

266th Meeting

**Erskineville Town Hall
Erskineville
289026**

Wednesday, 21 February 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.39 pm on Wednesday, 21 February 2001.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 7 February 2001, be taken as read and confirmed.

At the request of Councillor Mallard, and by consent, the minutes were further amended:-

- (1) on Page 19, Question 21 by Councillor Pooley, by the addition of a first paragraph, namely, "Given that simply saying something to Councillor Furness is the sole criteria for it to be reported in his newsletter, would Councillor Furness report my following comments in his next newsletter?";
- (2) on Page 26 by the correction of Councillor Mallard's name to spell "Shayne" under the heading of the Report of the Finance Committee.

At the request of Councillor Shaw, and by consent, the minutes were further amended on Page 20, Question 24 by Councillor Shaw, by the deletion of the name "Mr. Beckhouse" where appearing in the first line of the question and the insertion in lieu thereof of the name "Mr. Backhouse".

Minutes, as amended by consent, were then confirmed.

PETITIONS

1.
The Mayor tabled a petition received by the General Manager with approximately 8 signatures appended from shop owners in Bourke Street, Darlinghurst, between Campbell and Albion Streets, complaining of the amenity decline of the area.

Received.
2.
The Mayor tabled a petition received by the General Manager with approximately 83 signatures appended from residents of the North Ward objecting to the proposed convenience store at No. 77 Macleay Street, Potts Point.

Received.
3.
The Mayor tabled a petition received by the General Manager with approximately 19 signatures appended from residents of Barcom Avenue,

GENERAL MANAGER

Darlinghurst, objecting to the traffic noise which is generated from the recently installed speed hump on Boundary Street near Boundary Lane.

Received.

4.

The Mayor tabled a petition received by the General Manager with approximately 42 signatures appended from residents of Strata Plan 53194 (Kimberley Estate) objecting to the Development Application for the proposed installation of Satellite Television dishes on the roofs on the complex.

Received.

QUESTIONS WITHOUT NOTICE

1.

INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS – COUNCILLOR REPRESENTATION ON COMMITTEES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (57-00077)

Question:

Last Thursday night I attended the IMROC General Meeting and a number of issues were raised including Councillor representation on a number of Committees. I believe Council will receive reports into the Committees and representation shortly. One issue that was briefly discussed and I have subsequently inquired about is the Sydney's Information Highway System. I believe it would be a significant benefit to this Council. Could a Councillor's briefing be arranged on this project and how Council could be involved?

Answer by the Mayor:

I will ask the appropriate Secretariat staff to contact IMROC.

2.

DEVELOPMENT - PROPOSALS EVELEIGH PRECINCT – NORTH EVELEIGH RAIL YARD – TO CALL A COMMUNITY MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2024070)

Question:

I have been having a number of meetings with residents regarding the North Eveleigh Rail Yard and believe there is a very strong need for at least one community meeting before the minute paper is prepared and this item comes to council. I have spoken to a number of the members of the Community Reference Panel and they have indicated both their support and that the State

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Member, Clover Moore has written to them in the last day or two calling for such a meeting. I would ask that this meeting to be sooner rather than later and that SMEC be asked to present their proposal.

Answer by James Harrison:

Council should look at a briefing of all Councillors and SMEC and a public meeting be held after the briefing of Councillors.

Answer by the Mayor:

The Mayor asked that the Director of Planning and Building to liaise with the Secretariat regarding a meeting and briefing.

3.

PUBLIC RELATIONS – POLICE STATIONS – SOUTH SYDNEY AREA – REGARDING THE CLOSURES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2024052)

Question:

When Council advertises the public meeting on police station closures could we also stress the importance of reporting all crime to the police? I am finding as I am talking to residents in South Ward that they are not and this does not ultimately help any of us.

Answer by the Mayor:

I have already spoken to the members concerned and I am in agreement. The General Manger's unit have been informed and will liaise with appropriate people.

4.

PARKS – SOUTH SYDNEY AREA – NATURE STRIPS – HAS COUNCIL ESTABLISHED OPTIMAL LENGTH FOR GRASS IN ITS PARKS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2004457)

Question:

Could the Director of Public Works and Services please advise if Council has established an optimal length for the grass in it's parks and if this takes into account Sydney's changeable weather?

Answer by Ron Wilcoxon:

We don't have a contact at this stage and length referred to is approximately 75mm, which relates to Sydney City Council. I will investigate this matter.

5.

ADMINISTRATION – REDFERN AMENITY DECLINE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S56-00626, 2004457, H51-00091)

Question:

A resident of Redfern has sent me a list of problems:-

- (1) Streets Footpath Work:
Footpath contractors are working until 8.15pm – without lights.
- (2) Parks South Sydney Area – Naturestrips
Why are they putting down turf – who is going to mow it?
- (3) Decorative Paving – Footpath Repair – Redfern Railway Station:

Pavers are sinking around the traffic lights opposite the Gibbon Street entrance to Redfern Station.
- (4) Health – The Control of Noxious Plants – Urban Weeds – South Sydney Area (H51-00091)
There are tall weeds in the gutter (Lawson Square) causing the accumulation of rubbish.

Answer by the Mayor:

I will refer that matter to the relevant Director to respond in the Councillors Information Service.

6.

STREETS, DRAINAGE, KINGS CROSS, POTTS POINT – BLOCKED DRAINS THROUGH HEAVY RAIN - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2009339)

Question:

The stormwater drain on Bourke Street, just South of Foveaux Street is blocked. It was forcing out water and leaves in a small fountain during heavy rain this morning.

Could the Director of Public Works and Services investigate?

Answer by the Mayor:

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

7.

PUBLIC RELATIONS SUPPORT – FALUN DAFA OR FALUN GUNG ARE HOLDING A PUBLIC AWARENESS DAY – A LETTER OF SUPPORT WRITTEN BY COUNCILLORS - WITHOUT NOTICE BY COUNCILLOR MALLARD (2024224)

Question:

Mr Mayor, this Saturday 24 February, Falun Dafa or Falun Gung are holding a public awareness day and have booked through Council the use of Taylor Square, Darlinghurst. I have been asked to speak but will be preoccupied supporting our local South Sydney Resident Senator Maise Payne in retaining her important Senate position on the Liberal Party ticket.

I have however prepared a letter of support which I would like to invite any interested Councillors to sign; it is short and I would like to read it out:

We the undersigned elected Councillors for the South Sydney City Council are pleased to write this letter in support of Falun Dafa Day to be held at Taylor Square on Saturday 24th February 2001.

We believe that Falun Dafa is a self-improvement practice rooted in ancient Chinese Culture consisting of exercise and meditation that furthers good physical and mental health. We believe it is a peaceful movement with benefits for practitioners in our community and across the world.

We recognise the efforts of our local Falun Dafa practitioners in South Sydney who have volunteered much of their times in introducing such activities into our community.

We deplore the actions by the Chinese authorities to repress the rights of the Chinese people to practice peaceful spiritual observance on the homeland. We do not support the interventions of local Chinese authorities in persecuting Australian Falun Dafa practitioners through representations to local government authorities seeking the prohibition of Falun Dafa from parklands and open spaces.

We wish Falun Dafa a successful day this Saturday and strongly support their rights to peaceful co-existence within our local community and across the world.

I invite any supportive Councillors to sign this letter.

8.

**PUBLIC RELATIONS – SUPPORT SPONSORSHIP – RE-GALLERY
OPERATING WITHOUT APPROVAL - QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (2019355)**

Question:

I am in receipt of 'Art Part' a guide to artist run initiatives in inner Sydney. Our Council is a sponsor of this program. But look carefully and Councillors will see that on the map of art galleries it promotes "Squat Space". The gallery operating without approval, without any insurance in our Broadway properties. I can not understand why we would sponsor a publication and event that gives credibility to illegal property invaders and the criminal elements. Can others report on why and how this came about?

Answer by the Mayor:

I will ask the Director of Health and Community Services to report on logo use in the Councillors Information Service.

9.

**PARKS – USE BY FALUN DAFA – NON SUPPORT BY CHINESE
CONSULATE - QUESTION WITHOUT NOTICE BY COUNCILLOR
MALLARD (2013901)**

Question:

Has the Chinese Consulate contacted Council to stop the use of Parks by the Falun Dafa Group?

Answer by the Mayor:

If they have a problem they can contact the Mayor.

10.

**DEVELOPMENTS – MARKETS – WOOLLOOMOOLOO COMMUNITY
MARKETS – CALL FOR EXPRESSION OF INTEREST - QUESTION
WITHOUT NOTICE BY COUNCILLOR MALLARD (2024225)**

Question:

Could Council have a report on the proposal for Woolloomooloo markets and where negotiations are between various groups taking an interest including the Woolloomooloo Chamber of Commerce. Could the report include a

recommendation to call for expressions of interest in this exciting community and commercial partnership?

Answer by the Mayor:

Director of Health and Community Services to report through the Councillors Information Service.

11.

**STREETS – DRAINAGE – WOOLLOOMOOLOO AND DARLINGHURST –
BLOCKED STORMWATER DRAINS – NORTH WARD - QUESTION
WITHOUT NOTICE BY COUNCILLOR LENNON (2004277)**

Question:

Could the Director of Public Works and Services comment on the blocked stormwater drains in the North Ward?

Answer by the Mayor:

The report is being prepared by Council's Waste Services Section.

Answer by Ron Wilcoxon:

Transition from Maintenance to Waste Services nearly complete, we do have lists and are aware of what needs to be done.

12.

**TREES – STREET – REPLACE DEAD TREES, CRAIGEND STREET, KINGS
CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON
(2024013)**

Question:

Can Council replace the six dead trees outside the Altair development in Craigend Street, Kings Cross with appropriate native trees?

Answer by the Mayor:

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

13.

**COMMITTEES – PUBLIC TRANSPORT – ENQUIRY INTO BUS SERVICES
– EASTERN SUBURBS & INNER CITY - QUESTION WITHOUT NOTICE BY
COUNCILLOR FURNESS (2009925)**

Question:

Could an appropriate Council Officer liaise with the State Transit Authority over their upcoming inquiry into bus services in the inner city and eastern suburbs with the view of establishing how Council may contribute to this inquiry with particular reference to community consultation, as I have had a number of representations from South Ward residents requesting improved bus routes and extended timetables?

Answer by the Mayor:

I will have the appropriate Council officer to liaise and respond in the Councillors Information Service.

14.

**COUNCILLORS - CONDUCT, COMPLAINTS AND ENQUIRIES
REGARDING DICK STREET, CHIPPENDALE – DEVELOPMENT
APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR
POOLEY (A54-00013)**

Question:

Deputy Mayor, further to question No. 20 at the last Council Meeting. Now that you have established that the comments in your email newsletter, specifically in relation to the Development Application in Dick Street, Chippendale, were inaccurate, will you now apologise to Labor Councillors and the previous Mayor?

