 3.00pm.

- (30) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (31) That the use of the premises shall not give rise to:-
- (a) transmission of 'offensive noise' to any place of different occupancy, or
- (b) a sound pressure level at any affected premises that exceeds the background (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.
- (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

A report is to be prepared by a suitably qualified acoustic consultant addressing the compliance with these requirements prior to commencement of construction;

- (32) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:
- (i) all proposed mechanical ventilation systems;
 - (ii) car park ventilation systems;
 - (iii) the garbage room.
- (33) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgment of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. The certificate of performance shall be in accordance with Section 5 of Council's Ventilation Code and be accompanied by details of the test carried out in respect of ventilation;
- (34) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act, 1997*;

and the following adopted standard conditions:

- (35) Stormwater Connection Fee⁵
- (36) Street Number Application¹²³
- (37) Works on Public Way Cost¹⁰⁰²
- (38) Alteration of Public Services¹⁰⁰⁶
- (39) Builders Hoarding Permit¹⁰⁰⁸
- (40) Alignment Levels¹⁰¹⁶
- (41) Articulated Vehicles³⁰¹⁸
- (42) Disabled Entry³⁰²⁴
- (43) Road Opening Permit³⁰²⁵
- (44) Cost of Signposting³⁰²⁶
- (45) Footway Crossing³⁰²⁸
- (46) Obstruction of Public Way³⁰²⁹

- (47) Delivery of Construction Materials³⁰³²
- (48) Stormwater Standard⁴⁰⁰¹
- (49) Clean Water Discharge⁴⁰⁰²
- (50) On Site Detention –Stormwater⁴⁰⁰³
- (51) Connection to Council's Stormwater System⁴⁰⁰⁵
- (52) Tree Preservation Order⁵⁰⁰⁵
- (53) Refuse Skips⁶⁰⁰²
- (54) Water Board Certificate (s73)⁸⁰⁰¹
- (55) Drainage Design Certificate⁹⁰¹¹
- (56) Comply With BCA⁹¹⁰⁴
- (57) Construction Hours⁹¹⁵¹
- (58) Works Within Boundary⁹¹⁵²
- (59) Work on Public Way⁹¹⁵⁴
- (60) Construction Certificate Required⁹¹⁵⁵
- (61) Building/Demolition Noise Control⁹¹⁵⁶
- (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

Note1: 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.

Note 2: 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

GENERAL MANAGER

flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council;

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

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

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

It was moved by Councillor Harcourt, 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 the application be deferred to allow for the applicant to submit amended plans regarding the provision of underground parking for the site and the retention of the terraces on the street.

Motion as amended by Councillor Harcourt, carried.

The Mayor and Councillor Bush requested that their names be recorded as voting against the foregoing motion.

27.

PLANNING – ENDORSEMENT TO EXHIBIT DRAFT ALEXANDRA CANAL MASTERPLAN (2010556)

That Council approval be given to:-

- (a) the draft Alexandra Canal Masterplan being placed on exhibition at Council's One Stop Shop from Monday 4 December 2000 to Friday 19 January 2001.
- (b) the Alexandra Canal Masterplan being reported to Council for consideration after the conclusion of exhibition and the consultants' revisions detailing its implications for South Sydney.

Carried.

GENERAL MANAGER

28.

BOURKE STREET, NO. 144, WOOLLOOMOOLOO – PROPOSAL TO USE PREMISES AS SAFE HOUSE BROTHEL – DEVELOPMENT APPLICATION (U00-00068)

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by Tania Palmer, for permission to conduct a five bedroom house brothel within an existing terrace house, for the following reasons, namely:-
- (1) That the location of the site adjoining a dwelling house makes the location unsuitable, according to Council's Sex Industry Policy;
 - (2) That the clustering of safe house brothels to form a recognisable node is likely to lead to increased on-street soliciting in front of residential premises;
 - (3) That the hours of operation are not appropriate for a business adjacent to residential development;
 - (4) That the approval would not be in the public interest;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

It was moved by Councillor Harcourt seconded by Councillor Shaw 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:-

- (A) That the Council as the responsible authority grant its consent to the application submitted by Tania Palmer for permission to conduct a five bedroom house brothel within an existing terrace house, subject to the following conditions namely:-
- (1) That the use shall cease until such time as the fire safety work outlined in conditions (6) and (13) has been complied with to Council's satisfaction;
 - (2) That until a second bathroom has been approved and constructed, no more than three bedrooms within the brothel shall be used at any time;
 - (3) That the use of the premises shall be generally in accordance with the plan shown as figure 2 in the Statement of Environmental Effects dated January 2000 as varied by conditions (1) and (2);
 - (4) That the use of the premises shall be in accordance with the plan of management submitted by the applicant as part of the Statement of Environmental Effects dated January 2000;

GENERAL MANAGER

- (5) That the hours of operation shall not exceed 8.00 p.m. to 6.00 a.m. seven days a week;
- (6) That doorways to all bedrooms and the doorway separating the foyer and security from the stairway shall be protected by a self closing solid core doors not less than 35mm thick;
- (7) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (8) 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;
- (9) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (10) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (11) That egress paths are to be kept free of obstructions/storage at all times;
- (12) That good housekeeping shall be maintained at all times;
- (13) 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;
- (14) That all entry to the premises shall be from William Lane other than for emergency egress;
- (15) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (16) That no red light shall be displayed;
- (17) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS 1668 Parts 1 & 2;
- (18) That the premises shall comply with the requirements of Council's Sex Industry Policy;
- (19) That a minimum of 2 sets of sanitary facilities (including WC, shower/ bath and a hand basin) be provided for the use of both sex workers and their clients;