Answer by Councillor Furness:

I will not, as that email was correct. Maybe you should be asking Councillor Harcourt a question. After sending that email to some residents in South Ward in which I warned that the Labor Party were now allowing an individual ward Councillor to vote against an unpopular Development Application in order to save face with constituents when all the other Labor Councillors were intending to vote in favour of it. I received advice from a member of the Labor Party who had received that email that he had asked Councillor Harcourt if in fact this were the case. He advised that Councillor Harcourt had told him the Labor Party would be adopting such a strategy from time to time and in her words, "for reasons of political expediency". Maybe you should ask Councillor Harcourt to confirm that conversation.

Answer by the Mayor:

Councillors please be reminded that there is no privilege at Council. What you say in the Chamber does not have similar protection as Parliamentary privilege

15.

DEVELOPMENT – AMENITY DECLINE – REDFERN, SURRY HILLS AND DARLINGHURST AREAS – QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2016528)

Question:

I refer to the petition to which you referred this evening regarding Bourke Street and its amenity between Albion and Campbell Streets. I have received a letter from the Director of Tuckwell Brown, adjacent to the Commonwealth Bank ATM, requesting some action from Council.

Can you write to Mr Brown advising him of what action Council can and will take to address the issues raised?

Answer by the Mayor:

I will write to him and ensure that the Waste Services Manager is informed.

16.

LICENSING – ILLEGAL BOARDING HOUSE - REGENT STREET- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (.....)

Question:

I have had representation regarding a property in Regent Street, Redfern that is operating an illegal Boarding House.

Answer by the Mayor:

I will have the Director of Planning and Building investigate this matter tomorrow.

17.

STREETS – DRAINAGE – SURRY HILLS AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2009339)

Question:

Can the Director of Public Works and Services investigate the drain blockage in Crown Street.

Answer by the Mayor:

The Director of Public and Services will follow it up for you.

18.

LICENSING – MOBILE FOOD VENDORS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2010962)

Question:

I am inquiring regarding the position and licence to have fruit carts in Taylor Square and the surrounding areas?

Answer by the Mayor:

I will ask the Director of Public Works and Services and Director of Planning and Building to follow-up on that matter.

19.

COMMITTEES – HOMELESSNESS MARGINAL AND AFFORDABLE HOUSING – LACK OF FUNDING - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2023508)

Question:

I have a question to Councillor Harcourt. During meetings of Council's Homelessness Marginal and Affordable Housing Committee all members of that committee including ALP Councillors have expressed concern at the lack of funding for support for accommodation services by the Federal and State Governments.

Late last year this Council refused a development application by the W.H.O.'s Organisation for a property in Pitt Street, Redfern that would have provided such services.

Can Councillor Harcourt confirm a subsequent phone conversation with the State Member for Georges River in which she attempted to mislead him by stating that this application was in fact supported by the Labor Party and opposed by all other Councillors and was therefore refused. Can Councillor Harcourt also confirm that she failed to mislead the member for Georges River that he asked her what kind of fool do you take me to be for and that she responded by saying that she may have actually been confused during the item and maybe hadn't in fact voted in favour of it but would be sure to do so if the matter came before Council again. Councillor Harcourt can you confirm this conversation?

Answer by the Mayor:

Councillor, do you wish to respond?

Answer by Councillor Harcourt:

I will respond very briefly. It was a long time ago, I certainly did have a conversation with Mr Green about that and I remember I did support that at the time but there was a lot of discussion in Council and there was some objections from the residents. I understand the matter has been further debated and likely to come back to Council in the near future.

Comment by the Mayor:

The 2B zoning in Pitt Street precluded except with Council consent any group housing in any form so it was a question of zoning which it is not in the objectives of the zone.

Answer by Councillor Bush:

I recall that meeting and I think I do recall Councillor Harcourt definitely speaking in favour of that but I think we deferred that for a further report on cumulative impact so I think if the record is going to be set straight on that the Labor Councillors at that stage did speak in of support on that application however it was deferred for a cumulative fact reference.

Comments by Councillor Lennon:

The reason why was the loss of Boarding House stock.

Answer by the Mayor:

There are a number of points that related to the development application at the time and you are correct in part of that this is one of the reasons of the issue.

REPORT OF THE FINANCE COMMITTEE

14 February 2001

PRESENT

Shayne Mallard (Chairperson)

Councillors – Peter Furness, Tony Pooley, Gregory Shaw

At the commencement of business at 7.40 pm, those present were -

Councillors – Furness, Mallard, Pooley and Shaw

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

That the Report of the Finance Committee of its meeting of 14 February 2001, be received and the recommendations set out below for Items 1 to 7, inclusive, 10, 11, 13, 14, 16 to 17B, inclusive, and 17E to 17G, inclusive, be adopted.

The recommendations for Items 8, 14, 15, 17C, 17D, 17H to 17J, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT – OCTOBER – DECEMBER 2000 (M56-00080)

That arising from consideration of a report by the Director Health and Community Services dated 31 January 2001, confirmatory approval be given to the motor vehicles' use costs, as listed in the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act (1993), for the 2000/2001 Budgetary period.

Carried.

2.

ELECTIONS - 1 JULY 2000 – FUNDING DECLARATIONS (2006350)

That Council receives and notes the declarations lodged by Clinton Reynolds and John Nolan-Neylan as required by the Electoral Funding Act, 1981, for the Ordinary Election held 1 July 2000.

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(A/DCS Report 6.2.01)

Carried.

3.

**FINANCE – MONTHLY INVESTMENTS REPORT – PERIOD ENDING
30 NOVEMBER 2000 (2015594)**

That the Investment Report by the Director of Finance dated 31 January 2001, be received and noted.

Carried.

4.

**FINANCE – MONTHLY INVESTMENTS REPORT – PERIOD ENDING
29 DECEMBER 2000 (2015594)**

That the Investment Report by the Director of Finance dated 31 January 2001, be received and noted.

Carried.

5.

**PARKS – WOOLLOOMOOLOO PLAYGROUND, CNR SYDNEY PLACE,
WOOLLOOMOOLOO - REALLOCATION OF FUNDS – APPROVAL
(2022449)**

That approval be given to:-

- (1) increase the Woolloomooloo Playground Upgrade Budget by an amount of \$33,000 for Main Contract and Ancillary Works (Project No 20026, Budget Ref 45-031) to be funded by:-
 - (a) the call up of a security deposit of \$15,000 lodged for this project by Harvey Holdings (as an additional Budget amount);
 - (b) the reallocation of \$18,000 from Project No. 21067 (Victoria Park flower festival) (Budget ref 45-026);
- (2) vary the approved Master Landscaping contract sum from \$383,900 to \$403,900, for the reasons stated in the report.

(DPWS Report 14.01.01)

Carried.

6.

CELEBRATIONS - CENTENARY OF FEDERATION CELEBRATIONS IN MELBOURNE, VICTORIA 4-11 MAY, 2001 – INVITATION FOR MAYOR TO ATTEND (2021177)

That approval be given to the Mayor attending the Centenary of Federation Celebrations in Melbourne, Victoria from 4th to 11th May 2001, and that the accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by Council, for which funds are available in the 2000/2001 Budget (1.51.3210.12205).

(GM Report 6.2.01)

Carried.

7.

FINANCE – BUDGETS – SUMMARY OF ADDITIONS TO THE ADOPTED BUDGET 2000/2001 (2021566)

- (1) That the report by the Director of Finance dated 9 February 2001, detailing additions and the revised Budget deficit, be received and noted;
- (2) That in future, the Director of Finance to submit Budget Deficit reports monthly.

Carried.

8.

CONFERENCES – ASIA PACIFIC NATURAL GAS VEHICLES SUMMIT – 10 & 11 APRIL 2001 BRISBANE, QUEENSLAND – ATTENDANCE OF COUNCIL REPRESENTATIVES (2013513)

That approval be given for nominated Councillor(s) and the Engineering Support Branch Manager to attend the 2001 Asia - Pacific Natural Gas Vehicles Summit in Brisbane, Queensland on 10 & 11 April where conference attendance fees, travel and accommodation expenses can be funded from current revenue estimate, Account Code 1.44.2670 (Public Works and Services Department Staff) and 1.51.3210 (Councillors).

(DPWS Report 5/2/01)

At the request of Councillor Mallard, and by consent, the motion was amended by the deletion of the word “nominated” where appearing in the first line of the recommendation and the insertion in lieu thereof of the word “interested.”

Motion, as amended by consent, carried.

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9.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JANUARY 2001
(2024019)**

That arising from a report by the Director of Finance dated 5 February 2001, approval be given to the confirmation of the payment of the accounts totaling \$18,939,149.83 as detailed in the Summary of Warrants for the Month of January, accompanying the report.

Carried.

10.

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

- (A) That Council confirms its intention to re-establish the Kings Cross Alcohol-Free Zone, viz the area bounded by Victoria Street at Darlinghurst Road to Hughes Street then along to Tusculum Street and Tusculum Lane then along Manning Street to Macleay Street including Crick Avenue then past the Police Station to Ward Avenue then along that street to Roslyn Street then down that street to Bayswater Road then back to Ward Avenue (from Roslyn Street) and Kings Cross Road along both Bayswater and Kings Cross Roads then down Ward Avenue to Craighend Street then along that street joining William Street at Kirketon Road then to Victoria Street.
- (B) That the Kings Cross Alcohol-Free Zone be in force for three years to commence 1 March 2001.
- (C) That notification of this decision be published in a newspaper circulating in the area.
- (D) That all interested parties be notified.
- (E) That the appropriate Council Officer convene a meeting between the Mayor, interested Councillors, Area Police Commander and the Chairman of the Accord, to discuss problems with the zone.

(ADCS Report 7.2.01)

Carried.

11.

(1) PERSONNEL – PUBLIC WORKS AND SERVICES DEPARTMENT – TEMPORARY WASTE PROJECT OFFICER – MULTIPLE OCCUPANCY DWELLINGS (2) WASTE SERVICES DATABASE – DEVELOPMENT – QUOTATIONS (2002867)

That arising from consideration of a report by the Director of Public Works and Services dated 9 February, 2001, it be resolved that:-

- (1) Council acknowledge the receipt of a rebate of \$66,893.84 under the Waste Services Development Scheme from the Southern Sydney Waste Board as detailed in the organisations letter dated 21st November, 2000;
- (2) approval be granted to appoint a temporary Waste Project Officer (Grade 11) for a period of 12 months to undertake project work on Multiple Occupancy Dwellings (MOD's) for which \$51,893 is included in the rebate offer;
- (3) quotations be called from suitable consultants for the development of a Waste Services Database, for which \$15,000 is included in the rebate offer.

Carried.

12.

CLEANING - CIGARETTE BUTT BINS – PROVISION – TRIAL PERIOD (2024061)

That approval be given to:-

- (1) the initiation of the 2 month trial by Smoke Zone Pty Ltd to afford an appraisal of the service provided;
- (2) on the proviso of an acceptable outcome of the 2 month trial, accept the offer by Smoke Zone Pty Ltd for the provision and installation of fully serviced and maintained cigarette Butt Bins at a cost of up to \$20 each per month, under 3 years' agreement, initially at about 12 locations of Council's operational public buildings and funded from existing operational budgets;
- (3) expansion of this service to bus stops to be determined during the 2 month trial period following needs assessment of each location;
- (4) Director of Planning and Building to report to Council on conditioning development application approvals to ensure Cigarette Butt Bins are installed at the doorways of premises where the year 2000 antismoking legislation, prohibits smoking in food eating areas;

GENERAL MANAGER

- (5) the following conditions apply to all new footpath licences and renewals of existing footpath licences:-
- All tables be provided with ashtrays upon requests by patrons and that they be cleaned regularly;
 - That the pavement area and the gutter in the vicinity of the license area be kept free of cigarette butts at all times;
- funds for this purpose will be provided from relevant property maintenance allocations.
- (6) the Director of Public Works and Services to submit a report on J C Decaux being an alternative supplier.

(DPWS Report 08.02.01)

At the request of Councillor Mallard, and by consent, the motion was amended by the addition of the words "within the existing contract" after the word "supplier" where appearing in the last line of clause (6) of the recommendation.

Motion, as amended by consent, carried.

At this stage and at 8.00pm Councillor Furness left the Finance Committee meeting and did not return.

13.

CONFERENCES – PLANNING – URBAN PLANNING AND MANAGEMENT CONFERENCE – SYDNEY, NEW SOUTH WALES, 27-28 MARCH 2001 – ATTENDANCE BY COUNCIL REPRESENTATIVES (2021320)

That arising from consideration of a report by the Director of Planning and Building dated 12 February, 2001, approval be given to the registration of interested Councillors attending the Urban Planning and Management Conference to be held in Sydney, New South Wales, on 27-28 March, 2001, for which funds are available in Account Budget 1.51.3210.12105 and that a representative from the Planning and Building Department attend for which funds are available in Budget Account 1.11.5310.1205.

Carried.

14.

PLANNING – SECTION 94 CONTRIBUTIONS – ACCOUNTANCY POSITION – CREATION (2016904)

That for reasons set out in the joint report by the Director of Planning and Building and the Director of Finance dated 12 February, 2001 it be resolved that:-

- (1) Council employ a Section 94 Accountant in the Finance Department;
- (2) Council amend its Section 94 Plan to recoup the cost of funding the position from Section 94 Contributions.

Carried.

15.

STREETS – CABLES – TRANSGRID ELECTRICITY SUPPLY E.I.S – SOUTH SYDNEY AREA – VARIOUS LOCATIONS (2005373)

That arising from consideration of a report by the Director of Public Works and Services dated 11 February, 2001 it be resolved that:-

- (1) Council receive and note the information contained in the covering report on the Transgrid EIS;
- (2) Council approve and submit the draft submission accompanying the aforementioned Directors report on the Transgrid EIS under the signature of the Mayor and General Manager by the closing date of 23 February, 2001.

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

- (3) That the Mayor write to Transgrid criticising them on the lack of time Council was given to disseminate, comment and forward its submission on the Environmental Impact Statement.

Following discussion Councillor Furness withdrew his amendment.

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

- (3) That Transgrid be contacted and be asked to forward documentation that was sent to Council and was subsequently destroyed in the hail storm of April 1999, regarding the proposed establishment of sporting facilities in Sydney Park.

Motion, as amended by consent, carried.

16.

DONATIONS – REDFERN LEGAL CENTRE – REQUEST FOR FREE USE - REDFERN TOWN HALL – VARIOUS DATES 2001 (5209308)

That arising from consideration of a report by the Acting Director of Corporate Services dated 29 January, 2001, approval be given to the Redfern Legal

Centre for the free use of Redfern Town Hall on various dates in 2001, under the provisions of Section 356 of the Local Government Act, 1993, and Council agrees to forgo \$2,400 in income and \$480 in costs, to allow Redfern Legal Centre to conduct monthly volunteer training and management meetings.

Carried.

17.

**REPORT OF THE PROPERTIES SUB-COMMITTEE – WEDNESDAY,
14 FEBRUARY 2001 COMMENCING AT 6.05 PM (5262801)**

Present – The Mayor, Councillor John Fowler (Chairperson) and Councillors Furness, Mallard, Pooley and Shaw.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 14 February 2001, be approved and adopted.

Carried.

17A.

**LEASING – OXFORD STREET, NO. 66, DARLINGHURST, SUITE 4,
LEVEL 1 – PROPOSED LEASE TO INTER-CONTACT PTY LTD (2010525)**

That approval be given to Inter-Contact Pty. Ltd. being offered a two year lease with a two (2) year option of Council owned premises Suite 1, Level 1, 66 Oxford Street, Darlinghurst, at a rental of \$1,477.50 per month (\$17,728.00 per annum) gross, commencing from a date to be determined, subject to the following conditions, namely:-

- (1) That the rental is to be reviewed on the 2nd term of the lease by the Consumer Price Index and at the commencement of the Option period, if exercised, a review to Market is to be carried out;
- (2) That the lessee is to provide a Bank Guarantee/Bond equivalent to two (2) months rental;
- (3) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee for their respective rights and interests against any claims that may arise during the term of the lease;
- (4) That any proposed alterations to the leased premises, including refurbishments, fit-outs, etc. by the lessee during the term of the lease period, must be submitted to the Property Branch Manager prior to any submission of plans etc. to Council's Planning and Building Department for Statutory approvals;

GENERAL MANAGER

- (5) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer are to be borne by the lessee;
- (6) That all relevant documents are to be executed by Council's Attorney, if required;
- (7) This approval lapsing 3 months from the date of Council's approval to the granting of the lease, if the lessee has failed to provide the security deposit and/or public risk insurance as required, or failed to execute the lease document.

(ADCS Report 2.2.01)

Carried.

17B.

LEASING – LANEWAY BETWEEN NO. 52 AND NO. 54 HUGO STREET, REDFERN – PROPOSED LEASE OF PART (2022874)

That approval be given to:-

- (1) Arne Hanna, Rod Haslam and Misako Sugiyama or their successors in title being granted a lease under Part 10 Division 2 of the Roads Act 1993 over part of the laneway between No 52 and No 54 Hugo Street, Redfern, as shown on Plan No S4-130/769, for a period of 5 years and subject to the conditions in the schedule accompanying the Directors report;
- (2) the date of commencement of the lease to be approved by the Director of Public Works and Services;
- (3) all relevant plans and documents being signed by Council's Attorney;
- (4) this approval lapsing 12 months from the date of Council's approval to the granting of the lease if the applicants have failed to sign the lease agreement;
- (5) payment of the outstanding advertising costs of \$304.53 by the applicants before the lease agreement is signed;
- (6) any fencing of the area is to be carried out to the satisfaction of the Director of Public Works and Services and the cost is to be borne by the applicants;
- (7) the annual rental to be \$350 plus consumer price index adjustments.

(DPWS Report 1.2.2001)

Carried.

17C.

PROPERTIES – BROADWAY, NOS. 147 – 179 – NOTICE TO VACATE – RESCISSION (2023331)

That the recommendation in the report by the Acting Director of Corporate Services dated 6 February 2001, be refused and the Notice to Vacate date of 29 January 2001, stand.

(Councillors Pooley and Shaw requested that their names be recorded as voting against the decision of the Committee.)

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

That arising from consideration of a minute by the Acting Director of Corporate Services dated 6 February, 2001, with regard to the notice to vacate premises Nos. 147-179 Broadway dated 29 January, 2001 be rescinded subject to the squatters providing a guarantee to permit access to Australand and/or its agents as required.

Motion, as amended, carried.

The Mayor and Councillors Bush, Furness and Mallard requested that their names be recorded as voting against the foregoing motion.

17D.

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

- (1) That the application for the extended footway licence area adjacent to Sienna Marina Brasserie Pty Ltd at Shop 6, Nos. 7-41 Cowper Wharf Roadway as shown on Plan No. S4-130/484F, be refused and reconsidered only if compliance with the existing licence conditions are evident over the next 12 months;

The Director of Health and Community Services and the Director of Public Works and Services to submit a joint report in respect of complaints received at the committee meeting, regarding items (2), (3) and (4) below, namely:-

- (2) The noise from exhaust fans;
- (3) The noise from the collection of empty bottles;
- (4) The collection of garbage from the site;

The Director of Public Works and Services to submit a report in respect of:-

- (5) The non removal of tables and chairs by the designated time, as specified in the licence agreement.)

(DPWS Report 15.01.01)

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

That the matter be deferred for a Visit of Inspection.

Motion, as amended, carried.

17E.

LICENSING – OXFORD STREET, NOS. 56 – 76, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2023633)

That approval be given to:-

- (1) the granting of a licence to New Dimensions Technologies Pty Ltd over an area of 6 square metres of the footway of Oxford Street adjacent to Oxford Convenience Store No 58 Oxford Street, Darlinghurst, as shown stippled on Plan No S4-130/790A and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule accompanying the Directors report or failed to execute the licence agreement;
- (7) the amendment of condition (3) in the schedule accompanying the Directors report by the deletion of 3.00am closing and the insertion of 12 midnight as the closing time.

(DPWS Report 22.01.01)

Carried.

17F.

**LICENSING – VICTORIA STREET, NO. 249, DARLINGHURST –
PROPOSED FOOTWAY LICENCE**

That approval be given to:

- (1) the granting of a licence to Fu Manchu Trading Pty Ltd., over an area of 4 square metres of the footway of Victoria Street adjacent to Fu Manchu at No. 249 Victoria Street, Darlinghurst as shown stippled on Plan No S4-130-794 and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule accompanying the Directors report or failed to execute the licence agreement.

(DPWS Report 08.02.01)

Carried.

17G.

**LICENSING – PARRAMATTA ROAD, NO. 138, CAMPERDOWN
ADJACENT IN LAYTON STREET, – PROPOSED FOOTWAY LICENCE
(206762)**

That approval be given to:-

- (1) the granting of a licence to Manenti Jarjoura Pty Ltd over an area of 9 square metres of the footway of Layton Street adjacent to Headquarters Bar at No. 138 Parramatta Road, Camperdown as shown stippled on Plan No. S4-130/683A and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Directors report, or failed to execute the licence agreement.

(DPWS Report 5.2.01)

Carried.

17H.

LEASING – REDFERN OVAL – RENEWAL

- (1) DONATION TO SOUTH SYDNEY RUGBY LEAGUE FOOTBALL CLUB – WAIVING DEBT**
- (2) TERMINATION OF MONTH TO MONTH LEASE ARRANGEMENT WITH SOUTH SYDNEY RUGBY LEAGUE FOOTBALL CLUB (L02-00085)**

That for the reasons set out in the report by the Director of Public Works and Services dated 8 February:-

- (1) Council donate under Section 356 of the Local Government Act, 1993, a grant of \$27,300 in the form of a waived debt accrued by non-payment of contracted maintenance services.
- (2) the current month to month lease arrangement with South Sydney Rugby League Football Club for the use of Redfern Oval be terminated and the future lettings and bookings for casual and seasonal use of Redfern Oval be administered by Council.