GENERAL MANAGER

- (20) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (21) That clean linen and towels shall be provided for the use of each client;
- (22) That adequate receptacles with close-fitting lids shall be provided for the separate storage of used and clean linen;
- (23) That the proprietor shall ensure that all linen, towelling and other bed coverings which comes into contact with clients shall be changed immediately after each use;
- (24) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70° Celsius;
- (25) The proprietor shall provide an adequate supply of condoms, dental dams and water-based lubricant free of charge for sex workers and their clients. These must be distributed directly to the worker at the time of entering the premises or must be freely available in every room where sexual activity takes place;
- (26) The proprietor shall provide written information, i.e. pamphlets and brochures, for sex workers and their clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating or reading the English language;
- (27) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (28) That a garbage room or garbage receptacle storage area shall be provided within the site in accordance with the requirements of Council's Code and Waste Minimisation Fact Sheets;
- (29) That the use of the premises shall not give rise to:
 - (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic – Description and Measurement of Environmental Noise" or
 - (b) an "offensive noise" as defined in the *Protection of the Environment Operations Act, 1997*;
- (30) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying

authority for approval prior to the issue of a Construction or Occupation Certificate:

- (a) all proposed mechanical ventilation systems;
- (b) the garbage room or garbage receptacle storage area.

(31) That the application be for a trial period of 12 months.

NOTE: The proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmittable disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk.

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

After discussion on the matter it was moved by Councillor Lay, seconded by Councillor Mallard that the motion be put.

Carried that the motion be put.

Motion carried.

29.

PLANNING – DELEGATIONS – DETERMINATION OF DEVELOPMENT MATTERS (2023146)

- (1) That Council delegate to the Planning and Development Committee the authority to determine those applications where members are unanimous in respect of the application.
- (2) That Council delegate to the General Manager, under Section 377 of the Local Government Act Authority to determine development applications and modification applications under Section 96 of the Act, where there are submissions from no more than five separate properties and provided that three or more Councillors have not, prior to determination, requested in writing that the matter go to Committee.

(DPB Report 20.11.200)

It was moved as an amendment by Councillor Furness, seconded by Councillor Lennon that the motion be amended by the deletion of the words "three or more Councillors" where appearing in clause (2) of the

GENERAL MANAGER

recommendation and the insertion in lieu thereof, of the words "two or more Councillors".

Negatived.

Motion.carried.

30.

REDFERN STREET, NOS. 110 – 112, REDFERN – CONVERSION OF EXISTING BUILDING INTO A PRIVATE HOTEL CONTAINING 27 ROOMS AND NINE CAR PARKING SPACES – SECTION 96 MODIFICATION (U98-00099)

That Council as the consent authority and pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, modify consent to DA U98-00099 for the conversion of the existing building at 110-112 Redfern Street, Redfern, into a private hotel containing 27 rooms and 9 car parking spaces, in the following manner, namely:-

- The description of the proposal where it is stated in any part of Council's resolution as being a "private hotel" shall be deleted and replaced with the word 'penzione'.
- Condition 6 shall be deleted and replaced with the following condition:

(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	\$ 31,603	2E97003.BGY0
Open Space: New Parks	\$150,583	2E97009.BGY0
Accessibility And Transport	\$ 939	2E97006.BGY0
Management	\$ 2,423	2E97007.BGY0
Total	\$185,547	

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.

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

GENERAL MANAGER

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - June Quarter 1999/2000.

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

Payment shall be made before the use is commenced or the premises occupied whichever occurs first.

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.

GENERAL MANAGER

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.

- The following additional condition:-

(58) That the building shall have an occupancy not exceeding 144 persons.

Carried.

The Planning and Development Committee Meeting terminated at 9.32 p.m.

At this stage the Mayor indicated that pursuant to the Code of Meeting Practice the Notices of Motion had not been received in the required time period or 7 days before the meeting. The Mayor directed that a Extraordinary Council Meeting be held on 6 December 2000, at 5.30 p.m. at Erskineville Town Hall to deal with the following Notices of Motion.

Agreed.

NOTICES OF MOTION

1.

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

By Councillors Bush, Lennon and Fowler.

That resolution of Council of 8 November 2000, as follows, namely:-

- (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;

GENERAL MANAGER

- (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;
- (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

GENERAL MANAGER

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;

GENERAL MANAGER

- (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.

- be rescinded.

GENERAL MANAGER

2.

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

By Councillors Bush, Lennon and Fowler.

That resolution of Council of 8 November 2000, as follows, namely:-

- (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.

-be rescinded.

GENERAL MANAGER

3.

OXFORD STREET, NO. 263, DARLINGHURST – RESTRICTED PREMISES – DEVELOPMENT APPLICATION – MOTION TO RESCIND (U00-00874)

By Councillors Harcourt, Bush and Pooley.

- (A) That Council as the responsible authority refuses its consent to the application submitted by Kim Burrell for permission to use the ground floor as a restricted premises for the following reasons, namely:-
 - (1) That the proposal does not comply with the requirement in clause 47 of LEP 1998 for restricted premises to be located at least 1500mm above or below street level;
 - (2) That the proposed development does not comply with the provisions of the Sex Industry Policy and in particular section 2.1, location with respect to churches, hospitals and hotels or places where alcohol is served;
 - (3) That the proposal is inconsistent with the character of this section of Oxford Street and would have a detrimental impact on the amenity of the area and the potential to provide local retailing facilities;
 - (4) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council’s decision.

-be rescinded.

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