GENERAL MANAGER

- (3) Council amend its 2000-2001 Fees and Charges Policy in order to add Redfern Oval to the fee schedules which apply to Reg Bartley Oval and Alan Davidson Oval.
- (4) a suitable media strategy be developed, including press releases, which will portray Council in a positive image through the appropriate management of its public facility at Redfern Oval and in the Management of public funds.

(DPWS Report 8/2/01)

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

- (1) That Council donate \$27,300 as a Section 356 grant to South Sydney Rugby League Football Club in the form of a waived debt accrued by non-payment of contracted maintenance services for the period up until 28th February, 2001.
- (2) That the current month to month lease arrangement with South Sydney Rugby League Football Club for the use of Redfern Oval be terminated within three months from 28th February, 2001.
- (3) That all current and future lettings to existing and potential sub-tenants for casual and seasonal use of Redfern Oval be administered by Council, and usage income be received by Council.
- (4) That Council amend its 2000-2001 Fees and Charges Policy in order to add Redfern Oval to the usage fees schedules which apply to Reg Bartley Oval and Alan Davidson Oval.
- (5) That a suitable media strategy be developed, including press releases, which will portray Council in a positive image through the appropriate management of its public facility at Redfern Oval and in the management of public funds.

Motion carried.

It was further moved by Councillor Pooley, seconded by Councillor Mallard, that the motion be further amended by:-

- (1) the deletion of the date "28 February, 2001" where appearing in the last line of clause (2) of the recommendation and the insertion in here thereof of the date "31 May, 2001,";
- (2) the deletion of the first word "That" where appearing in the first line of clause (3) of the recommendation and the insertion in line thereof of the following new words, "From that date."

Motion as amended by Councillor Pooley by consent, carried.

171.

LICENSING – CAMPBELL STREET, NO. 175-189, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2023630)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay

That approval be given to:-

- (1) the granting of a licence to JCP Industries Pty Ltd over an area of 6.6 square metres of the footway of Campbell Street adjacent to Foodgame at No.175-189 Campbell Street, Surry Hills as shown stippled on Plan No. S4-130/791A and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Directors report, or failed to execute the licence agreement.
- (7) the Director of Public Works and Services to draft conditions of approval to encourage the extension with concessions of the footway licence area into Denham Street.

(DPWS Report 8.2.01)

It was moved by Councillor Mallard, seconded by Councillor Harcourt, that the motion be amended by the addition of a clause (8) to the recommendation, namely:-

GENERAL MANAGER

- (8) That if the licensee requests an additional area in Denham Street, it should be advertised in a manner consistent with our existing Footway Licence Policy.

Motion, as amended, carried.

17J.

LICENSING – FLINDERS STREET, NO. 1-5, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2023644)

That approval be given to:-

- (1) the granting of a licence to Blavy Holdings Pty Ltd over an area of 71.4 square metres of the footway of Taylor Square adjacent to the Taylor Square Hotel at No. 1-5 Flinders Street, Darlinghurst, as shown stippled on Plan No S4-130/795 and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 3 months under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the licence being reviewed after 3 months to ensure it is consistent with management objectives being developed for Taylor Square Public Domain Improvements;
- (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;
- (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 execute the licence agreement;
- (8) that the report by the Director of Planning and Building dated 14 February, 2001, which was circulated prior to the Committee meeting be received and noted.

(DPWS Report 12.02.01)

It was moved by Councillor Mallard, seconded by Councillor Lay, that the motion be amended by the deletion of the figure "71.4"m2" where appearing in

the first line of clause (1) of the recommendation and the insertion in lieu thereof of the figure "32"m2.

Amendment, carried.

It was moved by the Mayor, seconded by Councillor Mallard, that the motion be further amended by the addition of a clause (9) to the recommendation, namely:-

- (9) That no further licences or renewals of footway licences in and around Taylor Square be approved until the area is reviewed by the Taylor Square Reference Group.

Motion, as amended by Councillor Mallard and the Mayor , carried.

The Properties Sub-Committee Meeting terminated at 6.46 pm.

The Finance Committee Meeting terminated at 8.03 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY 14 FEBRUARY AT 6.51 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 Items, and further, access to correspondence and reports being withheld in respect of such Items 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 Items are as follows, namely:-

Items 1 and 2 - Personnel Matters

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 14 February 2001, be received and the recommendations set out below for Items 1 and 2, be adopted. The recommendations set out below for Items 1 and 2 having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

At this stage and at 7.34pm Councillor Mallard, seconded by Councillor Harcourt resolved to meet as a Committee of the Whole with press and public excluded to discuss items 1 and 2 as they dealt with Staff matters.

Carried.

Councillor Furness moved a Point of Order in that he had obtained an independent legal opinion stating that the matters that were listed on the Agenda as Confidential Matters should not be discussed in closed camera but in open Council.

Councillor Mallard moved a Point of Order stating that as the matters to be discussed in closed camera were Confidential Personnel Matters that is how they should be dealt with.

The Chairperson ruled that as the matters were Confidential Personnel Matters it is Council's policy to deal with matters in this way they would be discussed in closed Council.

Those present at the meeting of the Committee of the Whole being:- The Mayor and Councillors Bush, Furness, Harcourt, Lay, Lennon , Mallard, Pooley and Shaw.

At 7.45pm the Council meeting resumed. The Mayor then asked the Supervising Committee Clerk to read out the recommendations of the Committee of the Whole. The Supervising Committee Clerk read out the following recommendations namely, in respect of the following items:-

The Committee **recommended** the following:-

1.

**PROPERTIES – PROPERTY MAINTENANCE SECTION – RESTRUCTURE
(P56-00044)**

This matter was submitted to Council without recommendation.

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

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 9 February, 2001, outlining the restructure of the Properties Maintenance Section, Corporate Services Department and subject to the deletion of the word "January" where appearing on the Page 1, second paragraph, second last line of the report and the insertion of the word "February" be approved and adopted.

Carried.

2.

ADMINISTRATION – PLANNING AND BUILDING DEPARTMENT – TOWN PLANNERS – REMUNERATION INCREASE

This matter was submitted to Council without recommendation.

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

That the matter be deferred to next meeting of Finance Committee for the submission of a report by the Director of Organisational Development on the cost and benefit to Council of offering to all those employees on Grade 14 or above the opportunity of being employed on Contract.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 7.39 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

14 February 2001

PRESENT

Councillor Gregory Shaw (Acting Chairperson)

Councillors – Shayne Mallard, Tony Pooley

At the commencement of business at 8.04 pm those present were -

Councillors:- Mallard, Pooley and Shaw

Apology:

An apology for non-attendance at the meeting was received from Councillor Peter Furness.

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

That the Report of the Community Services Committee of its meeting of 14 February 2001, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

LEASING – SOUTH SYDNEY CITY COUNCIL – VS – ISLAM “TANDOORI PALACE” – NO. 86 OXFORD STREET, DARLINGHURST (L02-00260)

That the report by the Director of Health and Community Services dated 1 February 2001 and the minute by the Acting Director of Corporate Services dated 16 February 2001, which was circulated prior to the Council meeting, in respect of investigations and Court proceedings regarding the “Tandoori Palace”, No. 86 Oxford Street, Darlinghurst, be received and noted.

Carried.

2.

PARKS – SPRINGFIELD PLAZA/SPRINGFIELD MALL/ SPRINGFIELD GARDENS AND LLANKELLY PLACE, KINGS CROSS – APPROVAL TO EXHIBIT MASTERPLAN, DRAFT COMMUNITY CONSULTATION REPORT AND DESIGN REPORT (2022689)

That approval be given to:-

- (1) the public exhibition of the draft Springfield Plaza Community Consultation Report, Draft Design Report and Design Masterplan for a period between 28 February to 27 March 2001;
- (2) the exhibition venues to include the Kings Cross Library, Kings Cross, and the display of the Masterplan in Springfield Plaza;
- (3) the exhibition to be advertised in the Wentworth Courier, and signposted on the two existing signboards in Springfield Gardens, and Llankelly Place;
- (4) conduct an information ‘drop in’ evening at the Kings Cross Library. Date to be determined;

-for which funds are available in 2000/2001 (Budget Ref.1.45.2742).

(DPWS Report 6.02.01)

Carried.

The Community Services Committee Meeting terminated at 8.09 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

14 February 2001

PRESENT

The Mayor (Chairperson)

Councillors – John Bush, Christine Harcourt, and Jill Lay.

At the commencement of business at 6.50 pm, those present were -

The Mayor and Councillors – Bush, Harcourt, Lay

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 14 February 2001, be received and the recommendations set out below for Items 5,7 to 12 inclusive, 17 and 18 inclusive, be adopted. The recommendations for Items 1 to 4 inclusive, 6,13 to 16 inclusive and 19 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ARTHUR STREET, NO. 18, SURRY HILLS – ALTERATIONS AND ADDITIONS TO DWELLING AND ERECTION OF DOUBLE GARAGE WITH STORAGE SPACE ABOVE – DEVELOPMENT APPLICATION (U00-01156)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by John Oultram Heritage and Design, with the authority of Peter Marsh for permission to carry out alterations and additions to the rear of a residential dwelling and the demolition of a rear garage and erection of a new garage with loft above, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$230, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered S01, S02, 01, 02 & 03, dated Aug 2000;
- (4) That the side boundary fences shown on the north-south elevation be reduced to a height of 1.8m;
- (5) That the height of the rear lane development be reduced to a ridge height of 5.4m from natural ground level by reducing the proposed roof pitch;
- (6) That the south facing dormer windows are to be screened from overlooking adjoining allotments using fixed louvres attached internally to the proposed windows;
- (7) That the walls to the new garage are to be face brick or painted brick finish;
- (8) That the roofing is to be corrugated colorbond in an appropriate recessive colour;
- (9) 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);
- (10) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);

- (11) 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;
- (12) 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;
- (13) 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;
- (14) 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;
- (15) 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;
- (16) 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;
- (17) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (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 proposed work shall be wholly within the boundaries of the site;
- (20) 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;
- (21) 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;
- (22) 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;
- (23) 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;
- (24) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (25) That all relevant sections of the BCA shall be complied with;
- (26) 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);
- (27) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (28) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (29) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;

- (30) 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;
- (31) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (32) 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;
- (33) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (34) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (35) 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;
- (36) That all proposed work shall be wholly within the boundaries of the site;
- (37) 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;
- (38) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (39) That the use of the premises shall not give rise to:-
 - (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

- (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

7028A - Noise from Licensed Premises (Amplified Music)

That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) 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.

That 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 affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

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

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

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

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

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

Carried.

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

2.

GIBBES STREET, NO. 4, NEWTOWN – ERECTION OF RAISED DECK SURROUNDING 'YURT' IN REAR YARD – UNAUTHORISED WORKS – DEVELOPMENT APPLICATION (U00-01237)

(Councillor Lay declared an interest and did not take part in discussions or voting on the Item.)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr James Guiney, to construct a timber deck adjacent to the existing studio/yurt in the rear garden at No. 4 Gibbes Street, Newtown, for the following reasons, namely:-
- (1) That the deck has been constructed without the prior consent of Council and is therefore in breach of the Environmental Planning Assessment Act, 1979;
 - (2) That Council has no authority to retrospectively grant consent to the constructed deck;
 - (3) That the constructed deck has resulted in unreasonable impacts on the amenity of adjoining properties by way of loss of privacy;
 - (4) That the circumstances of the case.
- (B) You are further advised that, without prejudice to any action deemed necessary by Council should a nuisance arise, no further action will be taken in relation to the unauthorised works, subject to the following, namely:-

- suitable mature landscaping shall be planted between the 'yurt' and the properties to the immediate west. Details shall be provided to the satisfaction of Council and subject to further discussions by Council officers with affected neighbours;
- the landscaping shall be maintained at all times and the continued preservation of all vegetation shall be the responsibility of the owner/resident.
- that the deck be removed from the area of land within 1m of the western boundary and that suitable advanced plant species be planted within 30 days of the date of this resolution. Details concerning species selection and density of planting is to be in consultation with, and to the satisfaction of Council.

(C) The applicant's attention is drawn to the provisions of Section 125 and 126 of the Environmental Planning and Assessment Act, 1979.

Carried.

3.

ROSE STREET, NO. 8, CHIPPENDALE – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING ADDITIONAL 2 STOREYS AND HOME BUSINESS – DEVELOPMENT APPLICATION (U00-00944)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (A) That the Council grants its consent to the application submitted by Geoffrey Stokes with the authority of B H Stokes for permission to carry out alterations and additions to the existing residential terrace excluding two additional storeys and home business at the abovementioned premises subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1617 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

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ensure that the plans are suitably endorsed. The levy, to the value of \$196, 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 Council endorsed amended plans held on file U00-00944, except as amended by conditions of consent;
- (4) That the hours of operation of the consulting room shall be restricted to between 9am and 5pm Monday to Friday;
- (5) That the use of the home business shall be ancillary to the use of the premises as a residence. Any extension of home business activities (as defined under "Home Business" in LEP 1998) shall be the subject of a separate development application;
- (6) That the proposed shopfront shall be no wider than the existing window and door;
- (7) That the existing parapet detailing including string coursing corbelled brackets and urns shall remain;
- (8) That the existing parapet wall shall not be raised in height in brickwork on the western side. Any increase in height shall be in a lightweight contemporary material clearly identifiable as new work and not part of the original building fabric;
- (9) That metal cladding to the first floor walls and roof shall be in a dark recessive sympathetic colour. A detailed colour scheme is to be submitted to and approved by the Heritage Planner prior to the issue of a Construction Certificate;
- (10) That the existing painted street sign to the west facade shall remain;
- (11) That a maximum of 1 off-street car parking space shall be provided, and except where elsewhere stipulated, each space shall be a minimum of 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area shall comply with the relevant Australian Standards and Council's Development Control Plan No. 11;
- (12) That the vehicle shall remain wholly within the site at all times;
- (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 for approval prior to the issue of a Construction or Occupation Certificate:

- all required mechanical ventilation systems;

(14) That all walls and ceiling of the new additions shall be insulated R3 insulation in the ceiling and R1.5 insulation in walls;

and the following standard adopted conditions:-

(15) Details of Materials – Deferred Consent¹¹⁶

(16) Matching Brickwork¹¹⁷

(17) Wooden Front Dormer & Roof Materials¹²⁰

(18) Separate Application for Signs²⁰⁰¹

(19) Sanitary Facilities⁷⁰¹⁶

(20) Works on Public Way Cost¹⁰⁰²

(21) Builders Hoarding Permit¹⁰⁰⁸

(22) Cost of Signposting³⁰²⁶

(23) Consequential Roadworks³⁰²⁷

(24) Footway Crossing³⁰²⁸

(25) Obstruction of Public Way³⁰²⁹

(26) Delivery of Construction Materials³⁰³²

(27) Stormwater Standard⁴⁰⁰¹

(28) Preserve Existing Trees⁵⁰⁰⁶

(29) On Slab Planting⁵⁰¹³

(30) Final Inspection⁵⁰¹⁵

(31) Refuse Skips⁶⁰⁰²

(32) Construction Hours⁹¹⁵¹

(33) Works Within Boundary⁹¹⁵²

(34) Work on Public Way⁹¹⁵⁴

(35) Compliance with Building Code of Australia⁸⁵⁰¹

(36) Retaining Walls and Drainage⁸⁵⁰⁵

- (37) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (38) Survey Certificate at Completion⁹⁰⁰²
- (39) Structural Details with Construction Certificate⁹⁰⁰⁷
- (40) Issue of Occupation Certificate⁹¹⁰¹
- (41) Building/Demolition Noise Control⁺⁹¹⁵⁶
- (42) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (43) Glazing Provisions⁹³³⁰
- (44) Protection of walls and floors in wet areas⁹⁶⁰¹
- (45) Clothes washing and drying facilities⁹⁶⁰³
- (46) Damp and weather proofing⁹⁶⁰⁶
- (47) Sanitary and clothes washing facilities⁹⁶⁰⁹
- (48) Sanitary and clothes washing facilities⁹⁶⁰⁹
- (49) Ceiling heights of rooms or spaces⁹⁶¹²
- (50) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (51) 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 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;
 - (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
 - (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 the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (e) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (f) That the underside of all timber floors including beams and columns shall be protected in accordance with Specification C1.1-5.1(e) of the BCA;
- (g) 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;
- (h) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (i) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (j) That stairs serving the Class 4 component shall be redesigned and be separated from the Class 5 component and having a fire resistance level of not less than 60/60/60;
- (k) That stormwater details and certificate shall be submitted and approved prior to the commencement of any building works;

NOTE: The applicant's attention is drawn to the Human Rights and Equal Opportunities Commission (HREOC) Guidelines in relation to equitable access to premises, in regard to access into the home business from Rose Street. Irrespective of any requirements, or conditions imposed by Council, it remains the responsibility of the applicant to investigate their possible liability and attempt compliance with the Disability Discrimination Act. A conservative best practice approach such as adherence to HREOC guidelines is advocated until an accepted industry standard is available.

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

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

Carried.

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

4.

SYDNEY PARK ROAD, NOS. 221 – 229, ERSKINEVILLE – DEMOLISH EXISTING BUILDINGS AND ERECT 181 RESIDENTIAL UNITS WITH PARKING – MODIFICATION TO MASTERPLAN (U98-00148)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council endorses the revised Masterplan submitted by Bonus Architects, with the authority of Contases Pty Ltd, for the demolition of existing buildings and the erection of buildings to contain 181 dwelling units, with associated parking, subject to the following conditions namely:-
- (1) That a detailed development application be lodged, generally in accordance with plans numbered MP 101-MP 119, all dated 10 November, 2000 and drawn by Bonus Architects, except where varied by any of the undermentioned following conditions;
 - (2) That development of the site be subject to a detailed development application to be lodged with Council;

- (3) That the applicant, by way of public benefit, shall dedicate the through-site link as identified on the Masterplan drawings. The costs of such land would be discounted against the required Section 94 contribution;
- (4) That roof treatment of the tower shall be in consultation with Council's Urban Design Co-Ordinator;
- (5) That the ceiling of the highest floor of the tower block may be a maximum of RL 64.88m, provided that corresponding reductions are made to other buildings, particularly on the western side, so as to further improve views to the City from the south of the site;
- (6) That floor space ratio of the proposed development shall not exceed 1.666:1, being a floor area of 19,209m²;
- (7) That total number of carparking space shall not exceed the maximum number of space permitted by DCP 11, vis-à-vis:-
 - 0.5 spaces per 1 bedroom unit;
 - 0.8 spaces per 2 bedroom unit;
 - 1.2 spaces per 3+ bedroom unit;
 - 1 visitor space per 6 units (to be located near entrances);
 - 1 bicycle space per 3 units, plus 1 per 10 for visitors; and
 - at least 2% of the total number of carparking spaces shall be dedicated to disabled drivers.
- (8) That applicant shall investigate ways of reducing the gap in the vicinity of the hinge, by moving the south and east blocks westward and subsequently providing private open space for the units adjacent to the through-site link;
- (9) That applicant shall ensure that the development complies with Council's Equitable Access Design Policy in respect to carparking, provision of adaptable units and access to all facilities within the site;
- (10) That proposal shall comply with all requirements of DCP 11, in respect of access and manoeuvrability;
- (11) The detailed Development Application shall demonstrate compliance with the State Rail publication *Rail Related Noise and Vibration - Issues to Consider in Local Environmental Planning - Development Applications and Building Applications* in particular the requirements of Australian Standard 2107;
- (12)
 - (a) that a roundabout shall be designed and incorporated into the detailed DA plans for the driveway adjacent to Coulson Street. The design shall take into consideration

the vehicular access requirements of adjoining properties in Coulson Street. If a roundabout cannot be physically accommodated, the applicant shall devise and implement to the requirements of Council, an alternative traffic management scheme.

- (b) The works shall be subject to the preparation of preliminary plans for the South Sydney Traffic Committee to consider as required by Section 116 of the Roads Act. The detailed design and construction shall be to the requirements of the Director of Public Works and Services. The developer shall meet all costs, including Council's, associated with the survey, design, public notification, supervision and construction of the works. The works must be completed before the development is occupied;
- (13) That a Traffic Management Plan shall be submitted with the detailed DA;
- (14) That the applicant shall discuss the issue of road widening along Sydney Park Road with Council's Technical Support Branch Manager (Public Works and Services) or Public Works Approvals Manager, prior to the preparation of detailed DA plans;
- (15) That 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;
- (16) That the developer must erect signs indicating the vehicular entries/exits;
- (17) That the developer shall provide off-street carparking for workers constructing the development;
- (18)
 - (a) That the developer shall lodge with Council and from a bank approved by the Council, a guarantee for the estimated construction costs of all works on the adjacent roads, which Council requires resulting from any consent to the development.
 - (b) The developer, at no cost to Council, shall have this estimate prepared by a practicing quantity surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, State Transit Authority, public utility services and Sydney Water.

- (c) The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents.
 - (d) The bank guarantee will be for this estimated cost, calculated as a future value, compounded at a rate of 8% for a period from the time of preparing the estimate to the agreed date to complete the project.
 - (e) The developer shall be able to request a decrease in the amount of the original bank guarantee as sections of the work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable;
- (19) That the developer shall provide a system of on-site stormwater detention to conform with Council's code. The developer shall submit with the application for a construction certificate, the drainage plans prepared by a drainage consultant certified by Council. The drainage must be discharged to Council's system in accordance with the requirements of the drainage code. The developer must pay Council all fees relating to the discharge of water;
 - (20) That 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 fees for Council to consider those levels. The developer shall adopt the final boundary alignment levels fixed by Council;
 - (21) That the developer shall reinstate any damaged kerb & gutters in materials similar to those existing;
 - (22) That a Nathers Energy Performance Report shall be submitted with the detailed DA;
 - (23) That a detailed landscaping plan and specification for the site, prepared by a qualified landscape gardener or designer, shall be submitted with the development application for consideration by Council's Director of Public Works and Services. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details;
 - (24) That the development shall be required to provide:-

- (a) speed bumps within the development to slow the speed of vehicles exiting the site;
 - (b) external flashing lights, activated by vehicle detectors, so as to warn exiting drivers.
- (25) That the applicant is advised that the development would be subject to Council's Section 94 Contributions Plan. The required contribution will be calculated at detailed DA stage;
- (26) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS 1668, Parts 1 and 2;
- (27) That the carpark shall be ventilated in accordance with AS 1668.1-1991, Section 7 and AS 1668.2-1991, Section 4;
- (28) That the storage and handling of garbage and recycling shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets.";
- (29) 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;
- (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

No.	Health Aspect	Standard or Requirement
(i)	All proposed mechanical ventilation systems	BCA and AS 1668, Parts 1 and 2
(ii)	All required mechanical ventilation systems	BCA and AS 1668, Parts 1 and 2
(iii)	Car park ventilation systems	BCA and AS 1668, Parts 1 and 2
(iv)	Garbage and recycling storage areas	SSCC Waste Management / Minimisation Fact Sheets

and the following standard conditions:-

- (31) Works on Public Way Cost¹⁰⁰²
- (32) Alteration of Public Services¹⁰⁰⁶
- (33) Builders Hoarding Permit¹⁰⁰⁸
- (34) Resident Parking Access³⁰⁰¹

- (35) Disabled Entry³⁰²⁴
- (36) Road Opening Permit³⁰²⁵
- (37) Cost of Signposting³⁰²⁶
- (38) Consequential Roadworks³⁰²⁷
- (39) Footway Crossing³⁰²⁸
- (40) Obstruction of Public Way³⁰²⁹
- (41) Construction Traffic³⁰³⁰
- (42) Traffic and Pedestrian Management³⁰³¹
- (43) Delivery of Construction Materials³⁰³²
- (44) Stormwater Standard⁴⁰⁰¹
- (45) Clean Water Discharge⁴⁰⁰²
- (46) Overland Flowpaths⁴⁰⁰⁴
- (47) Connection to Council's Stormwater System⁴⁰⁰⁵
- (48) Refuse Skips⁶⁰⁰²
- (49) Construction Noise⁷⁰⁰⁸
- (50) Stormwater Drainage Easements⁸⁰⁰²
- (51) Drainage Design Certificate⁹⁰¹¹
- (52) Stormwater Certificate at Completion⁹⁰¹⁶
- (53) Construction Hours⁹¹⁵¹
- (54) Works Within Boundary⁹¹⁵²
- (55) Hours of Work and Use of Cranes⁹¹⁵³
- (56) Work on Public Way⁹¹⁵⁴
- (57) Sewer Discharge⁸⁰⁰⁴
- (58) Emissions⁷⁰⁰⁴
- (59) Noise⁷⁰²⁸

- (60) Comply With BCA⁹¹⁰⁴
- (61) Construction Certificate Required⁹¹⁵⁵

NOTE: The endorsement of this Masterplan is not to be construed as the granting of consent under Part IV of the Environmental Planning and Assessment Act, 1979. Development consent must be sought separately for any/all of the works proposed.

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) The applicant should be advised that the conditions outlined above are not in any way a final list of conditions to satisfy prior to lodgement of a construction certificate.
- (C) That Council advise the persons who made representations in respect of the proposal be advised of its decision.

Carried.

5.

RILEY STREET, NO. 127, DARLINGHURST – CHANGE TO MIXED USE AS PERSONAL FITNESS TRAINING STUDIO, OFFICE AND RESIDENTIAL – DEVELOPMENT APPLICATION (U00-01228)

- (A) That the application be withdrawn as requested by the applicant in fax dated 14 February 2001.
- (B) That the applicant be advised that Council requests that the premises be vacated within two months of Council's consent or legal proceedings will commence.

Carried.

6.

PUBLIC WORKS AND SERVICES – PENALTIES UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – DELEGATION OF AUTHORITY (2019145)

- (A) That approval be given to the delegation by Council to the General Manager, under section 377 of the Local Government Act the authority to determine the following matters under the Environmental Planning and Assessment Act:

PENALTY NOTICES – RELEVANT TO WORK IN THE PUBLIC DOMAIN

To issue penalty notices to any person, under Division 4 of Part 6 of the Environmental Planning and Assessment Act 1979, as and when the occasion arises, where there has been a breach of a development consent condition relating to work in the public domain.

- (B) That a further joint report be submitted by the Directors affected by the decision clarifying the penalties that will be imposed.

(DPWS Report 5.2.01)

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

- (C) That approval be given to the delegation by Council to the General Manager, under section 377 of the Local Government Act, the authority to determine the following matters under the Environmental Planning and Assessment Act:

PENALTY NOTICES – GENERAL

To issue penalty notices to any person, under Division 4 of Part 6 of the Environmental Planning and Assessment Act 1979, as and when the occasion arises, in accordance with the provisions for such notices listed in the Schedule 5 of the Environmental Planning and Assessment Regulation.

(DPWS Report 20.2.01)

Motion, as amended by consent, carried.

7.

**PUBLIC WORKS AND SERVICES – ROADS ACT APPROVALS
DELEGATION OF AUTHORITY (2019145)**

That Council delegate to the General Manager, under section 377 of the Local Government Act the authority to determine the following matters under the Roads Act:

ROADS – APPROVAL TO CARRY OUT WORK ON A PUBLIC ROAD

To issue approval to an applicant, under Division 3 of Part 9 of the Roads Act 1993, as and when the occasion arises, subject to any conditions deemed necessary to protect Council's interest.

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(DPWS Report 8.1.01)

Carried.

8.

GERARD STREET, NO. 73, ALEXANDRIA – PARTIAL DEMOLITION OF REAR OF THE BUILDING AND ALTERATIONS AND ADDITIONS TO GROUND AND FIRST FLOOR WITH NEW REAR GARAGE AND STUDIO ABOVE – DEVELOPMENT APPLICATION (U00-01178)

That the development application submitted by Mercy Samia for partial demolition to the rear of the building and alterations to the ground and first floors be deferred as requested by the applicant in fax dated 13 February, 2001.

Carried.

9.

PITT STREET, NOS. 114 – 124, REDFERN – ERECT RESIDENTIAL FLAT BUILDING – SECTION 96 APPLICATION TO AMEND CONSENT (U99-00933)

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 9 February 2001.

Carried.

10.

PLANNING – 2ND ANNUAL “HOUSEKEEPING” REVIEW OF SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 (2023147)

That Council:-

- (1) prepare a draft Local Environmental Plan which amends LEP 1998 and notify the Director General of its decision pursuant to Section 54 of the Environmental Planning & Assessment Act, 1979;
- (2) prepare related amendments to Development Control Plan 1997: Urban Design arising from the draft amendments to LEP 1998 in accordance with Section 72 of the Environmental Planning & Assessment Regulation 2000;

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- (3) prepare a further report, with the draft Local Environmental Plan and Development Control Plan amendments for the consideration of the Planning & Development Committee, prior to their public exhibition.

(DPB Report 9.2.01)

Carried.

11.

COPE STREET, NOS. 209 – 219, WELLINGTON STREET, NOS. 117 – 123, COOPER STREET, NO. 93, WATERLOO – REFURBISHMENT OF DEPARTMENT OF HOUSING UNITS INCLUDING NEW BALCONIES, INTERNAL ALTERATIONS AND LANDSCAPING – DEVELOPMENT APPLICATION (U00-00822)

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 of the Director of Planning and Building dated 9 February 2001.

Carried.

12.

BOTANY ROAD, NO. 693A, ROSEBERY – OPERATE PREMISES AS A BROTHEL – DEVELOPMENT APPLICATION (U00-01321)

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 9 February 2001.

Carried.

13.

BROADWAY, NOS. 147 – 151 AND NOS. 157 – 159, ULTIMO – PROPOSED USE OF PREMISES FOR RESIDENTIAL PURPOSES – DEVELOPMENT APPLICATION (U00-01347)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (1) That Council not approve of such a lease until such time as it has been demonstrated that the top level of Nos. 157 – 159 has been vacated;
- (2) That the proponents of the lease have not shown good faith in operating an unapproved public gallery in the ground floor space of No. 159;
- (3) That the approval of such usage is not in the public interest.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Furness:-

(A) That the Council grants its deferred development consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application (DA 1347-00) submitted by Gavin Robertson, with the authority of South Sydney Council, for permission to use 147-151 and 157-159 Broadway, Ultimo, for residential purposes and undertake associated alterations, 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) Details demonstrating that the use of the buildings for short-term housing purposes will be managed by an incorporated body which has adequate levels of public liability insurance and the support of a designated independent body, such as the Tenants Union of New South Wales or a recognised social housing provider which has provided an assessment, satisfactory to the Council, of the incorporated body's capacity to manage a group tenancy;
 - (b) A management plan being prepared outlining the process to be employed for effectively managing the tenancy and buildings;
 - (c) An appropriate short-term lease being prepared and agreed between the Council and the incorporated body that is to act as housing manager;

A detailed schedule of required works being prepared and certified by a suitably qualified and experienced heritage practitioner as having minimal impact on the heritage fabric of the buildings and submitted to the satisfaction of Council's Heritage Planner. In this respect, reference must be made to

the assessments and conservation policy recommendations of the report prepared by Robert Stass of Noel Bell Ridley Smith and Partners entitled "Broadway/Mountain Street Redevelopment Site Heritage Assessment and Policies".

- (2) That plans identified as Drawings 1, 2, 3, 4 and 5 dated 29 November 2000 prepared by Iris S.Y Hwang and Carol de Souza;
- (3) The carrying out of building works is to be under the supervision of a suitably qualified and experienced heritage practitioner;

and the following adopted standard conditions:

- (4) Construction Hours⁹¹⁵¹
- (5) Works Within Boundary⁹¹⁵²
- (6) Construction Certificate Required⁹¹⁵⁵
- (7) Building/Demolition Noise Control⁹¹⁵⁶
- (8) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (9) Good Housekeeping⁹⁸⁵¹
- (10) Egress Paths to be Kept Clear⁹⁸⁵²
- (11) Certification of Electrical Installation⁹⁸⁵³
- (12) Cooking Facilities Not Permitted in Bedrooms⁹⁸⁵⁵
- (13) 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 number of persons in each building shall not exceed 12;
 - (b) That the existing stairs connecting the floors shall be made good and comply with Part 3.9.1 of the Building Code of Australia;
 - (c) That a structural certificate from a registered structural engineer shall be submitted to the Council verifying the structural adequacy of the buildings;
 - (d) That all internal walls and ceilings above two floors through the buildings shall be non-combustible;

- (e) That all relevant sections of the BCA shall be complied with;
- (f) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (h) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;

Note: That the applicant may be liable to prosecution under the Local Government Act 1993 for breach of an approved condition, or under the Clean Waters Act of 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 subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

Note: That the applicant is to be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulation.

The reason for Council granting consent subject to the above conditions is that granting unconditional consent would be likely to adversely affect the amenity of the neighborhood, including adverse affects relating to the emission of noise and vibration, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion and would not be in the public interest.

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

At this stage Councillor Lay moved a Point of Order regarding the discussion by Councillor Bush before the chair on the future lease of the properties.

The Mayor overruled the Point of Order.

Councillor Lay requested that the motion be put.

The Mayor overruled the motion.

Motion, as moved by Councillor Harcourt, carried.

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

14.

FORBES STREET, NOS. 99 – 135, WOOLLOOMOOLOO – CHANGE OF USE FROM OFFICE BUILDING TO PRIVATE COLLEGE – DEVELOPMENT APPLICATION (U00-01400)

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Alpha Beta Colleges for the change of use of the abovementioned building to a private educational business, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 545/01 and 545/02 dated 17 December 2000;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the number of students enrolled in the college shall be limited to 400;

- (5) That the hours of operation shall be limited to 8:00am to 8:30pm, Monday to Friday for a trial period of six months from the date of this consent. After this trial period the hours of operation shall be 8:00am to 6pm, Monday to Friday. A further development application may be lodged before the expiration of the 6 month trial period for Council's consideration of the continuation of the proposed hours (it should be noted that the trial period shall and consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period);
- (6) That a maximum of 6 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (7) That of the required car parking spaces, two spaces measuring 3m x 5.5m shall be available to disabled students and staff on a priority basis;
- (8) That access for people with disabilities shall be provided in accordance with part 'D3' of the Building Code of Australia;
- (9) That the number of occupants on each floor shall be limited to exit width requirements of clause D1.6 of the Building Code of Australia;
- (10) That the premises shall be ventilated to comply with the requirements of clause F4.5 of the Building Code of Australia;
- (11) That the air handling system shall be provided with automatic shut down on the activation of smoke detectors to comply with clause NSW E2.2b of the Building Code of Australia;
- (12) That the proposed work shall be constructed in type A construction in accordance with the requirements of specification C1.1-3 of the Building Code of Australia;
- (13) That all vehicles shall enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (14) That the internal rooms not provided with natural ventilation in accordance with part 3.8.5 of the Building Code of Australia shall be mechanically ventilated in accordance with the Building Code of Australia and Australian Standard 1668;

- (15) The premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (16) That the café located on level 4 shall be constructed, fitted and finished in accordance with the Food (general) Regulation 1997 and the National Code for the Construction and fitout of food premises;
- (17) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668, Parts 1 and 2;
- (18) That the storage and handling of garbage shall comply with Council's Waste Management/Minimisation Fact Sheets;
- (19) That the garbage room/recycling area shall be constructed in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (20) The business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (21) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (22) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	all proposed mechanical ventilation systems	Building Code of Australia and AS1668.1 & 2.
(vii)	the garbage room	SSCC Waste Management / Minimisation Facts Sheets
(viii)	the recycling storage area	SSCC Waste Management / Minimisation Facts Sheets
(xviii)	the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas	National Code for the Construction and Fitout of Food Premises & the Food (General) Regulation, 1997

and the following standard adopted conditions:-

- (23) Separate Application for Signs²⁰⁰¹
- (24) Signal System³⁰⁰⁶
- (25) Existing Loading Dock³⁰¹³
- (26) Loading Within Site³⁰¹⁴
- (27) Loading/Parking kept clear³⁰¹⁶
- (28) Doorways in Fire-Isolated Stairways⁹³¹¹
- (29) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (30) Maintaining Unobstructed Access to Exits⁹⁴²⁶
- (31) Number of toilets to be provided⁹⁶⁰⁸
- (32) Sanitary facilities for people with disabilities⁹⁶¹⁰
- (33) Damp and weather proofing⁹⁶⁰⁶
- (34) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (35) Portable Fire Extinguishers be Installed⁹⁵⁰²
- (36) Fire Blanket be Installed⁹⁵⁰³
- (37) Hose Reels be Installed⁹⁵⁰⁶
- (38) Hydrants be Installed⁹⁵⁰⁷
- (39) Emergency lighting⁹⁵¹⁸
- (40) Exit signs⁹⁵¹⁹
- (41) Directional signs⁹⁵²⁰
- (42) Emergency warning and intercommunication system⁹⁵²¹
- (43) Fire detection and alarm system⁹⁵²²
- (44) Obstruction of Public Way³⁰²⁹
- (45) Delivery of Construction Materials³⁰³²
- (46) Garbage on Public Way⁶⁰⁰¹

- (47) Refuse Skips⁶⁰⁰²
- (48) Commercial Garbage Contract⁶⁰⁰³
- (49) Commercial Garbage Storage⁶⁰⁰⁴
- (50) Works Within Boundary⁹¹⁵²
- (51) Work on Public Way⁹¹⁵⁴
- (52) Recycling⁶⁰⁰⁷
- (53) That any promotional material issued to prospective students and staff, and induction material issued to new students, is to include specific reference to the fact that no parking is available on site and indicating the available modes of public transport and the connections to and from the 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.

NOTE: Your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the act there is an onus of responsibility on both individual and occupiers of premises to refrain and prevent smoking within defined smoke-free areas. (Some exemptions do apply.)

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

Carried.

At the request of the Mayor, the Acting Director of Corporate Services investigate the policing and meterage in the area and submit a report to the Councillors Information Service.

15.

MACLEAY STREET, NO. 77, POTTS POINT – USE AS A CONVENIENCE STORE – DEVELOPMENT APPLICATION (U00-01381)

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the application submitted by 7 – Eleven Stores Pty Ltd, for permission to use the street level shop as a convenience store, 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:
 - (a) That a garbage/recyclable materials room and garbage/recyclable materials storage area be provided within the site in an appropriate position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
 - (2) That the development shall be generally in accordance with plans numbered 1809CC-00/01/02/03/04 dated 4 December, 2000 and 14 December, 2000;
 - (3) 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;
 - (4) That the hours of operation shall be restricted to between 6.00a.m. to 1.00a.m.;
 - (5) That all existing essential services shall be maintained to relevant Australian standards;
 - (6) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
 - (7) That the floor of the sales area shall be paved with approved impervious material and graded and drained to an approved floor waste;
 - (8) That a wash hand basin, conveniently located, be provided to the sales area with an adequate supply of potable water at a

temperature of at least 40°C delivered through an approved mixing device;

- (9) That the sanitary facilities shall be ventilated by an approved system of mechanical ventilation in accordance with the requirements of the Building Code of Australia;
- (10) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council’s Waste Management/Minimisation Fact Sheets;
- (11) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (12) 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;
- (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 commencement of any works:

No	Health Aspect	Standard or Requirement
(i)	All required mechanical ventilation systems.	Building Code of Australia and AS1668.
(ii)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
(iii)	The recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets.
(iv)	The coolroom.	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997.

- (14) That a separate development application shall be submitted at the appropriate time for additional advertising or promotional signs;
- (15) That all illuminated signs shall be switched off between the hours of 1.00 a.m. and 6.00 a.m. ;

and the following adopted standard conditions:

- (16) Lighting on Signs²⁰⁰²
- (17) Intensity of Sign Lighting²⁰⁰⁴
- (18) Obstruction of Public Way³⁰²⁹
- (19) Delivery of Construction Materials³⁰³²
- (20) Refuse Skips⁶⁰⁰²
- (21) Works Within Boundary⁹¹⁵²
- (22) Work on Public Way⁹¹⁵⁴
- (23) Compliance with Building Code of Australia⁸⁵⁰¹
- (24) Installations in the Path of Travel to an Exit⁹⁴¹⁴
- (25) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (26) Access from Tenancy Doors to Exits⁹⁴²⁷
- (27) Entry to Refrigerator or Cooling Chamber⁹⁴³¹
- (28) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (29) Emergency lighting⁹⁵¹⁸
- (30) Exit signs⁹⁵¹⁹
- (31) Directional signs⁹⁵²⁰
- (32) Protection of walls and floors in wet areas⁹⁶⁰¹
- (33) Mechanical ventilation⁹⁶¹⁵
- (34) Construction Hours⁹¹⁵¹
- (35) Construction Certificate Required⁹¹⁵⁵
- (36) Building/Demolition Noise Control⁹¹⁵⁶
- (37) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (38) Demolition to Comply With Aust Standard⁹¹⁶³

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;

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

- (B) That the persons who made representations with respect of the proposal be notified of Council's decision.
- (C) That Council writes to the Minister for Urban Affairs and Planning and the premier concerning the necessity to amend SEPP 4 and the Director General's instructions to Councils concerning Exempt and Complying Development preventing Councils from effectively managing changes of use for different categories of shops.

It was moved by Councillor Lennon, that the application be deferred.

The motion lapsed for want of a seconder.

It was further moved by Councillor Mallard, seconded by Councillor Bush, that an additional clause (D) be added to the recommendation, namely:-

- (D) That Council write to the Local Member for Bligh asking her to move a Private Members' Bill to amend SEPP 4 and that Council staff draft an amendment to the SEPP 4 with interested Councillors.

Motion, as amended by Councillor Mallard, carried.

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

16.

PLANNING – DEVELOPMENT CONTROL PLAN NOTIFICATION OF DEVELOPMENT APPLICATIONS (D52-00159)

- (1) That Council adopt the draft Development Control Plan – Notification of Development Applications, as set out in appendix 1;
- (2) That Council give public notice of its decision within 28 days after the adoption of the Draft Development Control Plan in (A);
- (3) Provide the Director of Department of Urban Affairs and Planning with a certified copy of the Development Control Plan – Notification of Development Applications, in accordance with Part 3 of the Environmental Planning and Assessment Regulation 1994.

(DPB Report 9.2.01)

It was moved by Councillor Furness, seconded by Councillor Pooley, that the motion be amended by the addition of a clause (4) to the recommendation, namely:-

- (4) That Council trial for a six month period, on-site notices for all Development Applications that are put on public notification and that a casual clerical position be created in the Planning and Building Department to facilitate this. That upon the completion of the trial, it be evaluated and a further report be submitted to Council.

Motion, as amended by Councillor Furness, carried.

17.

STREETS – EASTERN DISTRIBUTOR – LAIP – REPORT ON RAISED THRESHOLDS

That Council receive and adopt the report of the Director of Public Works and Services dated 12 February 2001, and that no action be taken to vary the use of “mid-block” raised thresholds at sites in the approved Eastern Distributor LAIP Scheme.

Carried.

18.

GAZETTAL OF STATE ENVIRONMENTAL PLANNING POLICY No 63 – MAJOR TRANSPORT PROJECTS

That the report by the Director of Planning and Building dated 8 February 2001 regarding the above, be received and noted.

Carried.

19.

ST MARGARETS HOSPITAL, SURRY HILLS – MASTERPLAN INCORPORATING DEVELOPMENT CONTROL PLAN 1997: URBAN DESIGN AMENDMENTS (2023713)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council endorses Option 1 as recommended by the Director of Planning and Building in the report dated 13 February 2001, allowing a building height of 51m at the corner of Church Lane and Bourke Street, and the provision of a 900m² multipurpose facility subject to the conditions prescribed in the undermentioned Attachment 1:-

- (1) The Floor Space Ratio Map in Part E of South Sydney *Development Control Plan 1997: Urban Design* shall be amended to enable the St Margarets Hospital Site to have a Floor Space Ratio of 2.4:1;
- (2) That a notation shall be included in the "Controls" component of Section 2.2 (floor space ratio) in Part E of South Sydney *Development Control Plan 1997: Urban Design* that states: "The St Margarets Hospital Site at 413 Bourke Street, Surry Hills has site specific objectives, performance criteria and controls. Compliance with the endorsed Masterplan and Council's resolution is imperative to achieving the maximum floor space ratio shown on the Map";
- (3) That a notation shall be included in the section titled "Floor Space Ratio Bonus Incentives" in Section 4 (Implementation) in Part C of South Sydney *Development Control Plan 1997: Urban Design* that states: "A Floor Space Bonus of up to 0.85:1 of the total site area, in addition to a Floor Space Ratio of 2.4:1, may be available to the St Margarets Hospital Site at 413 Bourke Street, Surry Hills, subject to compliance with the endorsed Masterplan, Council's resolution to this matter and the Memorandum of Understanding between Council and the owner of the land.
- (4) Public notice of this decision shall be made in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation 2000;

- (5) The Masterplan is endorsed subject to compliance with the matters listed in Points (6) to (39) of this Resolution;

Amendments to Building Design

- (6) The building immediately adjacent to Bourke Street, at the Private Hospital building footprint, shall be designed:
- (a) To be setback a minimum of 2 metres from the boundary so as to not impinge upon the growth of the Plane Trees at Bourke Street;
 - (b) To provide an appropriate curtilage to the Chapel to retain existing views to the Chapel from Bourke Street and to enable a view corridor to the central open space proposed on the site;
 - (c) So that any plant/ lift rooms shall be confined to within the proposed building envelope shown on the plans;
 - (d) To have sufficient provision of ground level openings, fenestration and articulation at the Bourke Street elevation;
- (7) The Tower at the corner of Church Lane and Bourke Street shall be designed:
- (a) To have a maximum height of 51 metres;
 - (b) To have a more slender shape, particularly at upper levels, so as to minimise its bulk and scale;
 - (c) To have a greater extent of windows and balcony openings orientated to Bourke Street and the public plaza;
 - (d) To have sufficient provision of ground level openings, fenestration and articulation at both the Church Lane and Bourke Street elevations;
 - (e) To ensure that the design of the podium and the upper levels of the building are better integrated;
 - (f) So that any plant/ lift rooms shall be confined to within the building envelope (That is, within the 51 metre height limit);
 - (g) To have a 2 metre setback at Bourke Street;
- (8) The building at the Crown Street Public School boundary shall be designed:

- (a) To provide landscaping and increased setbacks at the boundary to soften the impact of the new development and to provide adequate separation between the school and the new building as shown on the amended plans submitted to Council and dated 5 February 2001;
 - (b) Notwithstanding the above, in respect to the proposed excavation for the basement car park one metre from the boundary, further details shall be submitted to Council showing how mature trees with a minimum height of 8 metres at the Crown Street boundary can be adequately accommodated. These details shall be signed off by an appropriately qualified landscape architect before Council's endorsement of the building and setbacks at the western boundary of the site;
 - (c) So that the building is presented as a series of fine grain building forms, articulated and modulated vertically and horizontally, and designed to reflect the existing development pattern to the west of the site;
 - (d) So that the balcony openings and living spaces of the upper level residential units shall be reorientated to the central open space on the site as shown on the amended plans submitted to Council;
 - (e) So that there are no potential conflicts between ground floor commercial and retail uses and the School;
 - (f) So that appropriate articulation is provided at the western wall of the building, as viewed from Crown street Public School, to reduce the blank wall appearance;
- (9) The Public Hospital Building shall be designed:
- (a) So that the southern elevation shall combine appropriate materials and design details to ensure that it is appropriately articulated to reduce the blank wall effect, and to ensure appropriate visual interest and articulation as viewed from the South;
 - (b) So that plant rooms/ lift rooms are confined to within the 36 metre building envelope;
 - (c) So that overlooking of properties is minimised through appropriate treatment of the balconies and the use of screenplanting and the like, particularly in respect to the Nursing Home and the rear of the Jesmond Street properties. Failure to address this issue may result in deletion of the balconies as a condition of any future development consent for the site;

Bonus Floor Space Provisions

- (10) That a 0.85:1 floorspace bonus may be available on the site, pursuant to DCP 1997, subject to the provision of:
 - (a) A major public plaza, through site links and open space, all publicly accessible, 24 hours a day, 7 days a week, in accordance with the submission made to Council on the 8 February 2001;
 - (b) An integrated public art program which shall have a minimum budget of \$200,000, in accordance with the submission made on the 8 February 2001;
 - (c) A multi purpose community facility or other community facility agreed to by Council and the owner of the land, with an area of at least 900 square metres dedicated to Council in accordance with the submission referenced 202276-PM (attached) and dated 8 February 2001 with fitout to a value of \$500,000;
- (11) The Memorandum of Understanding submitted to Council on the 8 February 2001 shall be modified to reflect the further submission referenced 202276-PM (attached) and dated 8 February 2001 and shall be submitted within 30 days of the resolution of Council in respect to this Masterplan;
- (12) That a Positive Covenant shall be placed on the Title of the land to ensure unimpeded public access to the through-site links and public plaza shown on the Plans, 24 hours per day and 7 days per week;
- (13) That a draft Deed of Agreement shall be prepared and submitted with the Development Application which specifies that the title of the proposed multi purpose community facility at the basement of the Public Hospital Building on the site shall be transferred to Council prior to occupation of the building;
- (14) Other proposed works or improvements in lieu of the above may be considered at the discretion of Council in determining whether to enable utilisation of the bonus floor space provisions in Development Control Plan 1997- Urban Design. The abovementioned requirements shall be fully detailed as part of any future Development Application submission;
- (15) The provision of the library, the format and staging of the public art program, and care, control and management issues of the public open space require further refinement in consultation with Council. A forum with respective officers within Council and the applicant is required to resolve these issues prior to lodgment of any Development Application;

Heritage and Conservation

- (16) A Conservation Plan shall be prepared for the former Public Hospital and Chapel Buildings. The Conservation Plan is to include an interpretive Strategy in order to demonstrate the history and significance of the site;
- (17) An appropriately qualified heritage architect or planner shall be consulted in respect to the redesign of the building adjacent to the Crown Street Public School boundary and a Heritage Impact Statement shall be submitted with the Development Application which assesses the impact of this building on the significance of the School buildings and grounds;
- (18) The narthex of the Chapel is to be retained;
- (19) Retention of part of the wall and other site elements adjacent to the Chapel should be a component of any future Development Application submission, but should be appropriately integrated with the public domain to encourage pedestrian activity and safety in accordance with DCP 1997;
- (20) An Application to the NSW Heritage Office for an Excavation Permit is required prior to any commencement of work on the site;
- (21) Provision shall be made for on-going monitoring and recording of archaeological features during the course of any excavation associated with the redevelopment of the site. A Strategy for achieving this condition shall be submitted as part of any future Development Application;

Open Space and Landscaping

- (22) *A Comprehensive Landscape Plan and Landscape Management and Maintenance Plan* shall be prepared for the site, and shall be subject to the approval of Council;
- (23) An application shall be made, and approval obtained, from Council's Department of Public Works and Services Department, prior to any removal of trees which are covered by a Tree Preservation Order on the site;

Public Art

- (24) The artworks located on the site shall be consistent with *Council's Art and Public Places Policy*;
- (25) That a Public Art Strategy shall be submitted with the Development Application and shall be to the satisfaction of Council's Department of Health and Community Services;

Energy Efficiency

- (26) A NatHERS assessment of all residential units proposed on the site shall be undertaken and the units shall be consistent with Council's Energy Efficiency requirements in DCP 1997. Details shall be submitted with any future Development Application;
- (27) An Energy Performance Report for the commercial floorspace shall be undertaken and shall be consistent with the requirements of DCP 1997 and shall be submitted with the prospective Development Application;
- (28) A solar hotwater heating system, and where not possible, a 3.5 star hotwater heating system (gas or heat pump), shall be provided on the site and shall serve the hotwater requirements of all the proposed residential units;

Unit Mix

- (29) The proposal shall be consistent with the existing Unit Mix requirements in DCP 1997. Alternatively, the proposal may be consistent with the draft DCP 1997 provisions on exhibition, which state that a maximum of 50% of units shall be bedsitters or one bedroom units and that provision shall be made for flexible and adaptive housing;

Contamination

- (30) Further soil sampling, particularly below buildings proposed to be demolished, shall be undertaken, and that the land shall be signed off for medium density residential use by a NSW Site Auditor. The results of this sampling and the Site Auditor's certification must be submitted as part of the Development Application;

Traffic and Parking

- (31) Car parking and bicycle storage facilities shall be provided in accordance with South Sydney Council's *Development Control Plan No. 11*;
- (32) That an Application shall be made to Council's Public Works and Services Department in respect to the proposed widening and utilisation of Church Lane;
- (33) That a 2.5 metre splay shall be provided at the corner of Bourke Street and Church Lane;
- (34) That preparation of a detailed *Traffic Management Strategy* shall be undertaken in consultation with Council's Public Works and Services Department and provision shall be made for appropriate traffic management devices on the site and in the surrounding road network having regard to these consultations;

Waste

- (35) A *Waste Management Strategy* shall be prepared for the site in consultation with Council's Health and Community Services Department, and shall be submitted with any future Development Application;
- (36) A *Demolition and Construction Waste Management Plan* shall be submitted with any Development Application which proposes construction or demolition on the site. Details of the disposal of fill shall be provided and opportunities for recycling materials arising from construction or demolition shall be maximised;

Materials and Colours

- (37) Details of materials and colours, including samples, are to be submitted with any future Development Application, and shall be subject to the approval of Council;

Construction Management

- (38) A Construction Management Plan and Timetable shall be prepared in consultation with adjoining occupiers to the site and shall be submitted with any future Development Application submission which proposes construction or demolition on the property;

Stormwater

- (39) That a detailed Stormwater Management Plan shall be prepared and shall be submitted with any future Development Application. The stormwater plan shall incorporate on site detention and shall be certified by a suitably qualified stormwater engineer.

NOTE: That the applicant be advised that Council's endorsement of this Masterplan is not to be construed as the granting of development consent under Part IV of the Environmental Planning and Assessment Act, 1979. Any/all building works and demolition proposed under this Masterplan require the separate development consent of the Council.

Carried.

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

The Planning and Development Committee Meeting terminated at 9.08 p.m.

The Council Meeting terminated at 8.36 p.m.

Confirmed at a meeting of South Sydney City Council
held on2001

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER