

267th Meeting

Erskineville Town Hall
Erskineville
 290933

Wednesday, 14 March 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.34 pm on Wednesday, 14 March 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.

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	221
Minutes by the Mayor	222
Minutes by the General Manager	226
Urgency Motion Nos. 50 - 58 Macleay Street Potts Point – The Kings Cross Community Centre	231
Urgency Motion – Broadway Nos. 153 - 157 and Nos. 161-179 Ultimo and Owen Street No. 3 Ultimo – Withdrawal of Security Guards	231
Petitions	233
Questions Without Notice	234
Report of Finance Committee	247
Report of Finance Committee (Confidential Matters)	260
Report of Community Services Committee	261
Report of Planning and Development Committee	264
Notices of Motion	326

GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 21 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 149 Question No. 6, By Councillor Harcourt by the deletion of the words Kings Cross and Potts Point where appearing in the heading.
- (2) On Page No. 151, Question No. 8, by Councillor Mallard – requesting that the reply by the Director of Health and Community Services at the Council Meeting of 21 February 2001, be added

The Director of Health and Community Services informed the Council that he did response to the question and that he would submit the response to the Supervising Committee Clerk prior at the end of the meeting.

The following response be added to the minutes:-

Response:

Yes, we did fund the Museum and Galleries Foundation to produce a document outlining the galleries in the Local Government Area. I received an apology from the Museums and Galleries Foundation, because they did not have our input into the document before it was published and distributed. Consequently the document had a Council Logo because of funding and it recognised the squat space as a gallery.

I can only apologise for the embarrassment caused and seek to change the donations intention so that it does not happen again.

At the request of Councillor Furness, and by consent, the Minutes were further amended:-

- (1) On Page 195, Item No. 4, Planning and Development Committee, by the addition of the words underneath the resolution "Councillor Furness requested that his name be recorded as voting against the foregoing motion".
- (2) On Page 211, Item No. 16, Planning and Development Committee, at the end of amendment No. 4 by the addition of the words "which will include details of how other Councils using on-site notices deal with the concerns raised in the report by the Director of Planning and Building dated 9 February 2001".

Minutes, as amended by consent, were then confirmed.

MINUTE BY THE MAYOR

13 March 2001

**POLICING SERVICES – THE SUPER LAC PLAN - PUBLIC MEETING - 9 APRIL 2001
(2017144)**

I have received requests from Councillors and the community to organise a public meeting to discuss the current “Super LAC” plan proposed by the NSW Police Commissioner, Mr. Peter Ryan.

There is a concern that it will seriously reduce the quality of the police service in the inner city, and particularly community policing, in areas where crime and safety are already major issues.

In response to this concern it is proposed that Council hold the public meeting on Monday 9 April 2001, 7.30 pm at Redfern Town Hall.

It is hoped that the meeting will give the NSW Police Service an opportunity to explain the current proposal and respond to community concerns.

Special invitations will be forwarded to the NSW Police Assistant Commissioner, Mr. Dick Adams and State Members, Clover Moore and Deirdre Grusovin.

RECOMMENDATION

That Council approve a public meeting to be held on Monday 9 April 2001, 7.30 pm at Redfern Town Hall to discuss, the NSW Police Services “Super LAC” proposal, and specially how it will impact on Policing Services to the South Sydney community, for which funds are available in the 2000/2001 Public Relations/Public Meetings Budget (cost account 1.553315.16125.0).

Councillor John Fowler
Mayor

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Mallard:-

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

At the request of Councillor Shaw and by consent, the motion was amended by the addition of a “clause (2)” to the recommendation, namely:-

GENERAL MANAGER

- (2) That the Mayor write to the Commissioner of the NSW Police Services, requesting the retention of the Woolloomooloo Police Station Shopfront until the problems with Tom Uren Square are resolved.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

8 April, 2002

PUBLIC RELATIONS – SIR DONALD BRADMAN – DEATH (2024269)

As everyone in Australia and the cricketing world is aware, Sir Donald Bradman died on Sunday 26 February 2001.

“The Don” affectionately known to the world, was undoubtedly the most famous and greatest batsman that Australia has ever produced.

The records he achieved numbered greatly and these included having the highest individual score in a Test match of 334 runs against England in 1930, the leading run scorer of an Australian with an average of 95.14, the highest individual score by any player for his State in which he recorded 452 runs for NSW against Queensland in 1929 – 1930 season. In the 1935-36 season he scored 369 and 357 runs in separate innings. Most of these records still stand today.

He played for his country in 52 Test Matches and had an average of 99.94 the highest for an Australian. One wonders what his average would have been had World War II not interrupted test series against other countries.

In 1948 he retired from cricket and in 1949 was knighted by the Queen. In 1960, Sir Donald was appointed Chairman of the ACB, the first Test Cricketer to rise to that position.

His greatness was also acknowledged by the Australian Confederation of Sport as the greatest athlete of the past two centuries and the USA recognised him by world wide vote as one of the top ten sportsmen of the last century.

He will be sadly missed by all Australians and it is recommended that Council:-

- (a) approve a one-off donation in the amount of \$2,000 to the Sir Donald Bradman Trust in recognition of this great Australian;
- (b) approve a one-off donation of \$3,000 to the South Sydney District Cricket Club so that the money can be utilised for development clinics for disadvantaged children and youth who reside in the South Sydney community to be overseen by Council's Community Resource Co-ordinator;

GENERAL MANAGER

-funds are available under the provisions of Section 356 of LGA 1993 (Donations).

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

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

It was moved by Councillor Mallard, seconded by Councillor Bush, that the motion be amended by the deletion of Clause (a) of the recommendation and the deletion of the figure "\$3,000" where appearing in the first line of Clause (b) of the recommendation, and the insertion of lieu of the figure "\$5,000".

Amendment, negatived.

It was moved by Councillor Harcourt, seconded by Councillor Pooley that the motion be amended by the deletion of Clause (a) of the recommendation and that Clause (b) be approved and adopted.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

8 April, 2002

PUBLIC RELATIONS – MS. MARGARET BARRY – DEATH (D53-00376)

It is with regret that I inform Council of the sudden death of Ms. Margaret Barry aged 66 years.

Margaret was officially the co-ordinator of the Inner Sydney Regional Council for Social Development until she retired in 1999 to the Central Coast.

A long time resident prior to 1999, she campaigned and saved Raglan Street, Redfern from demolition for the building of high rise Housing Commission flats.

She was a Sydney City Councillor in the 1980's and tirelessly encouraged the involvement of Councils within Regional Councils for the overall benefit of the community.

In the 1990's Margaret was involved in the development of the South Sydney Plan, the South Sydney Public Housing Taskforce and was also instrumental in forming the first greenhouse strategy.

GENERAL MANAGER

Margaret will be sadly missed by all that knew her and I recommend that:-

- (a) a letter offering the condolences of Council under the signature of the Mayor be forwarded to her family;
- (b) a donation in the amount of \$1,493 under the provision of Section 356 of the LGA 1993 being forwarded to the Inner Sydney Regional Council for Social Development to assist in hosting a memorial event to celebrate Margaret Barry's contribution to the community in the last 20 years.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Lennon:-

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

Carried.

MINUTE BY THE MAYOR

14 March 2001

PUBLIC RELATIONS – HON. JUDITH WALKER – DEATH (2004380)

It is with regret that I inform Council of the sudden death of Hon. Judith Walker, aged 62 years.

Judith was a long – time resident of Alexandria, an accountant by profession and for ten years was a Labor Member of the NSW Legislative Council.

She was an active trade unionist, rising to become secretary of her union, the Australian Insurance Employees' and was several times elected Vice President of the NSW Labor Council until her transition to the Legislative Council in 1984.

Mrs. Walker was a lively conversationalist with a keen sense of history and the absurd. Referring once to her predominately male Caucus colleagues, she remarked "that her lifelong dedication to the Australian Labor Party frequently taxed her reluctance to suffer fools gladly".

In addition to her extensive involvement with the ALP, Judith's interests included industrial relations, health and safety issues, banking, technology and unemployment matters. She was a member of the NSW Cancer Council, the NSW Safety Council, the NSW Productivity Promotions Council and the Fair Trading Product Safety Council.

It was impossible to be unaffected by Judith and her absence will be a sore loss to her friends. Even though she was fond of remarking that people were frequently surprised, to learn that she was still alive, her passing is no less saddening.

GENERAL MANAGER

I recommend that a letter offering the condolences of Council, under the signature of the Mayor, be forwarded to her children, and that flowers be forwarded in due course.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

16 March, 2001

OWEN LANE , BROADWAY, STREET PARTY – COUNCIL’S PROPERTY (2023331)

On 12th March 2001, the Licensing Police informed staff of an intended Street Party on Council owned property. It was scheduled for Thursday, 15th March 2001 and being arranged by The Global Young Greens, Aidwatch and Stop the Women’s Jail. Internet messages also indicate an involvement by the UTS.

As the freehold owner of Owen Lane, Owen Street and Howard Street application by the organisers was not made to Council for the use of the area.

Considerable concern is raised for the general health & safety of the public should any Street Party or similar activity take place in vicinity of Mountain Street and Broadway.

RECOMMENDATION

Council grant approval to seek a written undertaking from the organisers of the Street Party not to proceed with the activity now or in the future on Council’s Broadway Properties, and that Council write to both UTS and Australian Greens to voice our concern in this matter.

J. W. Bourke (SGD)

General Manager

Moved by Councillor Harcourt seconded by Councillor Lay:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER12th March, 2001**COMMUNITY SERVICES – REDFERN, WATERLOO
OUTREACH PROJECT - PROPOSAL (2024268)****Background**

The Redfern/Waterloo area is the most disadvantaged in South Sydney, with the highest concentrations of people in need of assistance from government and the community service sector to enable them to improve their social/economic functioning and quality of life. The main high need groups that have been identified are low income young people and families with children, particularly Aboriginal families. These individuals and families are often the victims of crime or involved in crime because of their social, economic and physical circumstances.

There are a number of government and community based funded and voluntary services that operate in the Redfern/Waterloo area to assist these groups. However, they are generally poorly funded and resourced, operating in isolation from each other, and often reliant on volunteers. Recent attempts to improve co-ordination amongst these and State Government services had limited success in generating co-ordinated and innovative responses to the increasingly complex social issues in the area.

Most services are still centre based, internally focused and delivered from small facilities that provide little scope for expansion or joint action, and there is still no comprehensive or predictable processes for co-ordinating the delivery of existing services, identifying gaps in services or for planning the development of new services.

The Police remain the organisation that is often the first point of contact for many young people and adults, and they are not equipped with the information, skills or resources to effectively refer people in crisis to community or health services.

As a result of this situation many people with high needs for assistance are still not getting any and the majority of service providers remain fundamentally disconnected from each other and from many of the people who need their assistance.

Council's Contribution to the Redfern/Waterloo Community

Council has operated the Waterloo Activity Centre and Library for a considerable period of time in the Redfern/Waterloo area. These facilities offer residents a variety of social and recreational opportunities, particularly isolated older persons.

Council's Community Service staff have also provided a variety of support to the Premier's Department Redfern/Waterloo Co-ordination Project during 1999 and 2000, including provision of data, participation in planning processes, service reviews and working groups.

GENERAL MANAGER

In 2001 Council staff have become actively involved in a joint project with the Department of Housing and local service providers, to deliver recreation activities to children on the Redfern/Waterloo Housing estate, called Family Fest.

The aim of the Family Fest Project is to provide activities:

- for the children who live on the public housing estate in order to reduce the incidence of anti-social behaviour,
- for families to assist them to meet their neighbours, to build community cohesion and reduce social isolation,
- for families to enable them to meet local service providers and encourage them to use services and facilities that are currently available,
- that enable service providers to connect with the local community and identify their broader needs for support and assistance.

A one off funding grant was obtained from the Commonwealth Department of Family and Community Services for the project to operate between January and April 2001.

Benefits of the Family Fest Project

This project has enabled Council and other services to reach families and children who do not know about or attend existing services, with attendance sometimes reaching 100 people per night, and mostly Aboriginal kids.

It is a small beginning but has shown that a diverse range of organisations have the commitment and ability to work together to deliver tangible outcomes for a local community.

Proposed Future Directions

The funding from the Department of Family and Community Services ceases in April 2001, and there are no further funds available to continue or expand the project from either the Commonwealth or State Governments, at this stage.

This means that all the gains and momentum that has been achieved could be lost unless someone steps in to facilitate an ongoing process that enables service providers to:

- connect regularly with all the high need groups and neighbourhoods in the Redfern/Waterloo community,
- work together to provide a comprehensive range of centre based and outreach programs for people with varying needs and circumstances,
- identify gaps in services and to seek additional funding to address these,
- lobby for and negotiate the provision of new services by existing agencies, particularly by government agencies such as the Dept Health, Dept Education,
- co-ordinate their service activities to eliminate duplication and to increase the sharing of resources and skills.

It is proposed that Council is best placed to auspice a service planning and delivery project in the Redfern/Waterloo area aimed at:

1. providing an expanded range of programs and services (both outdoor and centre based), drawing on both Council and community based resources, and
2. planning and co-ordinating an improved range of programs and services

Project Management

It is proposed that an experienced community service planner be engaged on a casual basis to undertake the project, commencing in March 2001. Stage 1 of the project would be from March, 2001 – June, 2001 and then Stage 2 from July, 2001 – June, 2002.

It is proposed that Council wholly fund Stage 1, the employment of a casual project manager at a rate of \$35 per hour (approximately \$20,000), for which funds are available in the current budget 61027, and that Council enter into negotiations with the State Government for them to fund Stage 2. This would enable the Family Fest Project to continue beyond April, and also provide some time for negotiations to occur with the State Government about a commitment to the project. This level of pay is commensurate with the skills required to co-ordinate the project.

RECOMMENDATION:-

It is recommended that Council:-

- (1) approve the employment of a casual project manager to conduct Stage 1 of the Redfern/Waterloo Outreach Project between March 2001 and July 2001 at a rate of \$35 per hour (approximately \$20,000), for which funds are available in the current budget (61027),
- (2) approve the Community Service Section to enter into negotiations with relevant State Government Departments through the Premier's Department to fund Stage 2 of the Project between July 2001 and June 2002, at a cost of approximately \$60,000.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

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

It was moved by Councillor Mallard, seconded by Councillor Bush that the matter be deferred and referred to the Finance Committee for consideration.

Following discussion on the matter, Councillor Mallard withdrew his amendment.

That the minute by the General Manager, was then approved and adopted.

Carried.

MINUTE BY THE GENERAL MANAGER

14 March 2001

INTERVIEW PANEL – GAY AND LESBIAN LIAISON OFFICER POSITION (2021059)

Council is currently advertising to fill the position of the Gay and Lesbian Liaison Officer.

In order to ensure that Council attracts the best candidate for this position, it is recommended that the following people be endorsed as the selection panel to conduct interviews during April 2001.

- (1) Chairperson – to be nominated by the General Manager. Suggested that this be the Supervisor of this position.
- (2) External member – being the Gay and Lesbian Liaison Officer from the Attorney General's Department.
- (3) Any Councillors who are current members of the Gay, Lesbian, Bi-sexual and Transgender Advisory Committee.
- (4) A representative from the Department of Organisational Development (observer status only to ensure compliance with Council policy).

The selection process will be undertaken in accordance with Council's policy "Recruitment on Merit". The interviews will be held during Council business hours at its Administration Offices at No. 280 Elizabeth Street, Surry Hills.

Recommendation

That Council endorse the above panel to conduct the interviews for the Gay and Lesbian Liaison Officer position.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

At this stage it was moved by the Councillor Lennon, seconded by Councillor Furness, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely:-

GENERAL MANAGER

NOS. 50-58 MACLEAY STREET, POTTS POINT – THE KING CROSS COMMUNITY CENTRE

That Council consider this as urgent because:-

- (1) Council has delayed making this an agenda item for over 6 months;
- (2) the Community Centre has lost income because Council has management of the meeting room. The loss of income has severely impacted on the operation of the Centre, whose functions are essential to local residents;
- (3) the room is now significantly under utilized. The Centre is in a better position than Council to increase access to the room to a diverse group of community organisations;
- (4) the Community and Community Centre were promised by the previous Mayor that it would have a meeting room following the demolition of its previous premises. Management of the meeting room by the Community Centre will benefit South Sydney residents.

The Mayor indicated that it was not an urgent matter of business for Council that it should be referred to the Finance Committee for consideration.

It was moved by the Mayor, seconded by Councillor Harcourt, that the above matter be referred to the Finance Committee for consideration.

Carried.

At this stage it was moved by the Councillor Lennon, seconded by Councillor Furness, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely:-

PROPERTIES – BROADWAY NOS. 153 – 157 AND NOS. 161 – 179 ULTIMO AND OWEN STREET NO. 3 ULTIMO- WITHDRAWAL OF SECURITY GUARDS

I am sure all Councillors would agree that the prevention of harassment and assault by Security Guards contracted by Council is an urgent matter.

The letter from the Sydney Housing Action Collective (SHAC) which was circulated to Councillors provides details of harassment, intimidation and assault of the men and women living in the Broadway premises. They are many witnesses to numerous incidents.

This is a very serious matter and it will be grossly negligent of Council, indeed criminally negligent of Council to fail to take action to curb this disgusting behaviour.

An attempt to run someone over, peering through the windows on women in bathrooms and intimidation cannot be swept under the carpet and I urge Councillors to support the motion to withdraw the security guards.

GENERAL MANAGER

It was moved by the Mayor, seconded by Councilor Bush that this matter be referred to Committee.

The Mayor then asked the Acting Director of Corporate Services to inform those present if Council was still employing the Security Guards at the Broadway premises.

The Acting Director of Corporate Services informed those present at the meeting that the Council had relinquished ownership of the Broadway properties on 21 February 2001, and had no dealing with the employment of the subject security guards.

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

That the matter be referred to Committee.

MINUTE BY THE GENERAL MANAGER

14 March 2001

REQUEST FOR FREE USE OF REDFERN TOWN HALL - CHURCH OF THE HOLY TRINITY (P56-00325)

Applicant: The Church of the Holy Trinity
Event: Centenary and book launch
Date: 24 April 2001
Venue: Redfern Town Hall

Benefits to residents of South Sydney

The Greek community and its church have made significant contributions to the community and cultural life of South Sydney over the last one hundred years.

Historical/Other support received from Council.

Cooperation between our two organisations dates back to the nineteenth century.

Costs:

Loss of income	
Hall hire	\$900
<hr/>	
Out of pocket expenses	
Cleaning	\$100
<hr/>	
Set up (tables and chairs)	nil
Salaries/staffing	nil
<hr/>	

GENERAL MANAGER

RECOMMENDATION:

Council support the Church of the Holy Trinity - foregoing \$1000. Under the provisions of section 356, this approval will allow the Church of the Holy Trinity free use of the Redfern Town Hall on Saturday, 24 April 2001, to conduct a centenary celebration and book launch.

J. W. Bourke (SGD)
General Manager

At the request of Councillor Shaw and by consent the motion was amended by the deletion of the word "Saturday" where appearing in the second last line of the recommendation and the insertion in lieu thereof, of the word "Tuesday".

Motion, as amended by consent, carried.

Moved by Councillor Pooley seconded by Councillor Shaw:-

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

Carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 78 signatures appended from residents of Chippendale not supporting any closure or restriction of access into Meagher, Balfour, Bartley and Regent Streets, Chippendale and the non notification of the proposed part closure of Meagher Street, Chippendale.

Received

2. The Mayor tabled a petition received by the General Manager with approximately 9 signatures appended from residents of Commonwealth Street, Surry Hills, requesting the alterations of the storm water drainage system to prevent flooding of houses and businesses.

Received

3. The Mayor tabled a petition received by the General Manager with approximately 32 signatures appended from residents of Phelps Street, Surry Hills, requesting the installation of a pedestrian crossing across Bourke Street, at the Phelps Street, intersection.

Received

GENERAL MANAGER

4. The Mayor tabled a petition received by the General Manager with approximately 23 signatures appended from residents of Wyndham Street, Alexandria objecting to the use of Mandible Street, as a heavy vehicle corridor.

Received

5. Councillor Harcourt tabled a petition with approximately 181 signatures appended from residents of various streets, in Surry Hills, objecting to the closure of the Collins Street shared-zone and Richards Avenue Surry Hills.

Received

QUESTIONS WITHOUT NOTICE

1. **COMMUNITY FACILITIES – PINE STREET, CHIPPENDALE – PERMISSION – M1 ORGANISATION TO BE HELD FOR REGULAR MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2012777)**

Question:

I have been contacted by a resident requesting that complimentary use of the Pine Street Community Arts Centre be made available for the M1 organisation for regular meetings. Could a report considering this request be prepared for Committee?

Answer by the Mayor:

It would be appropriate if it is going to have complimentary use of Council's facility, but Council is aware of the organisation. If you can provide that question to the Director of Health and Community Services, it may assist in the formation of that report.

2. **DEVELOPMENT – APPRECIATION – REBECCA MORTLOCK – RE NORTH EVELEIGH MASTERPLAN. - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (D51-00128)**

Question:

I would ask that the Director of Planning and Building pass on my thanks to Ms Rebecca Mortlock for her assistance in placing a copy of the North Eveleigh Masterplan in the Newtown Library, accepting further submissions and so promptly

GENERAL MANAGER

organising the meeting of the Community Reference Panel as I had requested. I would also like to have recorded my appreciation for the very thorough briefing document that has been forwarded to Councillors.

Answer by the Mayor:

The Director of Planning and Building will pass that on.

3.

**PUBLIC TRANSPORT – DATABASE ON SUSTAINABLE TRANSPORT IN SYDNEY
- QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2001479)**

Question:

Councillor Mallard and I attended a transport forum organised by the Warren Centre last week. As part of the research being undertaken in sustainable transport in Sydney a very substantial and useful data base is being created. Council would be able to access this if the NSW LGA were to become a partner. Could the Mayor please write to SSROC and the NSW LGA requesting that they pursue this project?

Answer by the Mayor:

Yes, I will have the Director of Public Works and Services liaise with the I.T. Manager in relation to that.

4.

**STREETS - FOOTPATHS – REPAIRS- DARLINGTON AND NEWTOWN –
UNFINISHED WORK - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY
(S56-00626)**

Question:

Today I received several complaints regarding road works being undertaken in South Ward:

- Darlington Lane, Darlington is very roughly finished at the Golden Grove Street end.
- Edward Lane, Darlington which runs parallel to Abercrombie Street has been dug up for sometime, but no further work has occurred. Vehicles that access off street parking off this lane are suffering damage.
- Warren Ball Avenue, Newtown remains incomplete and I have been advised that it is causing problems for pedestrians and cyclists.
- A section of kerb has been dislodged by contractors trucks in the island section of Georgina Street, Newtown.

Could the Director of Public Works and Services attend to these matters please?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate those matters for you.

5.

TRAFFIC - MANAGEMENT – CHIPPENDALE TRAFFIC STUDY HERITAGE STUDY AND STRICKLAND PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023574)

Question:

Could I please be advised as to the status of the Chippendale Traffic Study, particularly in relation to the works program and if a pallet of materials, relating to the heritage study and Strickland Park, has been established. The latter was discussed at the community meeting at the Pine Street Centre last year.

Answer by the Mayor:

Indeed, there is some detail on that in terms of desire and useage of material and will have Mr Donley and Mr Wilcoxon respond to your matter.

6.

ADMINISTRATION – KINGS CROSS CHAMBER OF COMMERCE – VERBAL PRESENTATION – REDEVELOPMENT SHOPPING CENTRE AND CAR PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023447)

Question:

I recently attended some of the verbal presentations to the Sproats Inquiry. Are the Mayor and Council aware that the Kings Cross Chamber of Commerce regard the area as ripe for redevelopment and in need of a large shopping centre and car park with the possibility for a substantial residential tower. It appeared from the presentation that the Chamber felt that such redevelopment would be better facilitated by Sydney City Council.

Could this matter be investigated further and a report be prepared for the Councillors Information Service?

Answer by the Mayor:

I will have the Media Manager take that response to the Sproats Inquiry and respond in terms of the feasibility.

7.

**TRAFFIC - STUDIES – HEAVY TRUCK ROUTE MANDIBLE STREET,
ALEXANDRIA – NOISE AND POLLUTION PROBLEMS - QUESTION WITHOUT
NOTICE BY COUNCILLOR BUSH (2006655)**

Question:

To the Director of Planning and Building and to the Chair of the Traffic Committee. The traffic implications on the amenity of the new residents were not comprehensively addressed in the Development Application when it came before Council. There are now severe problems of noise and pollution.

With the planned growth of residential numbers in and around Green Square, an overall study of how to meet the needs of existing and future residents.

Can a report come to the Traffic Committee which states alternative truck routes?

Answer by the Mayor:

Rather than the Traffic Committee, Councillor, there are also designated State based truck routes which relate also to the heavy industry which still exists in that part of the Council area. However, I will take your question and through Mr Harrison and Mr Wilcoxon, ask for a report to go to the Community Services and the Planning and Development committee jointly in order to get the fullest consultation to the community because this issue is continual and with the existing areas of heavy industry in the Local Government Area and outside the Local Government Area. I suggest that it is one that the State Government is not going to accept from the community's part.

Comment by Councillor Bush:

I have to concur. If we apply it from a head in the sand attitude towards so, let's try and make it another State Government Bodies problem and not dealing with our future ratepayers and existing ratepayers we now protect.

Comment by the Mayor:

I suggest that those comments go in the report in order for a fullest consultation with any decision made by the Council.

8.

**PROPERTIES – PLUNKETT STREET DEPOT, WOOLLOOMOOLOO – NOISE
COMPLAINT BY RESIDENT - QUESTION WITHOUT NOTICE BY COUNCILLOR
BUSH (2017724)**

Question:

I am tabling a letter to Mr Michael Horgan which involves disruptive noise at Woolloomooloo Depot.

Answer by the Mayor:

Councillor do you want to table that issue, because it has already come to Committee and I believe the second report is also coming up in the management of the Depot there?

Answer by Councillor Bush:

I will ask the Director to look at it.

9.

DEPARTMENTS - HEALTH AND COMMUNITY SERVICES – CLASSIFICATIONS AND APPOINTMENTS – INCREASE ORDINANCE OFFICERS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2000238)**Question:**

At the last Plan of Management weekend we resolved to increase the number of Ordinance Officers. It has been brought to my attention that Council did advertise and a suitable applicant applied, but the position was not filled.

Answer by the Mayor:

That is not a question.

Question by Councillor Bush:

Could then a report come through why we are still considering raising the number of Ordinance Officers, as a result from the Management Weekend?

Answer by the Mayor:

I will have a report come to Committee which also will address the number of extra staff that we will be taking on from July which may in respect, that in fact that we are not employing Ordinance Officers at this time.

10.

PROPERTY – ROSEBERY AVENUE NOS. 15-17 ROSEBERY – PEDESTRIAN AND TRAFFIC HAZARDS- QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2002601)**Question:**

A constituent in South Ward has contacted me regarding pedestrian traffic hazards. It relates to No. 17 Rosebery Avenue, which operates as a wholesale liquor warehouse. The resident complains that semi trailers and large trucks have damaged the road surface, nature strips and footpath.

Could Council Officers inspect the site and report on any damage and how we may remedy the situation?

Answer by the Mayor:

I will have the Director of Public Works and Services action that for you, and if necessary, have that report come to the Traffic Committee in order for some mediation to take place.

11.

PLANNING - STRATEGIC PLAN FOR EAST SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023519)

Question:

Could Council's Planning and Building Department prepare a report on the desirability for a Strategic Plan for East Sydney? The report should incorporate costs involved and include issues such as zoning reforms, traffic management and public domain improvements. Planners might also address the desirability or not of producing a Strategic Plan for a broader catchment such as East Sydney, Darlinghurst, Woolloomooloo, Potts Point, Kings Cross, Elizabeth Bay and Rushcutters Bay. I would like to consider this report for inclusion when adopting the budgets for the next financial year.

Answer by the Mayor:

I will have the Director of Planning and Building either respond to you through the Councillors Information Service if appropriate or the matter go to Committee.

12.

STREETSCAPES – MASTERPLAN – ADOPTION FOR PUBLIC EXHIBITION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2002345)

Question:

For some time now we have been waiting to see the Streetscape Masterplan. When will Council be adopting this document for public exhibition?

Answer by the Director of Public Works and Services:

The document has been prepared in draft form and is being reviewed by several Officers of Council, but there is quite a few anomalies in the report which slowed down the progress of bringing it to Council before taking it to the community. We are hopeful of getting it done within the next month or so and then getting it to the community before June. That is how we normally do these things.

13.

PROPERTY – RTA LAND CORNER OF PALMER STREET AND BOURKE STREET, EAST SYDNEY – PROPOSED ACQUISITION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2022060)

Question:

There is a vacant Roads and Traffic Authority block of land on the corner of Palmer Street and Bourke Street, East Sydney known as No. 231 Bourke Street. It borders a small park on O'Briens Lane.

Could Council Officers report on the proposals for this site and whether it can be acquired to increase the park space incorporating the adjoining park? I have been told that the Roads and Traffic Authority intends selling the site for housing.

Answer by the Mayor:

I will have the Director of Planning to respond.

14.

PLANNING – WOOLLOOMOOLOO PUBLIC HOUSING – TRI-PARTITE AGREEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P04-00029)

Question:

Could Council staff prepare a report on the tri-partite agreement managing the Woolloomooloo public housing estate? I understand that the agreement was for 25 years and is due to expire next year. Could this be confirmed and if so, could the nature of the agreement be reported?

Answer by the Mayor:

I will have the appropriate Director prepare that report because I believe that the real agenda at the moment is the Lord Mayor's extension to North Ward to actually get control of that agreement which of course was a ground breaking agreement between Federal, State and Local Government that enshrines the retention of the low density housing in Woolloomooloo, and as that agreement is now coming to an end, I do believe that there is some desire for Council to know what that agreement will be.

15.

PLANNING – BACKPACKERS ESTABLISHMENT – STATUS – MAYORAL TASKFORCE WORKING GROUP - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (P54-00063)

Question:

Given the fervent community interest in backpacker hostels of late, I wonder whether

you could update Council on the status of the Mayoral Taskforce/ Working Group on backpacker hostels. If no relevant information is current, could future information be placed in the Councillors Information Service or considered for a briefing of Councillors?

Answer by the Mayor:

There has been two meetings of it, one in which I attended, both of which Mr Harrison attended and the Deputy Mayor attended the other, but I will have an update of the Development Control Plan that has been worked on by Randwick Council which will be adopting many of our existing Development Control Plans in relation to that of backpackers.

16.

COMMITTEES – SPORTS LIAISON COMMITTEE- CONVENING - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2024291)

Question:

I'm most keen to work with Councillors Bush, Lennon, Lay and other interested Councillors on the Sports Liaison Committee. Could I urge the General Manager through you to convene this group as soon as possible?

Answer by the Mayor:

I understand there was a notice of that today of the impending meetings.

17.

TREES – CORNER RAGLAN AND COPE STREETS, REDFERN - REPLACEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2024066)

Question:

My question is to the Director of Public Works and Services. I wonder whether you could ask the relevant Officer to investigate the replacement of a tree in front of the Doctor's Surgery at the corner of Raglan Street and Cope Street? It is a relatively bare corner and had a tree until recently when it was removed by the driver of a car who was unable to distinguish the difference between the road and the footpath.

Answer by the Mayor:

I am sure the Director of Public Works and Services will report back to you on the replacement of that tree.

18.

STREETS – LIGHTING – BETWEEN FORBES STREET AND TAYLOR SQUARE, DARLINGHURST - IMPROVEMENTS. - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2024024)**Question:**

This question is in relation to representation from residents of Darlinghurst, particularly shift workers re lighting on the north side of Taylor Square, adjacent to the Oxford Hotel, disused public toilet and State Court Building.

Can Council facilitate the installation of improved lighting, particularly between Forbes Street and Taylor Square? There have been a number of near misses there and they need some lights.

Answer by the Mayor:

There is certainly an ongoing problem about the Energy Australia lighting and the replacement of some of those lights there. The current plan for Taylor Square is a cause to increase the lighting in Forbes Street, but in relation to your question I will have the Director of Public Works and Services report to you through the Councillors Information Service.

19.

PLANNING – GREEN SQUARE, EPI - BRIEFING - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2022897)**Question:**

Please would the Mayor organise a briefing for Councillors on current issues in relation to Green Square and its surrounds, ie:

- Progress, if any, in land subdivision
- Proposals for Council property in Joynton Avenue
- South Sydney Hospital site
- Waterloo Incinerator site and proposed new road
- Issues of concern to the recently formed *Traffic Task Force* – ie access to and from the Eastern Distributor by the new residential developments at Victoria Park and the Waterloo Business Community.

Answer by the Mayor:

Those are all traffic management concerns, but it may be appropriate.

20.

CLEANSING – REDFERN STREET, REDFERN BETWEEN CHALMERS STREET AND REGENT STREET – STREET LITTER BINS - INCREASE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (C56-00027)**Question:**

A resident has requested that more street litter bins be placed in Redfern Street, between Chalmers Street and Regent Street. Apparently there are 10 take away food outlets in this vicinity and only two street bins.

Answer by the Mayor:

I will have the relevant Officer inspect those streets and report back through the Councillors Information Service whether the replacement of appropriate bins or not.

21.

TREES – STREET - ALBERT STREET, REDFERN – PLANTING BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2005242)**Question:**

Would Council Officers, in consultation with residents, explore the possibility of planting some street trees in Albert Street, Redfern?

Answer by the Mayor:

I will also have the Director of Public Works and Services respond to that through the Parks Manager in the Councillors Information Service.

22.

SPORTS – CYCLING – ROBERTSON ROAD, MOORE PARK – CLOSURE – INVESTIGATION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S54-00147)**Question:**

The closure of Robertson Road has interrupted the cycle way from Alison Road, forcing cyclists to ride over grass or move out into the bus road. This is potentially a dangerous situation and contrary to our policy to support and develop cycle ways in South Sydney.

Could the matter be investigated and rectified?

Answer by the Mayor:

I will have the appropriate Officer inspect that cycle way and report back to you through the Councillors Information Service.

23.

STREETS – DRAINAGE – POLLUTION CONTROL – STORMWATER – BLOCKED DRAINS BUILDUP - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2000704)**Question:**

I am wondering from the Director of Public Works and Services where we are up to with the blocked stormwater drains?

Answer by the Director of Public Works and Services:

Well, we are progressing with the backlog, both machines have been overhauled in recent times so we have only had one machine on the road. We also have had to train up staff which I may have mentioned to Council in recent times. We did do quite a few in the North Ward and are progressing through the rest of the city with the backlog of known blocked drains and I think we are making a reasonable inroad to that. That is all I can offer you at this stage.

Question by Councillor Lennon:

Wasn't it sub-contractors before?

Answer by the Director of Public Works and Services:

No, it was done under our Waste Services area. It has been moved to the Maintenance area because we now can dedicate through that area both machines on the road at all times, whereas with the Waste Services, the drivers were sometimes called up for refuse collection as a priority and that is why we moved it to another area.

24.

TREES – KINGS CROSS ROAD, DARLINGHURST – OUTSIDE THE ALTAIR DEVELOPMENT – MAINTENANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2019655)**Question:**

Mr Harrison, sometime ago I asked about the trees that were a condition of consent of the Altair Site, that they maintain them. When will we see the trees back?

Answer by the Mayor:

It is part of the public Domain improvement. It will be referred to that as conditions of the consent for the appropriate certification. Council must inform a Private Certificator that they have completed the work.

Comment by the Director of Planning and Building:

We will get a further copy circulated to you, but I understand that the answer came from the Director of Public Works and Services, but we will get a copy of the answer to you.

Comment by Councillor Lennon:

So the trees will be replaced and Altair need fines for breach of.

Comment by the Director of Planning and Building:

They will be replaced. Whether Council seeks to prosecute, they would have to have some evidence that somebody has caused some malicious damage to those trees to prosecute them.

Comment by Councillor Lennon:

They were supposed to maintain them for 12 months and they died because they didn't maintain them.

Comment by the Director of Planning and Building:

It is a matter of finding proof that they didn't maintain them, that they didn't die of some other cause. I think the first thing to do is to get the trees replaced and action is under way to have them replaced.

25.

**PLANNING – GREEN SQUARE, VICTORIA PARK – PARKING CODES -
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023734)****Question:**

The commercial viability of Green Square, Victoria Park, retail areas has directly brought to a stand still by an insipid parking code of 1 space per 80sm and a failed railway line.

Can a report come to Council that has comparative numbers from other commercial developing areas in other Local Government areas.

Answer by the Mayor:

I am sure that will be part of the response to the Traffic Planner and briefing that you will gain from the respective Officer from the Development Corporation.

26.

PARKING – RESIDENT SCHEMES - AREA 13, SOUTH PADDINGTON PRECINCT – BOLLARDS – INSTALLATION -QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (P01-00042)**Question:**

Following the inspection from last Saturday re No. 257A Oxford Street, Paddington, a resident would like us to investigate the bollards for footpath fronting the Energy Australia box, frequently during the functions at the Town Hall and sporting events, several garages are parked out – Renny Lane, next to rear of No. 257A Oxford Street.

Answer by the Mayor:

I will have the appropriate Officer inspect that, but it also may be a question of money being available in the planning of that, increasing.

27.

COUNCIL – BUSINESS PAPERS PREPARATIONS – TWO NOTICES OF MOTION - NON APPEARANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (C63-00006)**Question:**

Can the General Manager explain why my two Notices of Motion for tonight's meeting which was lodged on time with the General Manager's Office failed to appear listed in the Business paper for tonight's meeting and why wasn't I notified on my mobile phone last Thursday when the papers were being drawn up to say that they were not going to be on?

Answer by the Mayor:

You have got that verbally. The General Manager will respond in writing and put that in the Councillors Information Service for you.

Comment by Councillor Lennon:

I spoke to his Secretary in the morning.

Answer by the Mayor:

I will have Mr Bourke respond in writing to you through the Councillors Information Service.

GENERAL MANAGER

Councillor Lennon, any other further questions?

Comment by Councillor Lennon:

I am curious, this is a democratic process which you are protected for?

Answer by the Mayor:

Mr Bourke, would you like to give a verbal response now?

Answer by the General Manager:

The Notice of Motions were not received on time. They were received on Thursday. A telephone conversation was recorded from the Councillor requesting the General Manager's facsimile number, however, no facsimiles were received on Wednesday from the Green's Office. They were received on Thursday at 12.46 p.m.

REPORT OF THE FINANCE COMMITTEE

7 March, 2001

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Peter Furness, Tony Pooley, Gregory Shaw

At the commencement of business at 6.33 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 7 March, 2001, be received and the recommendations set out below for Items 1-4 inclusive, 6-12 inclusive, 14 to 18.1 inclusive, 18.3 to 18.6 inclusive, and 18.8 to 18.10 inclusive, be adopted. The recommendations for Items 5, 13, 18.2 and 18.7 having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING – 31 JANUARY, 2001 (2015594)

That the Investment report by the Director of Finance dated 8 February, 2001, be received and noted.

Carried.

2.

DONATIONS – WYANGA ABORIGINAL AGED CARE PROGRAM – SECURITY (2023887)

That for the reasons set out in the report by the Acting Director of Corporate Services dated 14 February 2001, approval be given to the donation of \$1,678 from Section 356 funds, of the Local Government Act, 1993 towards the purchase and installation of a security door for the Wyanga Aboriginal Aged Care Program at 130 Redfern Street, Redfern.

Carried.

3.

PUBLIC RELATIONS – EAST TIMOR - ESTABLISHMENT OF REGION TO DISTRICT PARTNERSHIP – WORKING GROUP – NOMINATION OF REPRESENTATIVES (2022141)

That arising from consideration of a report by the Civic Affairs Manager/Public Officer, dated 16 February 2001, it be resolved that:-

- (1) Council support the actions proposed in the report adopted by SSROC on the establishment of a Region to District Partnership in East Timor.
- (2) Councillor Jill Lay and an officer from the Community Services area of Council and Council's Sister Cities Co-ordinator (Civic Affairs Manager/ Public Officer) as its representatives on the "East Timor Working Group".

Carried.

4.

PUBLIC RELATIONS - PROMOTIONS – SOLAR SHUTTLE DISPLAY UNIT – PARTICIPATION IN PURCHASE (2024059)

That arising from consideration of a report by the Director of Health and Community Services dated 23 February 2001, it be resolved that:-

- (1) the report on the Solar Shuttle for Energy Education be received and noted.

GENERAL MANAGER

- (2) Council agree to participate in the purchase of the Solar Shuttle for energy education and underwrite the project to the value of \$4,000 for which funds are available in the Budget Account 1.13.615525.1

Carried.

5.

**BOUNDARIES – REQUEST FOR ALTERATION TO MOORE PARK SUBURB
BOUNDARIES – MERITON APARTMENTS PTY LTD. (2024092)**

- (1) That the submission dated 31 January 2001 by Meriton Apartments Pty Ltd for the former ACI site (bounded by Lachlan Street, Bourke Street and Crescent Street, Waterloo) to be included in the Moore Park Suburb boundaries be received and noted and no further action taken.
- (2) The Director of Public Works and Services to submit a report based on Historical information names of suburbs within the Green Square Area for use in the future.

At the request of Councillor Harcourt and by consent the motion was 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 to the next Finance Committee Meeting to be held on 21st March 2001, and that the report based on historical information names of suburbs within the Green Square area for use in the future be incorporated into the requested report.

Motion as amended by consent, carried.

(DPWS Report 23.02.01)

Carried.

6.

**FINANCE – OUTSTANDING SUNDRY DEBTORS AS AT 31 DECEMBER 2000
(2023443)**

That the report by the Director of Finance dated 21 February 2001, on the balance of outstanding sundry debtors, be received and noted.

Carried.

7.

**PROPERTIES – PADDINGTON TOWN HALL - REQUEST FOR FREE USE –
EASTERN SUBURBS ORGANISATION FOR RECONCILING AUSTRALIA (ESORA)
– 16 MAY 2001 (P56-00410)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 21 February 2001, approval be given to the Eastern Suburbs Organisation for Reconciling Australia (ESORA) for the free use of Paddington Town Hall under the provisions of Section 356, of the Local Government Act 1993, and Council agrees to forgo \$4,750 in income and \$500 in costs, to allow ESORA to conduct a public meeting.

Carried.

8.

**DONATIONS – NEW THEATRE – FINANCIAL STATUS REPORT
(D53 – 00076)**

That the report by the Director of Health and Community Services dated 23 February, 2001 regarding the financial status of the New Theatre at Newtown, be received and noted.

Carried.

9.

**FINANCE – DONATIONS SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993
- REPORT 7 MONTHS TO 31 JANUARY 2001 (2024098)**

- (1) That the report by the Director of Finance dated 1 March 2001 in respect of Annual Community Grants Programme for the period ending 31 January 2001, be received and noted.
- (2) That in the future, the Director of Finance to submit the status of Section 356 reports on a Quarterly basis.

Carried.

10.

**COUNCIL – CONFIDENTIAL MATTERS – CLOSING OF MEETING TO PUBLIC
(5262801)**

That the General Manager be given formal authority to decide which reports are to be submitted to Council as confidential matters after taking into consideration the terms of Clause 10A of the Local Government Act, 1993, and that the Committees or Council may change the allocation by the General Manager from confidential to public access at those meetings, further that grounds on which part of a meeting is closed be

GENERAL MANAGER

recorded in the minutes of the meeting in accordance with Section 10D of the Local Government Act, 1993

(A/CAMPO Report 22.2.01).

Carried.

11.

DONATIONS – REDFERN LEGAL CENTRE, REDFERN TOWN HALL REQUEST FOR FREE USE OF – 15 MARCH AND 25 OCTOBER, 2001 (D53-00388)

That arising from consideration of a report by the Acting Director of Corporate Services dated 21 February 2001, approval be given to Redfern Legal Centre being given the free use of Redfern Town Hall under the provisions of Section 356, of the Local Government Act 1993, and Council agrees to forgo \$300 in income and \$60 in costs, to allow Redfern Legal Centre to conduct migrant inter-agency meetings.

Carried.

12.

PUBLIC RELATIONS – COMMUNITY BANKS, “BENDIGO BANK” QUESTION OF ESTABLISHMENT IN SOUTH SYDNEY COUNCIL AREA (2010170)

That arising from consideration of a report by the Director of Finance dated 28 February 2001, it be resolved that:-

- (1) Council invites the Bendigo Bank to address Council and the Community at a Public meeting with a view to establishing a branch in the Waterloo/Redfern area.
- (2) the event that the Community is supportive of this initiative and establishes a Steering Committee that Council grant the Steering Committee a Section 356, of the Local Government Act 1993, a donation of \$15,000 towards a feasibility study. Funds for which are available in the 2000/2001 Budget.
- (3) Council writes to the major banking institutions and invites them to hold an educational awareness program to educate and familiarise the community with the alternative technological avenues. Council could facilitate this by providing premises for the awareness program.
- (4) Council write to Australia Post to extend their “over the counter” banking services across all banking institutions.
- (5) the Sydney Credit Union Ltd. be invited to participate in any Community Banking meetings.

Carried.

13.

**COMMITTEES – STREET PROSTITUTION – SOUTH SYDNEY COUNCIL AREA
(2023605)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt.

That it be resolved that Council set up a working party comprising:-

- The Mayor (Chair)
 - All interested Councillors
 - A representative of the NSW Police Department
 - A representative nominated by SCEGGS
 - A community representative
 - A representative of SWOP
 - Council's Sex Industry Liaison Officer
 - A representation from Council's Health and Community Services Department
- (1) The work party to address the issues of street prostitution and also make recommendations to Council on the effectiveness of the current Sex Industry Policy in dealing with this and other related issues, particularly their impact on residential areas.
- (2) A donation of \$5,000 to SWOP, funded from Section 356, of the Local Government Act, 1993, to undertake the consultations for the Mystery Men Project;

Carried.

14.

**CLEANING – ABANDONED VEHICLES – AUCTION YARDS - ENGAGEMENT FOR
REMOVAL AND SALE OF VEHICLES (2005610)**

That the reasons set out in the report by the Director of Public Works and Services dated 9 February 2001, approval be given for Council to invite quotes from Motor Vehicle Auction Yards for the removal, impounding and sale of "abandoned" vehicles.

Carried.

15.

**COMMUNITY FACILITIES - GREENKNOWE AVENUE, 19 POTTS POINT –
REGINALD MURPHY ACTIVITY CLUB AND HALL - REVOTE AND RELOCATION
OF FUNDS – ALTERATIONS AND ASSOCIATED WORKS (2019731)**

That approval be given to:-

- (1) revoting the unexpended funds of \$50,000 (project No. 71006) in the 2000-2001 Works Program;
- (2) reallocating the unexpended funds of \$37,014 from Project No.61134 to Project No.71006.
- (3) a report detailing proposal, timeline and costs to refurbish the exterior facade of the Reginald Murphy Hall;
- (4) a report detailing options to redevelop the Heffron Hall site with the aim to incorporate modern meeting facilities for the community and a contemporary after school care facility. The report should detail the current lease arrangements on the site and the development potential of the site.

(ADCS report of 2.03 01)

Carried.

16.

CONFERENCES - LOCAL GOVERNMENT ROAD SAFETY CONFERENCE – SYDNEY, NEW SOUTH WALES, 28-30 MARCH 2001 - ATTENDANCE OF COUNCIL REPRESENTATIVES (2013748)

- (1) That the report by the Director of Public Works & Services dated 1 March 2001 giving details of the Local Government Road Safety Conference – Motivating and Managing For Road Safety to be held at Australian Technology Park Eveleigh from 28-30 March 2001 and listing Officers who will attend be received and noted.
- (2) That any interested Councillors be given approval to attend the Conference for which funds are available in the 2000/2001, Revenue Estimates 1.51.3210.12205.0.

Carried.

17.

ELECTIONS – 1 JULY 2000 - FUNDING DECLARATIONS (2006350)

That the declarations lodged by Alexander Clulow and Sandra Clulow as required by the Electoral Funding Act, 1981, for the Ordinary Election held 1 July 2000, be received and noted.

(A/DCS Report 5.3.01)

Carried.

The Finance Committee Meeting terminated at 7.02 p.m.

PROPERTIES SUB-COMMITTEE

18.

REPORT OF THE PROPERTIES SUB-COMMITTEE – WEDNESDAY, 7 MARCH 2001 COMMENCING AT 6.10 PM (5262801)

At the commencement of business those present were the Mayor, Councillor John Fowler (Chairperson) and Councillors Mallard, Pooley and Shaw.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 7 March 2001, be approved and adopted.

18.1.

LICENSING – OXFORD STREET, NO. 108 DARLINGHURST – PROPOSED FOOTWAY LICENCE (2023893)

That approval be given to:-

- (1) the granting of a licence to Seawu Pty Ltd over an area of 8 square metres of the footway of Palmer Street adjacent to The Wattle Private Hotel at No. 108 Oxford Street, Darlinghurst as shown stippled on Plan No S4-130-793 and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 conditions in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 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, conditions in the schedule accompanying the Director's report or failed to execute the licence agreement.

(DPWS Report 9.2.01)

Carried.

GENERAL MANAGER

18.2.**LEASING – PART OF BOTANY ROAD, ADJACENT TO NO. 511-515 BOTANY ROAD, ZETLAND (2023827)**

That the matter be deferred so as to obtain the advertising rates from companies in the area.

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

That approval be given to:-

- (1) Auto Dealers Pty Ltd of 511-515 Botany Road, Zetland, being granted a lease under Part 10 Division 2 of the Roads Act 1993 over part of the re-aligned portion of Botany Road, adjoining their property as shown stippled on Plan No. S4-130/798 and subject to the conditions in the schedule, accompanying the Director's report;
- (2) the date of the commencement of the lease to be the date of signing of the lease agreement by Council;
- (3) all relevant documents and plans being signed by Council's Attorney.
- (4) this approval lapsing six (6) months from the date of Council's approval to the granting of a lease if the applicant has failed to sign the lease agreement;
- (5) the rental being set at \$7,500 per annum plus CPI variations.

(DPW&S Report 12.3.01)

Carried.

18.3. LEASING – OXFORD STREET 66, DARLINGHURST SUITE 3, LEVEL 2 – LEASE TO BOUTIQUE HOTELS (2008986)

That arising from consideration of a report by the Acting Director of Corporate Services dated 8 February 2001, approval be given to the following in connection with Boutique Hotel Pty Ltd's lease of Suite 3, Level 2, No. 66 Oxford Street, Darlinghurst.

- (a) the existing lease be terminated as and from 28 February 2001, and
- (b) a one (1) year lease with a one (1) year option be offered to the Company at a rental of \$26,454 per annum gross commencing on 1 March 2001, subject to the following conditions, namely;
 - (1) that the rental be reviewed by CPI at the commencement of the Option period, if exercised;
 - (2) the existing Bank Guarantee be retained together with Personal Guarantees;

GENERAL MANAGER

- (3) that any proposed alterations or Development Applications for the leased premises, including refurbishment, fit-outs, etc by the Lessee during the term of the Lease period, must first be submitted to the Property Branch Manager prior to any submissions of plans , etc. to Council's Planning and Building Department for Statutory approvals.
- (4) that the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease;
- (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.
- (7) that this approval lapses one (1) month from the date of Council's approval to the granting of the Lease, if the Lessee's has failed to provide the security deposit and/or Public Liability Insurance as required, or failed to execute the Lease document;
- (8) this lease is subject to the Goods and Services Tax.

Carried.

18.4.

LICENSING – MCLACHLAN AVENUE, NOS. 66-72, SHOP 1, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2006536)

That approval be given to:-

- (1) the termination of the Licence Agreement with Edna Fashions Pty Ltd over an area of 6 square metres of the footway of McLachlan Avenue adjacent to 'The Good Roll', at Shop 1, No. 66-72 McLachlan Avenue, Darlinghurst;
- (2) the granting of a licence to Janine Maree Mardini and Peter Norman McFarlane over an area of 6 square metres of the footway of McLachlan Avenue adjacent to Fussy at Shop 1, Nos. 66-72 McLachlan Avenue, Darlinghurst as shown stippled on Plan No. S4-130/582B and subject to the conditions in the schedule accompanying the Director's report;
- (3) the Licence in (1) above terminating on 9 November 2000 and the Licence in (2) commencing on 10 November 2000;
- (4) 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;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report the

GENERAL MANAGER

Licensee executing the licence agreement, and the issuing of written permission to occupy the site;

- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) 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.

(DPWS Report 16.2.01)

Carried.

At this stage and at 6.16 p.m. Councillor Furness arrived.

18.5.

LICENSING – BAYSWATER ROAD, NO. 40, POTTS POINT – PROPOSED FOOTWAY LICENCE

That approval be given to:-

- (1) the granting of a licence to Diamonz Pty Limited over an area of 42 square metres of the footway of Bayswater Road adjacent to Ja'vu at No. 40 Bayswater Road, Potts Point as shown stippled on Plan No S4-130/537D and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8, in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) the total number of patrons and staff accommodated in/on the restaurant premises and adjacent footway licenced area at any one time be restricted to no more than one hundred (100) and any breach of this restriction be liable to termination of the Licence Agreement;
- (7) 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

GENERAL MANAGER

and/or public risk insurance as required by Conditions 7 and 8, in the schedule accompanying the Director's report or failed to execute the licence agreement.

- (8) The Director of Public Works and Services to submit a report on the Policy of Buskers and Entertainers performing in the South Sydney area, particularly in areas where footway licenses operate.

(DPWS Report 16.02.01)

Carried.

18.6.

LEASING – HOURIGAN LANE, POTTS POINT – PROPOSED LEASE (P06-00328)

That approval be given to:-

Advertising and action to be taken for the proposed lease, under Section 153 of the Roads Act 1993, of Hourigan Lane, Potts Point, as shown on Plan No. S4-130/805 and that a further report be submitted to Council at the end of this period.

(DPWS report 27.02.01)

Carried.

18.7.

LICENSING – COWPER WHARF ROADWAY, NO 7-41, SHOP 6, WOOLLOOMOOLOO – PROPOSED FOOTWAY LICENCE (L56-00321)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw.

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, Woolloomooloo 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.

(DPW&S Report 15.01.01)

Carried.

18.8.

LICENSING – FOOTPATH RESTAURANT LICENSES – REVIEW OF POLICY (L56-00532)

That the matter be deferred and the Director of Public Works and Services submit reports in respect of the following, namely:-

- (1) a legal opinion be sought on the consequences, if any, and the interpretation of the Act with respect to legislation of using footpath licensed areas, other than for food consumption;
- (2) lessees who make application for a footway license without the consent of the owner.

Carried.

18.9.

LICENSING – CROWN STREET, NO. 368, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2023882)

That approval be given to:-

- (1) the granting of a licence to William Matthews and Jason Leppa over an area of 4 square metres of the footway of Crown Street adjacent to Vesbar Café at No. 368 Crown Street, Surry Hills as shown stippled on Plan No. S4-130/797A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement.

(DPWS Report 21.02.01).

Carried.

18.10.

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

That for the reasons set out in the report by the Acting Director of Corporate Services sated 5 March 2001, a Notice to Vacate the premises Nos. 147-179, Broadway, Ultimo, be served to the Occupier of those properties stating that they are required to

GENERAL MANAGER

vacate the area on or before 16 May 2001, so that Council may fulfil its contractual obligations with Australand Holdings Limited.

Carried.

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

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY 7 MARCH AT 7.03 PM

In accordance with Section 10D of the Local Government Act 1993, the Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matters) during consideration of the undermentioned Item, and further, access to correspondence and reports being withheld in respect of such Item because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason for the press and public being excluded from the above mentioned Item in accordance with section 10A(2)(a) of the Local Government Act 1993, is as follows, namely:-

Item 1 - Personnel Matter concerning particular individuals.

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 7 March 2001, be received and the recommendation set out below for Item 1 be adopted.

1.

ADMINISTRATION – PLANNING AND BUILDING DEPARTMENT – TOWN PLANNERS – REMUNERATION INCREASE – ALL COUNCIL EMPLOYEES GRADES 14 TO 18 – CONTRACT EMPLOYMENT – FURTHER REPORT. (2005999)

That the matter be deferred to the Management Review Weekend on 6 - 8 April 2001 for discussion.

The Finance Committee (Confidential Matter) Meeting terminated at 7.05 p.m.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

7 March 2001

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

At the commencement of business at 7.05 p m those present were -

Councillors:- Furness, Mallard, Pooley and Shaw

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

That the Report of the Community Services Committee of its meeting of 7 March, 2001, be received and the recommendations set out below for Items 1 and 2 and 4 - 9, inclusive, be adopted. The recommendation set out below for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

PARKS – SHANNON RESERVE PLAYGROUND, SURRY HILLS – REMOVAL OF SEAT - QUESTION WITHOUT NOTICE – COUNCILLOR HARCOURT (2002577)

- (1) That the seat just behind the playground in Shannon Reserve, Surry Hills, which is partially concealed from the road, be removed to deter loitering by drug users.
- (2) That Council not erect a fence and gate around the playground in Shannon Reserve, Surry Hills.

(DPWS report 26.2.01)

Carried.

GENERAL MANAGER

2.

PARKS – JOHN STREET, CORNER OF ERSKINEVILLE ROAD, ERSKINEVILLE – NAMING – MAUREEN OLIVER PARK (2020952)

That arising from consideration of a report by the Director of Public Works and Services dated 20 February 2001, approval be given to the park on the corner of John Street and Erskineville Road, Erskineville being named the Maureen Oliver Park

(DPWS Report 28.02.01)

Carried.

3.

PARKS – SYDNEY PARK – DOGS – CHANGES TO COMPANION ANIMALS MANAGEMENT PLAN – MARCH 2000 (H51-00199)

That arising from consideration of a report by the Director of Public Works and Services dated 20 February 2001, approval be given to amend the South Sydney Companion Animals Management Plan 1999 to allow dogs to be off leash at any time over the whole area of Sydney Park except where dogs are banned. Dogs are Banned from Allan Davidson Oval and within 10m from children's play areas, picnic areas and barbecue areas.

(DPW&S Report 20.02.01)

At the request of Councillor Pooley, and by consent 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 option (A) as detailed in the report by the Director of Public Works and Services dated 20 February 2001, namely:-

“Retain off leash area boundaries in their current positions” be approved and adopted.

Motion as amended by consent, carried.

4.

COMMITTEE – HEALTHY OLDER PEOPLE PROGRAM COMMITTEE – MINUTES OF MEETING HELD 13 FEBRUARY 2001 (2018510)

That the report by the Director of Health and Community Services dated 21 February 2001, and the accompanying minutes of the Healthy Older People program Committee held on 13 February 2001, be received and that the undermentioned recommendation of the Committee, be adopted, namely:-

“the nomination of Anne Keeling, Healthy Older People Worker, to the Central Sydney Health Promotion’s Tai Chi Research Advisory Group”

Carried.

5.

COMMITTEE – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES – MINUTES OF MEETING HELD 13 FEBRUARY 2001 (2017377)

That the report by the Director of Health and Community Services dated 20 February 2001, and the accompanying minutes of the Access Committee for People with Disabilities held on 13 February 2001, be received and that the undermentioned recommendation of the Committee be adopted, namely:-

That arising from the minutes of the Council’s Access Committee of People with Disabilities Committee meeting of 13 February 2001, approval be given to a letter being forwarded to the Minister for Urban Affairs and Planning expressing concern about private certifiers conforming to regulations relating to people with disabilities before issuing compliance certificates (CC).

Carried.

6.

PERSONNEL – STUDENT WORK EXPERIENCE - ABORIGINAL YOUTH (2023449)

That the joint report dated 1 March 2001 by the Director of Health and Community Services and the Director of Public Works and Services aimed at making school a more meaningful option for Aboriginal Youth, be received and noted.

Carried.

7.

DONATIONS – COMMUNITY GRANTS PROGRAM – SECOND ROUND OF APPLICATIONS - REPORT (2002408)

That for the reasons set out in the report by the Director of Health and Community Services dated 1 March, 2001 approval be given, on a trial basis only, for a second round of applications to be received under the 2001/2002 Community Annual Grants Program.

Carried.

8.

**DONATIONS – REQUEST FOR IN-KIND SUPPORT FOR REDFERN
NEIGHBOURHOOD ADVISORY BOARD’S INFORMATION DAY, - 5 MAY 2001**

That arising from consideration of a report by the Director of Health and Community Services dated 1 March 2001, approval be given to the in-kind support of bbq's, shade canopies, trestles, rubbish bins on 5th May 2001 and the waiving of advertising fees for road closure of Morehead Street, Redfern to the value of approximately \$400 as a Section 356 of the Local Government Act, 1993, Donation to the Redfern Neighbourhood Advisory Board.

Carried.

9.

**STREETS – DECORATIONS - AUSTRALIA TIBET COUNCIL – REQUEST TO FLY
TIBETAN FLAG - ERSKINEVILLE TOWN HALL - 10 MARCH 2001**

That confirmatory approval be given to fly the national flag of Tibet at Erskineville Town Hall on 10 March 2001, Tibet’s National Day, as a focus for raising support and awareness for the Tibetan struggle for freedom and fundamental human rights.

(DPWS Report 27.2.01)

Carried.

The Community Services Committee Meeting terminated at 7.28 p.m.

Carried.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

7 March 2001

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

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

At the commencement of business at 6.42 pm, those present were -

The Mayor and Councillors – Bush, Harcourt, Lay and 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 7 March 2001, be received and the recommendations set out below for Items 2,4,6,9, 12,13,15 and 19 inclusive, be adopted. The recommendations for Items 1,3,7,8,10,11, 14 and

GENERAL MANAGER

16 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ERSKINEVILLE ROAD, NO. 65, ERSKINEVILLE – SECTION 96 AMENDMENT APPLICATIONS (2) (U99-00603)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the Section 96 amendment applications submitted on 7 September 2000 and 12 December 2000 seeking permission to amend the consent granted by the resolution of 16 September 1999, be deferred to the next Planning and Development Committee meeting to be held on 21 March 2001, to allow for a site inspection by all Councillors to be carried out.

Carried.

2.

BILLYARD AVENUE, NO. 27, ELIZABETH BAY – EXPANSION OF EXISTING LOFT TO PROVIDE A BEDROOM, BATHROOM AND ROOF DECK, REMOVAL OF EXISTING TURRET STRUCTURE, DELETION OF CANTILEVERED SECTION OF PREVIOUSLY APPROVED BALCONIES ON NORTH – WESTERN CORNER OF BUILDING – DEVELOPMENT APPLICATION (U00-01050)

That the application submitted by Gary Baker for permission to remove the existing turrets structure and cantilevered section of balconies in the north-western corner of the building, be deferred as requested by the applicant in fax dated 7 March 2001.

Carried.

3.

MITCHELL ROAD, NOS. 358-360, ALEXANDRIA - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF EIGHT UNITS AND TORRENS TITLE SUBDIVISION - DEVELOPMENT APPLICATION (U00-01144)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Baker Kavanagh Architects, with the authority of Joseph Touma, to demolish the existing buildings on the site, erect eight residential units and to subdivide the

site via Torrens Title 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 \$18,150 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$2,200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered A03b, A04b, A05b, A06b dated 15 January, 2001 and 12 January, 2001, A079, dated 22 September, 2000;
- (4) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (5) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (6) That domestic refuse bins shall be presented for collection kerbside in Belmont Lane on Monday and Thursday evenings for Tuesday and Friday morning collection and the bins shall not to be stored on footway after collection days;
- (7) That recycling bins shall be presented for collection kerbside in Belmont Lane on Thursday evening for Friday morning collection and the bins shall not to be stored on footway after collection days;
- (8) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on Drawing A 07 a by Baker Kavanagh Architects. Installation of species are to be in keeping with the species, size and quantities listed on the Drawing;

- (9) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes;
- (10) That all garage openings to Belmont Lane have a minimum width of 3m;
- (11) That Unit 1 is to have R1.5 roof insulation and foil in walls;
- (12) That Units 2, 3, 4, 5, 6 and 7 are to have foil in the roof;
- (13) That Unit 8 is to have foil in roof and walls, and R1.0 ceiling insulation;
- (14) That all conditions and recommendation contained in site audit Statement No.SA35 and the summary Site Audit Report dated June, 2000 prepared by Christopher Jewell of CM Jewell and Associates Pty Ltd are to be complied with;
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (16) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (17) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (18) 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 proposed mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	All required mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.

- (19) 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;
- (20) That the use of the premises shall not give rise to:

- Transmission of “offensive noise” to any place of different occupancy, **and**
- A sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{A10, 15min}$ and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, **and**
- A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy.

and the following standard adopted conditions:

- (21) Stormwater Connection Fee⁵
- (22) Street Number Application¹²³
- (23) Display Street Number¹²⁴
- (24) Builders Hoarding Permit¹⁰⁰⁸
- (25) Road Opening Permit³⁰²⁵
- (26) Footway Crossing³⁰²⁸
- (27) Obstruction of Public Way³⁰²⁹
- (28) Delivery of Construction Materials³⁰³²
- (29) Stormwater Standard⁴⁰⁰¹
- (30) Clean Water Discharge⁴⁰⁰²
- (31) Connection to Council’s Stormwater System⁴⁰⁰⁵
- (32) Street Trees⁵⁰⁰⁸
- (33) On Slab Planting⁵⁰¹³
- (34) Maintenance of Landscaping⁵⁰¹⁴
- (35) Final Inspection⁵⁰¹⁵
- (36) Garbage on Public Way⁶⁰⁰¹
- (37) Refuse Skips⁶⁰⁰²

- (38) Recycling⁶⁰⁰⁷
- (39) Drainage Design Certificate⁹⁰¹¹
- (40) Stormwater Design Certificate⁹⁰¹⁴
- (41) Stormwater Certificate at Completion⁹⁰¹⁶
- (42) Construction Hours⁹¹⁵¹
- (43) Works Within Boundary⁹¹⁵²
- (44) Work on Public Way⁹¹⁵⁴
- (45) Comply With BCA⁹¹⁰⁴
- (46) Construction Certificate Required⁹¹⁵⁵
- (47) Comply With the WorkCover Authority⁹¹⁰⁵
- (48) Construction Hours⁹¹⁵¹
- (49) Building/Demolition Noise Control⁹¹⁵⁶
- (50) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (51) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (52) Excavations and Backfilling⁹¹⁶⁰
- (53) Excavations and Backfilling Safely⁹¹⁶¹
- (54) Guarding of Excavations⁹¹⁶²
- (55) Demolition to Comply With Aust Standard⁹¹⁶³

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

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

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 in respect of the proposal be advised of Council's decision.

It was moved by Councillor Lennon, that the motion be amended by the deletion of the whole of the resolution and the matter be deferred.

Motion lapsed through want of a seconder.

Carried.

4.

KING STREET, NO 145, NEWTOWN – ENCLOSURE OF BALCONY OF MARLBOROUGH HOTEL ALONG MISSENDEN ROAD AND CONSTRUCT NEW SEATING AREA - DEVELOPMENT APPLICATION (U00-01389)

That the development application submitted by J J O'Brien (owner) for permission to enclose a balcony and construct associated seating area, be deferred as requested by the applicant in fax dated 6 March 2001.

Carried.

5.

CHARLES STREET, NO. 33, ERSKINEVILLE – ALTERATIONS AND ADDITIONS TO DWELLING – DEVELOPMENT APPLICATION (U00-01385)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 28 February 2001.

Carried.

6.

CROWN STREET, NOS.587-591, SURRY HILLS (CROWN HOTEL) - USE OF FIRST AND SECOND FLOOR AS BACKPACKERS - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-01279)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Winwin Pty Ltd, with the authority of H Savage, for permission to use the first and second

floor of the premises as backpackers, subject to the following conditions, namely:-

- (1) That the number of beds must be reduced to allow for a minimum of 3.25 square metres of floorspace per occupant. To this end the number of beds in the room in the south eastern corner of the first and second floors, shall be reduced to 5 beds and the number of beds in the north eastern corner on the second floor shall be reduced to 4 beds;
- (2) That the backpackers accommodation shall have an on-site manager present on site at all times.
- (3) That the development shall be generally in accordance with unnumbered first and second floor plans;
- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$7,541	2E97003.BGY0
Open Space: New Parks	\$35764	2E97009.BGY0
Accessibility And Transport	\$224	2E97006.BGY0
Management	\$578	2E97007.BGY0
Total	\$44,107	

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

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

where:

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

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

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

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

Part B

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

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

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

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

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

Note:-

Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set

GENERAL MANAGER

against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (5) That the storage and handling of garbage and recycling materials shall comply with the requirements of Council's Waste Management/Minimization Fact Sheets;
- (6) That a garbage/recycling materials room or a 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/Minimization Fact Sheets;
- (7) That the first floor toilets be provided with airlocks in accordance with Building Code of Australia and Council's Places of Shared Accommodation policy;
- (8) That the window in the first floor tea and toast room area shall be provided with a fly screen in accordance with Section 9 of Council's Health Policy for Places of Shared Accommodation;
- (9) That the premises must be kept in a state of good repair at all times;
- (10) That an adequate supply of clean bed linen must be provided for each resident or guest;
- (11) That the bedrooms are to be provided with adequate space and facilities for guests to store clothes and other belongings;
 - (a) That a schedule showing the numeral designating each bedroom/dormitory and the number of persons permitted to be accommodated in each to be conspicuously displayed on the premises.
 - (b) That each bedroom shall be numbered in accordance with the schedule and display clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.
 - (c) That a sign indicating the permissible maximum length of time a person may board or lodge in the premises to be conspicuously displayed to public view outside the premises.
- (12) The use of the premises shall not give rise to:-
 - Transmission of "offensive noise" to any place of different occupancy,
 - A sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall

be assessed as an $L_{A10, 15min}$ and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content,

- A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy.
- (13) That a Management Plan for Places of Shared Accommodation be submitted to Council's Health and Community Services Department for approval prior to the submitted to the submission of the Construction Certificate. The Places of Shared Accommodation Management Plan shall provide a comprehensive and complete action and implementation plan, to ensure that lodgers and neighboring premises and the local community are not adversely impacted by the proposal. The places of Shared accommodation management plan shall include, but not be necessarily limited to, the following:
- (a) measures to control noise emissions from persons on the premises;
 - (b) measures to control refuse/recycling collection times.
- (14) That a total number not exceeding 34 persons to be accommodated in the premises be in accordance with Council's Health Policy for "Places of Shared Accommodation", Section 4, based on a total of 2 square meters per person;
- (15) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	The garbage room.	SSCC Waste Management/Minimisation Fact Sheets.
(ii)	The recycling storage area.	SSCC Waste Management/Minimisation Fact Sheets

and the following adopted standard conditions:-

- (16) No Live Entertainment¹⁰⁷
- (17) Separate Application for Signs²⁰⁰¹
- (18) Garbage on Public Way⁶⁰⁰¹
- (19) Recycling⁶⁰⁰⁷

(20) Emissions⁷⁰⁰⁴

- (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.

7.

DEVINE STREET, NO.10, ERSKINEVILLE - DEMOLITION OF COTTAGE AND ERECTION OF TWO TOWN HOUSES - DEVELOPMENT APPLICATION (U00-01284)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the development application submitted by Cracknell Lonergan Architects, with the authority of A & A Aristides and T & F Vasilopoulos for permission to demolish a cottage and erect two townhouses, be deferred for the applicant to provide further heritage assessment as outlined in Council's letter dated 13 December 2000. Dependent upon this information amended plans be submitted providing for two infill two storey terraces with attics (if desired) in accordance with the design guidelines in DCP 1997 and deleting the proposed two off street car parking spaces.

Carried.

8.

CLEVELAND STREET, NOS. 470-472, SURRY HILLS – EXPAND REFRESHMENT ROOM OPERATIONS AND HOURS OF OPERATION – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U99-00414)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Sedev Grewal, with the authority of S & M Constructions and Ms L E Gore and Ms R V Nickson, to operate a 54 seat restaurant between 8:00am and 12-midnight, seven days a week, subject to the following conditions, namely:-

- (1) That this approval is not construed to be an approval of the illegal building work identified on the plans by red hatching;

GENERAL MANAGER

- (2) 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;
- (3) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$126	2E97003.BGY0
Open Space: New Parks	\$506	2E97009.BGY0
Accessibility And Transport Management	\$ 4	2E97006.BGY0
	\$ 16	2E97007.BGY0
Total	\$652	

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

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

where:

- C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being December Quarter 2000/2001.

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

Payment shall be before the release of the Construction Certificate.

Note:-

GENERAL MANAGER

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

Part B

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

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

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

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

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

Note:

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

- (4) That, except as limited by Condition 1, the development shall be generally in accordance with the plans labelled by Council "DA01 and "DA02" dated February 1999, except as conditioned elsewhere;

- (5) That a structural certificate completed by a Council registered engineer shall be submitted for those illegal building works hatched in red on the plans labelled by Council "DA01" and "DA02";
- (6) That the hours of operation shall be restricted to the following:

DAY	Opening Time	Closing Time
Monday	8:00am	12-Midnight
Tuesday	8:00am	12-Midnight
Wednesday	8:00am	12-Midnight
Thursday	8:00am	12-Midnight
Friday	8:00am	12-Midnight
Saturday	8:00am	12-Midnight
Sunday	8:00am	12-Midnight

- (7) That before issuing the Occupation Certificate, details shall be provided showing compliance with the Health Order issued by Council on 22 December 2000 under s.124.20 and 132 of the Local Government Act, 1993 (ref: 2006276/rje/spa/95583/o/171/99);
- (8) That before issuing the Occupation Certificate, a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Waste Minimisation Fact Sheets. Details of the garbage room or garbage receptacle storage area shall be provided in the plans lodged with the Construction Certificate;
- (9) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or accredited certifier for approval prior to the issue of a Construction or Occupation Certificate:-
- (i) all required mechanical ventilation systems;
 - (ii) the garbage room;
 - (iii) 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
- (10) 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 proposed mechanical ventilation systems	Building Code of Australia and AS1668.1 & 2
(ii)	All required mechanical	Building Code of Australia

	ventilation systems	and AS1668.1 & 2
--	---------------------	------------------

- (11) That all loading and unloading operations shall be carried out via the entrance in "Cartmore Lane";
- (12) That the first floor levels in Nos. 468, 470, and 472 Cleveland Street shall be used for residential purposes only;
- (13) That no more than two spaces with dimensions 2.5 metres by 5.6 metres shall be provided on site for the purpose of delivery vehicles associated with the operation of the premises. Details to be submitted in the plans lodged for the Construction Certificate;

NOTE: That the applicant/operator is advised that, until such time as all conditions requiring development work are satisfied, the operation of the premises is to be restricted to the conditions of consent contained within development application U91-00252. Failure to comply with this consent will result in legal proceedings by council.

- (14) That before the release of the Occupation Certificate, a fence shall be constructed along the length of Cartmore Lane at the rear of 468, 470, and 472 Cleveland Street to the following specifications shown and detailed in the plans lodged for the Construction Certificate:-
 - (i) That the height of the rear fence shall be between 1.8 metres and no higher than 2.5 metres;
 - (ii) That the fence shall be constructed of masonry or timber;
 - (iii) That an opening no wider than 5 metres shall be made in the fence within 300mm of the side boundary with 466 Cleveland Street;
 - (iv) That the opening shall have a door that either slides or rolls away to allow vehicles to enter and exit the site;
 - (v) That the door shall be kept close at all times, unless for the purpose of vehicular egress;
 - (vi) That should there be a need for a doorway for pedestrians, this shall be an openable door within the confines of the vehicular door and shall not be accessible by the general public.
- (15) That no more than 54 patrons shall be seated on site;
- (16) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Council or Sydney Water (call 13 20 92).

Following application a "Notice of Requirements" will detail water and

sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the linen plan;

- (17) 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 openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (c) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (i) a door which can at all times be opened from inside without a key;
 - (ii) an approved alarm device located outside but controllable only from within the chamber;

The door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.2 of the BCA;

- (d) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (e) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;
- (f) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (g) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) 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 a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (j) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (k) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (l) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.

The system shall comply with a standard of Installation and Maintenance in accordance with the requirements of Australian Standard 2118 and be connected to the NSW Fire Brigade.

Certification shall be provided by the installer of the sprinkler system that the entire system is installed in accordance with the provisions of Australian Standard 2118;

- (m) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (i) Plasterboard;
 - (ii) Perforated gypsum lath with a normal paper finish;
 - (iii) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (iv) Fibre-reinforced cement sheeting;
 - (v) Any other material, upon formal application, that is subsequently approved by Council;
- (n) That the doors of the following rooms shall be at least of solid core construction and fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation:
 - (i) store rooms/cleaners room;
 - (ii) storage cupboards in egress paths;
 - (iii) all doors to kitchen, eating or sitting rooms;
 - (iv) all doors to sole occupancy units not in the stair enclosure;
 - (v) all doors to sole occupancy units.
- (o) That good housekeeping shall be maintained at all times;

- (p) That egress paths are to be kept free of obstructions/storage at all times;
- (q) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly;
- (r) The certificate shall be in the form of a typed report providing the following minimum requirements:-
 - (i) the electrical contractors licence number;
 - (ii) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (iii) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
 - (iv) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

-alternatively, a report from Energy Australia would satisfy the above requirements;

- (s) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (t) Proposed bedroom 5 shall not be used as a habitable room;
- (u) That bedroom 1 of number 472 Cleveland Street shall be redesigned to comply with natural light and ventilation requirements of Part F.4 of the Building Code of Australia;
- (v) Sanitary facilities shall be redesigned to comply fully with the requirements of Part F.2.1 of the Building Code of Australia

and the following adopted standard conditions:-

- (18) Separate Application for Signs²⁰⁰¹
- (19) Lighting on Signs²⁰⁰²
- (20) Signs/Goods on Footpath²⁰⁰³
- (21) Intensity of Sign Lighting²⁰⁰⁴
- (22) Limits on Signage²⁰⁰⁵

- (23) Loading Within Site³⁰¹⁴
- (24) Loading/Parking kept clear³⁰¹⁶
- (25) Obstruction of Public Way³⁰²⁹
- (26) Delivery of Construction Materials³⁰³²
- (27) Commercial Garbage Contract⁶⁰⁰³
- (28) Commercial Garbage Storage⁶⁰⁰⁴
- (29) Emissions⁷⁰⁰⁴
- (30) Sanitary Facilities⁷⁰¹⁶
- (31) Fitout of Food Premises⁷⁰²⁰
- (32) Air Handling - Food⁷⁰²²
- (33) Ventilation⁷⁰²³
- (34) Noise⁷⁰²⁸
- (35) Sewer Discharge⁸⁰⁰⁴
- (36) Comply With BCA⁹¹⁰⁴
- (37) Works Within Boundary⁹¹⁵²
- (38) Construction Certificate Required⁹¹⁵⁵
- (39) Comply With the WorkCover Authority⁹¹⁰⁵
- (40) Drainage Details with Construction Certificate⁹⁰¹³
- (41) Structural Design Certificate⁹⁰⁰⁶
- (42) Construction Hours⁹¹⁵¹
- (43) Building/Demolition Noise Control⁹¹⁵⁶
- (44) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (45) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (46) Commencement of Structural Works⁹²⁰²
- (47) Glazing Provisions⁹³³⁰

(48) Issue of Occupation Certificate⁹¹⁰¹

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 should the operation of the premises continue without satisfying the conditions of this consent, then the matter shall be forwarded to Council's solicitors to proceed with legal action against the operator of the site.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

WILSON STREET, NO. 372, DARLINGTON – MODIFY ROOF TO REAR GARAGE – SECTION 96 APPLICATION

That the application to modify the rear garage submitted by Mr Michiel Gerber with the authority of Victoria Monk and Elizabeth Hayes, be deferred as requested by the applicant in fax dated 6 March 2001.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the word "deferred" where appearing in the second line of the motion and the insertion of the word "withdrawn".

Motion, as amended by consent, carried.

10.

RENWICK STREET, NO. 72, REDFERN - ERECTION OF COMMERCIAL AND RESIDENTIAL BUILDING - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00560)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

- (A) That the Council as the responsible authority grants its deferred commencement consent under Clause 80(3) of the Environmental Planning and Assessment Act, with the authority of the Metropolitan Local Aboriginal Land Council, for permission to demolish an existing building and construct a four level building containing commercial space and three residential flats, subject to the following conditions, namely:-
 - (1) That the consent shall not become operative until amended plans have been submitted and approved by the Director of Planning and Building

GENERAL MANAGER

redesigning the roof in accordance with condition (8) and details of finishes and colours in accordance with condition (8). In redesigning the roof the covering over the common roof terrace shall be deleted and the pergola over the terrace to the studio shall be set back a minimum of 4m;

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the development consent, 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 \$400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Prog	\$1178	2E97003.BGY0
Open Space: New Parks	\$ 5575	2E97009.BGY0
Accessibility And Transport	\$ 35	2E97006.BGY0
Management	\$ 90	2E97007.BGY0
Total	\$ 6878	

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

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

where:-

C is the original contribution amount as shown above;

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

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

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

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

Part B

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Admin Centre	\$1760	2E97008.BGY0

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

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

where:

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

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

- (6) That the development shall be generally in accordance with plans numbered DA01, dated February 2001 as amended in accordance with the following undermentioned conditions;
- (7) That the first floor level shall match the first floor level of the adjacent terrace house;
- (8) That the roof shall be redesigned to minimise mid winter overshadowing of 42-50 Turner Street;
- (9) That a detailed colour scheme which includes finishes and materials shall be submitted and approved prior to the issue of a construction certificate;

GENERAL MANAGER

- (10) That the common terrace at the northern end of the third floor shall be shown as common property in any strata subdivision;
- (11) That the private deck on the southern side of the top floor shall be screened on its western side;
- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (13) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (14) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (17) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (18) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (19) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);

- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (22) That all relevant sections of the BCA shall be complied with;
- (23) That the building shall be provided with solar water heating;
- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (25) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (26) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (27) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (28) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (29) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (30) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That all relevant sections of the BCA shall be complied with;
 - (b) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
 - (c) That the requirements of the Work Cover Authority shall be complied with;

- (d) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (e) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (f) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (g) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (h) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (i) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (j) That the demolition work shall comply with Australian Standard 2601-1991;
- (k) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia.

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated material, building materials or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system⁴ 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 motion.

GENERAL MANAGER

11.

OXFORD STREET, NO. 257A, PADDINGTON - DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF A 4 STOREY COMMERCIAL DEVELOPMENT WITH CAR PARKING - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00121)

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Lippman Associates, with the authority of Mr H Studniberg and Judi Hausman, to demolish the existing commercial building and erect a four storey commercial development, 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 \$26, 400 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
 - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3,200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
 - (3) That the development shall be generally in accordance with plans numbered 99019/DA01 to 99019/DA07, dated 1 December 1999, Revision A dated 26.10.2000, except as amended by the conditions of this consent;
 - (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$1,114	2E97003.BGY0
Open Space: New Parks	\$4,476	2E97009.BGY0
Accessibility And Transport	\$ 32	2E97006.BGY0

GENERAL MANAGER

Management	\$ 145	2E97007.BGY0
Total	\$5,768	

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

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

where:

Cis the original contribution amount as shown above;
 CPI2is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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

Payment shall be made before the release of the construction certificate

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

Part B

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

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

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

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

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

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

- (5) That a dilapidation survey is to be conducted on all structures surrounding the site (i.e. 2 Renny Lane, 257 Oxford Street, 13 Oatley Road, 20A Renny Lane, 32-42 Renny Street) prior to excavation commencing. A report is to be submitted to Council's satisfaction prior to the release of the Construction Certificate,
- (6) That garbage shall not be collected from the site between 6.00 pm and 7.00 am on any day;
- (7) That the decks on the ground, first and second floors which overlook Renny Lane are to have either a raised planter or 1.8m high privacy screen on the south western side facing Renny Lane,
- (8) That the high level fixed glazing and roof strip glazing is to be obscure glazed;
- (9) That the applicant is advised that this application has not been assessed for compliance with the Building Code of Australia,
- (10) That the hours of operation shall be restricted to between 8.30 a.m. to 5.30 p.m. Mondays to Fridays;
- (11) That a maximum of 8 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;
- (12) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and

public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;

- (13) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (14) That approval is required by the Department of Public Works and Services before any trees are pruned or removed from the site;
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (16) That the car park shall be ventilated in accordance with AS1668;
- (17) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (18) That prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:
 - (i) measures to control noise emissions from the site,
 - (ii) measures to suppress odours and dust emissions,
 - (iii) soil and sediment control measures,
 - (iv) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (v) community consultation.
- (19) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (20) That the garbage/recycling room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;

- (21) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:

- (i) Construction periods of 4 weeks and under;

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

- (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks;

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

- (22) 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;
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	all proposed mechanical ventilation systems	Building Code of Australia and AS1668.1 & 2.
(ii)	The garbage/recycling room	South Sydney City Council Waste Management /Minimisation Fact Sheets.

and the following adopted standard conditions:

- (24) Comply With BCA⁹¹⁰⁴
- (25) Construction Certificate Required⁹¹⁵⁵
- (26) Comply With the WorkCover Authority⁹¹⁰⁵
- (27) Structural Design Certificate⁹⁰⁰⁶
- (28) Building/Demolition Noise Control⁹¹⁵⁶

- (29) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (30) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (31) Excavations and Backfilling⁹¹⁶⁰
- (32) Excavations and Backfilling Safely⁹¹⁶¹
- (33) Guarding of Excavations⁹¹⁶²
- (34) Demolition to Comply With Aust Standard⁹¹⁶³
- (35) Construction Hours⁹¹⁵¹
- (36) Consolidate Lots¹²²
- (37) Display Street Number¹²⁴
- (38) Builders Hoarding Permit¹⁰⁰⁸
- (39) Shoring¹⁰¹²
- (40) Road Opening Permit³⁰²⁵
- (41) Obstruction of Public Way³⁰²⁹
- (42) Delivery of Construction Materials³⁰³²
- (43) Stormwater Standard⁴⁰⁰¹
- (44) Clean Water Discharge⁴⁰⁰²
- (45) Overland Flowpaths⁴⁰⁰⁴
- (46) Connection to Council's Stormwater System⁴⁰⁰⁵
- (47) Landscape Plan⁵⁰⁰¹
- (48) On Slab Planting⁵⁰¹³
- (49) Maintenance of Landscaping⁵⁰¹⁴
- (50) Final Inspection⁵⁰¹⁵
- (51) Garbage on Public Way⁶⁰⁰¹
- (52) Refuse Skips⁶⁰⁰²
- (53) Commercial Garbage Contract⁶⁰⁰³

- (54) Commercial Garbage Storage⁶⁰⁰⁴
- (55) Garbage/Recyclable Material Room⁶⁰¹⁰
- (56) Drainage Design Certificate⁹⁰¹¹
- (57) Stormwater Certificate at Completion⁹⁰¹⁶
- (58) Works Within Boundary⁹¹⁵²
- (59) Work on Public Way⁹¹⁵⁴
- (60) That the landscaping area at the garage/basement level fronting Renny Lane shall be planted with advanced stock of trees capable of achieving a minimum height at maturity of 8m and the planter bed on the ground floor plan above this area only shall be deleted;
- (61) That all landscaping areas, including planters to decks, shall be provided with an automatic irrigation system;
- (62) That the fixed glass to the stair of the second floor (ie the top storey) facing Renny Lane shall be opaque glass;
- (63) That all lights within the building are to be switched off by 8.00 p.m.

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

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

- (B) That the applicant be requested to liaise with the developers of the adjoining site to the west to investigate and implement ways to minimise disruption to residents of the area during construction activities.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

DALMENY AVENUE, NOS. 83-93, ROSEBERY – INSTALLATION OF FOURTEEN SATELLITE DISHES ON THE RESIDENTIAL COMPLEX - DEVELOPMENT APPLICATION (U00-01370)

- (A) That the Council as the responsible authority, grants its consent to the application submitted by Professional Adaptive Electronics Pty Ltd, with the authority of the Owners Strata Plan 53194, for permission to install fourteen

GENERAL MANAGER

satellite dishes on the residential complex subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$330 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That the development shall be generally in accordance with plans numbered 01370/00 dated 14 December, 2000, except where amended by the conditions of consent;
- (3) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

This does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
- (4) That structural details and certificate from a qualified structural engineer shall be submitted prior to commencement of work, certifying that the design is in accordance with the relevant Australian Standards;
- (5) That the 2x3.0m (dia) dishes on the western side of building K2 shall be reduced in size to a maximum of 2.3m (dia);
- (6) That the 2x3.0m (dia) & 2x2.3m (dia) dishes located on building K2 shall be relocated to the flat area of the roof of this building (near to the location of the 1.8m (dia) dish);
- (7) That the 1.5m (dia) dishes on buildings M & P shall be relocated to a similar position at the northern end of these buildings;
- (8) That all of the satellite dishes shall be suitably coloured to blend in with the building/roof colour;
- (9) That documentary evidence shall be submitted with the Construction Certificate of approval for the proposed satellite dishes to exceed the Air Navigation (Building Control) Regulation height limit of 15.24m;

and the following adopted standard conditions:

GENERAL MANAGER

- (10) Obstruction of Public Way³⁰²⁹
- (11) Delivery of Construction Materials³⁰³²
- (12) Refuse Skips⁶⁰⁰²
- (13) Works Within Boundary⁹¹⁵²
- (14) Work on Public Way⁹¹⁵⁴
- (15) Construction Hours⁹¹⁵¹
- (16) Maintain Existing Building in a Stable Condition⁹¹⁵⁷

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

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

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

It was moved by Councillor Bush, seconded by Councillor Mallard, that conditions (A)(6) and (A)(7) of the recommendation be deleted and replaced with new conditions (A)(6) and (A)(7) as detailed in the letter by Professional Adaptive Electronics Pty Ltd dated 9.3.01.

Amendment negated.

Motion, carried.

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

13.

PLANNING – GREEN SQUARE RETAIL STUDY – PUBLIC EXHIBITION (2023172)

That Council endorse the public exhibition for a period of 28 days of the study Retail Development Potential – Green Square Study Area, December 2000, prepared for South Sydney Development Corporation by Thomas Consultants Pty. Ltd.

(DPB Report 2.3.01)

Carried.

14.

EARL PLACE, NO. 10, POTTS POINT – DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF A SIX STOREY RESIDENTIAL BUILDING AND CAR PARKING – DEVELOPMENT APPLICATION CONTRIBUTION INCLUDED IN CONSENT (U99-01496)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by the owner Domain Developments Pty Ltd, to demolish the existing structure and construct a 29 unit mixed use development, 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 \$33,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$4000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered DA011-01/B to DA 011-014/B and DA 011 – 20 A (all undated);
 - (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$8,759	2E97003.BGY0
Open Space: New Parks	\$41,687	2E97009.BGY0
Accessibility And Transport	\$265	2E97006.BGY0
Management	\$652	2E97007.BGY0

GENERAL MANAGER

Total \$51,363

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

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

where:

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

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

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

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

Part B

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

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

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

Unless otherwise agreed, security in the form of an unconditional bank

GENERAL MANAGER

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

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

Note:

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$13,546	2E97008.BGY0

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

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

where:

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

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

GENERAL MANAGER

- (6) That a development application shall be submitted for any non-residential use within the commercial/residential tenancies;
- (7) That a development application is to be submitted for any proposed use within the commercial tenancies;
- (8) That the balconies fronting Earl Place for proposed units 1,6,7,12,13,19 are to contain privacy screening devices (such as louvres, screens, lattice) to a height of at least 1.8m and that eliminate the ability to overlook the buildings to the east/southeast of Earls Place;
- (9) That, in order to qualify for a floor space bonus of 0.25:1 above the 3:1 FSR, the applicant/developer shall bear the cost of design and construction of footpath improvements on Earl Place and Earl Street to the total value of \$44,500. This amount shall be indexed in a similar fashion to Section 94 Contributions as set out in Condition 4.

The works shall consist of:

- (a) Paving, landscaping and decorative finishes along the frontages of Earl Place and Earl Street using materials, plantings and finishes approved by Council's Public Works and Services Department. The materials used will need to be of a size, type and quality that is consistent with that proposed for the Springfield Precinct up-grade.

Should the works for public domain improvements cost less than the value of improvements shown above, the excess is to be contributed to the Springfield Precinct up-grade.

In order to finalise the value of works, it is required that cost estimates be prepared by a practicing Quantity Surveyor or, alternatively, an estimate be obtained through the provision of at least three quotes. The valuation of the works shall be at Council's discretion and endorsed in writing by the Director of Public Works and Services.

The public domain works are to be completed prior to the issue of the Occupation Certificate. A Bank Guarantee covering the Council-endorsed value of the works shall be lodged with Council prior to the issue of the Construction Certificate. Council will retain 10% of the value of developer-constructed works for 12 months following issue of the Occupancy Certificate as surety against defective work.

All works shall be generally compatible with Council's draft Springfield Precinct up-grade. Construction plans and specifications for all works involving public access shall comply with Council's Development Specifications for Civil Works (Design and Construction) which may be purchased from Council's One Stop Shop. Pursuant to Part 9 Division 3 of the Roads Act 1993, these plans and specifications shall be approved by Council prior to construction regardless of who is nominated as the

certifier for on-site work, and the works constructed strictly in accordance with these approved plans. Construction of the works will be subject to terms negotiated with the Director of Public Works and Services.

If for any reason, any of the works do not prove possible or are reduced during the design, QA or approval processes, alternative works of similar value shall be provided in that area of Kings Cross at the discretion of the Director of Planning and Building.

- (10) The applicant is advised that the application has not been assessed for compliance with the Building Code of Australia;
- (11) The proposed tree on the corner of Earl Place and Earl Street is to be deleted from the proposal;
- (12) Paving is to be in accordance with the Streetscape Masterplan with 300mm by 300mm pavers;
- (13) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (14) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (15) That prior to commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not necessarily limited to, the following measures:
 - (a) measures to control noise emissions from the site,
 - (b) measures to suppress odours and dust emissions,
- (16) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;

- (17) That adequate provision shall be made for the installation of mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (18) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (19) That a separate garbage/recycling storage area for commercial use shall be provided, detailed in the application for a construction certificate;
- (20) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time other than in accordance with Council's Waste management/Minimisation Fact Sheets;
- (21) That the development shall accommodate recycling facilities on the site and details shall be included in the application for a Construction Certificate (contact the Council's Waste Services Section for details);
- (22) That the applicant shall enter into a commercial contract for the daily collection of trade waste from the commercial tenancies;
- (23) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
- (a) Construction periods of 4 weeks and under;
The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 20dB(A) when assessed to any sensitive noise receiver;
 - (b) Construction periods greater than 4 weeks and not exceeding 26 weeks;
The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.
- NOTE:** The above noise levels are applicable for construction hours of;
- (a) Monday to Friday, 7.00am to 5.00pm
 - (b) Saturday, 7.00am to 3.00pm
- No construction work outside of the above hours is permissible without the prior approval of Council.
- (24) That the use of the premises shall not give rise to:

- (a) Transmission of “offensive noise” to any place of different occupancy, and
 - (b) A sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{A10, 15min}$ and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and
 - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW,EPA Industrial Noise Policy.
 - (d) 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.
- (26) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site for the residential units in an approved position and constructed in accordance with the requirements of Council’s Waste Management/Minimisation Fact Sheets in accordance with Council’s Waste management/Minimisation Fact Sheets;
- (27) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the commencement of any works:

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

- (28) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Council or Sydney Water (call 13 20 92).
- (29) Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape.
- (30) That the Section 73 must be submitted to the Principal Certifying Authority prior of the development/release of the linen plan.
- (31) Wherever clothes dryers are to be installed in new homes or multi-units, clothes dryer must have a minimum Greenhouse Score of 3.5;
- (32) That the development is to have an energy efficient water heating system in the form of either a heat pump system or a natural gas system;
- (33) The footpath area of the proposed development contained within the site boundaries is to remain unencumbered at all times;

and the following standard conditions:-

- (34) Resident Parking Access³⁰⁰¹
- (35) Comply With BCA⁹¹⁰⁴
- (36) Construction Certificate Required⁹¹⁵⁵
- (37) Comply With the WorkCover Authority⁹¹⁰⁵
- (38) Structural Design Certificate⁹⁰⁰⁶
- (39) Building/Demolition Noise Control⁹¹⁵⁶
- (40) Construction Hours⁹¹⁵¹
- (41) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (42) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (43) Excavations and Backfilling⁹¹⁶⁰
- (44) Excavations and Backfilling Safely⁹¹⁶¹
- (45) Guarding of Excavations⁹¹⁶²
- (46) Demolition to Comply With Aust Standard⁹¹⁶³

- (47) Consolidate Lots¹²²
- (48) Display Street Number¹²⁴
- (49) Builders Hoarding Permit¹⁰⁰⁸
- (50) Shoring¹⁰¹²
- (51) Road Opening Permit³⁰²⁵
- (52) Obstruction of Public Way³⁰²⁹
- (53) Delivery of Construction Materials³⁰³²
- (54) Stormwater Standard⁴⁰⁰¹
- (55) Clean Water Discharge⁴⁰⁰²
- (56) Overland Flowpaths⁴⁰⁰⁴
- (57) Connection to Council's Stormwater System⁴⁰⁰⁵
- (58) Landscape Plan⁵⁰⁰¹
- (59) On Slab Planting⁵⁰¹³
- (60) Maintenance of Landscaping⁵⁰¹⁴
- (61) Final Inspection⁵⁰¹⁵
- (62) Survey Certificate at Completion⁹⁰⁰²
- (63) Natural Ground Level Details with Construction Certificate⁹⁰⁰³
- (64) Garbage/Recyclable Material Room⁶⁰¹⁰
- (65) Drainage Design Certificate⁹⁰¹¹
- (66) Stormwater Certificate at Completion⁹⁰¹⁶
- (67) Works Within Boundary⁹¹⁵²
- (68) Work on Public Way⁹¹⁵⁴

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and

would not be in the public interest.

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

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

That the application be deferred and the Director of Planning and Building draft conditions for refusal of the application including FSR, the height of the proposed building and the loss of amenity to the neighbourhood.

Negatived.

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

- (C) That a shared traffic zone for the site be established and be referred to Council's Traffic Committee.

Motion, as amended by consent, carried.

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

15.

SELWYN STREET, NO. 40, PADDINGTON - ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING REAR ADDITION TO MAIN HOUSE AND REAR LANE STYLE GARAGE/STUDIO - DEVELOPMENT APPLICATION (U00-00758)

That the application submitted by Mr G Lemnell with the authority of Kenbrook Properties Pty Ltd, for permission to make alterations and additions at the premises, be deferred to the next Planning and Development Committee meeting to be held on 21 March 2001, as requested by the applicant in fax dated 5 March 2001.

Carried.

16.

ABERCROMBIE STREET, NOS. 158-160, CHIPPENDALE, BERKELEY HOTEL – ALTERATIONS AND ADDITIONS - DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-01255)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its deferred commencement, pursuant to Section 80(3) of the Environmental and Assessment Act, consent to an application submitted by Dickson Rothschild Architects on behalf of N and M Vicalic to make additions to an existing hotel subject to the following conditions, namely:-
- (1) That the consent shall not commence to operate until the applicant has provided the Council with information on the following matters and this has been accepted in writing by the Council as satisfactory:
 - (a) That a specification and sample shall be provided of the metal roof covering material. The colour shall be recessive and complement the existing building;
 - (b) That a plan shall be submitted designating a room, being one of rooms 3, 4 and 5, as a lounge room for the use of guests of the hotel as required by Condition (6);
 - (c) That a plan shall be submitted showing a suitably located garbage storage area in accordance with Condition (24);
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the development consent, 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 \$684 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	3325	97003.BGY0
Open Space: New Parks	\$15778	2E97009.BGY0

GENERAL MANAGER

Accessibility And Transport	\$ 99	2E97006.BGY0
Management	\$ 255	2E97007.BGY0
Total	\$19457	

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

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

where:

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

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

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

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

Part B

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with

the main project. Approved Works will only be off-set against the same category of works.

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

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

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

- (5) That the development shall be generally in accordance with plans numbered DA101, 102 and 111, dated 15 November 2000;
- (6) That room 3, 4 or 5 on the first floor shall not be equipped with an en-suite and shall be equipped for use as a lounge for residential guests of the hotel;
- (7) That it be noted that this consent does not endorse the placing of tables, chairs and planter boxes on the footpath other than in the location and under the conditions of the existing lease. Any proposal to extend the existing lease should be the subject of a future application;
- (8) That no bedroom shall contain more than two single beds or one double bed;
- (9) That the hotel shall not operate as a backpackers' hotel;
- (10) That the planter boxes and façade flood lighting shown on the awning shall be deleted;
- (11) That new windows shall be of double-hung timber type to match existing windows;
- (12) That the existing lots shall be consolidated into one single lot prior to the issuing an Occupation Certificate;
- (13) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing

from the footway and roadway, prior to the issuing an Occupation Certificate;

- (14) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (17) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (18) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (19) 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);
- (20) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (21) That all proposed work shall be wholly within the boundaries of the site;
- (22) 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;
- (23) The storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (24) The garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;

- (25) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (26) 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;
- (27) That noise from construction/demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
- (a) Construction periods of 4 weeks and under:
 - (b) The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.
 - (c) Construction periods greater than 4 weeks and not exceeding 26 weeks:
 - (d) The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.
- (28) NOTE: the above noise levels are applicable for construction hours of:
- (i) Mondays to Fridays, 7.00am to 5.00pm
 - (ii) Saturdays, 7.00am to 3.00pm
- (29) That no construction work outside of the above hours is permissible without the prior approval of Council;
- (30) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (31) 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*;
- (32) The use of the premises shall not give rise to:
- (a) Transmission of "offensive noise" to any place of different occupancy, and
 - (b) A sound pressure level at any affected premises that exceeds the background (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, and

- (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy.
- (33) 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 in this case, the dining area, means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporarily. 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;
- (34) 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 proposed mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	All required mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(iii)	The garbage room.	SSCC Waste Management/Minimisation Fact Sheets
(iv)	The layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of bar area.	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation.

and the following adopted standard conditions:-

- (35) Protection of Openings⁹³⁰⁷
- (36) Fire Doors to Sole-Occupancy Units⁹³¹⁵
- (37) Services Passing Through a Floor⁹³¹⁸
- (38) Material and Lining Fire Hazard Properties⁹³²⁷

- (39) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (40) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (41) Type of Construction⁹³¹⁹
- (42) Entry to Refrigerator or Cooling Chamber⁹⁴³¹
- (43) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (44) Fire Blanket be Installed⁹⁵⁰³
- (45) Hose Reels be Installed⁹⁵⁰⁶
- (46) Hydrants be Installed⁹⁵⁰⁷
- (47) Emergency lighting⁹⁵¹⁸
- (48) Exit signs⁹⁵¹⁹
- (49) Fire detection and alarm system⁹⁵²²
- (50) Sprinkler System⁹⁸⁶⁹
- (51) Damp and weather proofing⁹⁶⁰⁶
- (52) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (53) Sound transmission classes of walls⁹⁶¹⁷
- (54) Sound transmission classes of floors⁹⁶¹⁹
- (55) Construction of External Walls for Dampness⁹⁶²³
- (56) Ceiling heights of rooms or spaces⁹⁶¹²
- (57) Protection of walls and floors in wet areas⁹⁶⁰¹
- (58) Construction of Switchboard⁹⁸⁰⁶
- (59) Comply With BCA⁹¹⁰⁴
- (60) Construction Certificate Required⁹¹⁵⁵
- (61) Comply With the WorkCover Authority⁹¹⁰⁵
- (62) Structural Design Certificate⁹⁰⁰⁶
- (63) Drainage Details with Construction Certificate⁹⁰¹³

- (64) Construction Hours⁹¹⁵¹
- (65) Works Within Boundary⁹¹⁵²
- (66) Building/Demolition Noise Control⁹¹⁵⁶
- (67) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (68) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (69) Commencement of Structural Works⁹²⁰²
- (70) Issue of Occupation Certificate⁹¹⁰¹
- (71) Glazing Provisions⁹³³⁰
- (72) Good Housekeeping⁹⁸⁵¹
- (73) Egress Paths to be Kept Clear⁹⁸⁵²
- (74) Certification of Electrical Installation⁹⁸⁵³
- (75) Cooking Facilities Not Permitted in Bedrooms⁹⁸⁵⁵
- (76) Lining of Floors⁹⁸⁶³

NOTE: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved condition, or Protection of the Environment Operations Act, 1997 for a pollution offence 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 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.

17.

**MACLEAY STREET, NO. 14. POTTS POINT – APPLICATION TO ERECT
RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION
(U01-00048)**

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the EPA Act to the application submitted by Winten (No. 5 Pty Ltd) for the erection of a residential flat building containing 32 units and a shop, subject to the following conditions, namely:
- (1) That the consent shall not commence to operate until the applicant has provided the Council with information on the following matters and the Council has accepted this in writing as satisfactory:
 - (a) That a report by a recognised sound consultant shall be prepared, detailing work needed to ensure that the use of the pool and gymnasium and the operation of its equipment including ventilation will cause no noise nuisance to nearby residents;
 - (b) That a plan of management shall be prepared, detailing hours of operation of the pool and gymnasium to minimise light spill and noise nuisance to adjoining residents;
 - (c) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes in respect to the following:
 - (i) external finishes to walls;
 - (ii) roofing;
 - (iii) balcony treatment;and such materials shall respect and be consistent with the attributes and character of the surrounding area;
 - (d) That a plan shall be prepared to demonstrate how the landscaped area at the rear of the site may be set back from side boundaries to enhance light penetration to adjoining residents;
 - (e) That details shall be submitted for the boundary fence on the southern side of the site such that privacy is provided to basement and ground floor residents of Selsdon with a minimal loss of light;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$297,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

GENERAL MANAGER

- (3) That prior to releasing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$36,000 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$28,737	2E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;

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

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

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

- (5) That the development shall be generally in accordance with plans numbered SRKXA-100 to 116, issue A, dated January 2001, except where amended by conditions of this consent;
- (6) That planter boxes of height and width not less than 900mm or equivalent shall be located along the northern boundary of the site adjacent to the lightwell of the Macleay Regis to minimise overlooking of adjacent basement units. A fence not less than 1.2m in height of a

design which maintains privacy, but permits light penetration shall be erected along the southern boundary adjacent to the lightwell to minimise overlooking of adjacent basement unit;

- (7) That the south-facing glazing of the bay windows on the southern side of the building shall be obscure, fixed glass;
- (8) That the south facing windows on the southern side of the building at levels 1 to 6 which are within 7m of the side boundary shall be screened with fixed louvres to maintain privacy to adjoining buildings;
- (9) That glazing of the gymnasium and swimming pool area shall be of fixed obscure glass to a height of not less than 2m above floor level;
- (10) That the operation of the gymnasium and swimming pool area including its illumination, ventilation and pump operation shall be in accordance with an approved plan of management;
- (11) That the lightwell terraces attached to the north-western units on levels 1 to 3 shall be screened on the northern side with solid screening to minimise noise and light spill to the north;
- (12) That the communal open space areas on the northern and southern side of the building shall not be used after 9.00 pm or 10.00 pm in daylight saving periods and all lighting other than low power garden lights shall be extinguished after that time;
- (13) That illumination of public and private open areas shall be so directed as to minimise light spill to adjoining buildings;
- (14) That the area nominated as common open space shall be for the use of residents only and it shall not be used in conjunction with the shop;
- (15) That the shop area shall not be used for any purpose until a development application has been submitted and approved detailing inter alia its use, fitout, signage and hours;
- (16) That the open stair from the pool to the ground level landscaped area shall be set back from the side boundary to maximise security to the Macleay Regis;
- (17) That a screen of height not less than 1.8m above ground level and 2m wide be constructed on the northern boundary of the site adjoining the balcony at the south eastern corner of the Macleay Regis;
- (18) That the bulk of the lift tower shall be minimised, consistent with the lift specification;
- (19) That during building of the underground car park on the alignment of Macleay Street, an independent suitably qualified aborist shall maintain a

watching brief on the excavation works to ensure that no root damage occurs to the existing mature plane tree. All work is to stop on the instruction of the arborist and any appropriate protection measures are to be carried out by the applicant. Should work be deemed to be detrimental to the health and longevity of the tree, all work in the area shall cease and the matter be referred to the Director of Public Works and Services ;

- (20) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (21) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (22) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on Drawing LCP.01/A by Botanica Consultants Landscape Architects. Installations of species are to be in keeping with the species, size and quantities listed on the Drawing. Listed "feature shrubs" are to be a minimum of 25 litres, "hedge species" are to be a minimum of 25 litres, "palms" are to have a minimum of 10 metre trunk height at time of installation, "shade tolerant planting" are to be a minimum of 5-25 litres at time of installation;
- (23) That all vehicles must 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;
- (24) That the development must satisfy the requirements in Council's Development Control Plan No. 11, Transport Guidelines for Development 1996, for layout and design;
- (25) That the garbage storage area shall be of sufficient size to accommodate 5 x 360-litre sulo type bins for domestic refuse and 5 x 240-litre sulo recycling bins;
- (26) That a suitable garbage storage area be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by the commercial tenants;
- (27) That the applicant shall install a minimum of 2 additional street trees as per Council's Street Tree Masterplan;

- (28) That the applicant shall ensure that the following six (6) trees located on site as indicated on the Proposed Development Tree Report prepared by The Tree Wise Men Australia Pty. Ltd. be transplanted:
- Tree No. 2, Bull Bay Magnolia (*Magnolia grandiflora*)
Tree No. 3, Hills Weeping Fig (*Ficus microcarpa var. Hillii*)
Tree No. 4 and No. 5, Kentia Palm (*Howea fosteriana*)
Tree No. 6 and 7, Chinese Windmill Palm (*Trachycarpus fortunei*)
- (29) That the applicant shall ensure that the following existing trees, a Cypress Pine tree (*Cupressus spp.*) and a Washington Palm (*Washingtonia filifera*) on site and a London Plane tree (*Platanus orientalis*) on the footpath will be retained and protected from the remediation work and construction activities;
- (30) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (31) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (32) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (33) That the shop 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;
- (34) The storage and handling of garbage and recyclable materials shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (35) The garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (36) The 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*;

- (37) The use of the premises shall not give rise to:
- Transmission of 'offensive noise' to any place of different occupancy, and,
 - 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, and,
 - 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).
- (38) Prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (i) measures to control noise emissions from the site,
 - (ii) measures to suppress odours and dust emissions,
 - (iii) selection of traffic routes to minimise residential noise intrusions,
 - (iv) soil and sediment control measures,
 - (v) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (vi) community consultation.
- (39) 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 and fire precaution features	Building Code of Australia and AS1668.1 & 2.
(ii)	Car park ventilation systems	Building Code of Australia and AS1668.1 & 2
(iii)	The garbage room	SSCC Waste Management/Minimisation Fact Sheets
(iv)	The recycling storage area	SSCC Waste

		Management/Minimisation Fact Sheets
(v)	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 and the Food (General) Regulation, 1997.

and the following adopted standard conditions:-

- (40) Display Street Number¹²⁴
- (41) Shoring¹⁰¹²
- (42) Road Opening Permit³⁰²⁵
- (43) Obstruction of Public Way³⁰²⁹
- (44) Construction Traffic³⁰³⁰
- (45) Traffic and Pedestrian Management³⁰³¹
- (46) Delivery of Construction Materials³⁰³²
- (47) Stormwater Standard⁴⁰⁰¹
- (48) Clean Water Discharge⁴⁰⁰²
- (49) On Site Detention –Stormwater⁴⁰⁰³
- (50) Connection to Council's Stormwater System⁴⁰⁰⁵
- (51) On Slab Planting⁵⁰¹³
- (52) Maintenance of Landscaping⁵⁰¹⁴
- (53) Final Inspection⁵⁰¹⁵
- (54) Garbage on Public Way⁶⁰⁰¹
- (55) Refuse Skips⁶⁰⁰²
- (56) Commercial Garbage Contract⁶⁰⁰³
- (57) Commercial Garbage Storage⁶⁰⁰⁴

- (58) Garbage/Recyclable Material Room⁶⁰¹⁰
 - (59) Drainage Design Certificate⁹⁰¹¹
 - (60) Stormwater Certificate at Completion⁹⁰¹⁶
 - (61) Works Within Boundary⁹¹⁵²
 - (62) Work on Public Way⁹¹⁵⁴
 - (63) Smoke control⁹⁵¹²
 - (64) Fitout of Food Premises⁷⁰²⁰
 - (65) Sanitary Facilities⁷⁰¹⁶
 - (66) Recycling⁶⁰⁰⁷
 - (67) Trade Waste (Daily Removal)⁷⁰⁶⁴
 - (68) Cooling/Water Systems⁷⁰³⁹
 - (69) Sewer Discharge⁸⁰⁰⁴
 - (70) Comply With BCA⁹¹⁰⁴
 - (71) Construction Certificate Required⁹¹⁵⁵
 - (72) Excavations and Backfilling⁹¹⁶⁰
 - (73) Demolition to Comply With Aust Standard⁹¹⁶³
 - (74) Resident Parking Access³⁰⁰¹
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

The Planning and Development Committee Meeting terminated at 8.55 p.m.

NOTICES OF MOTION

1.

PUBLIC RELATIONS – WOODCHIPPING – NON-USE OF COMMERCIAL ENTITIES (2022320)

Moved by Councillor Furness, seconded by Councillor Lennon.

That this Council resolve to have no new direct dealings with commercial entities involved in the woodchipping of non-plantation Australian native forests or whose products are derived wholly or in part from such woodchips, unless there exists extenuating circumstances.

Further, that Council Officers present a draft policy for Council's consideration to give effect to this resolution and in order to comply with a similar resolution of the 2000 Annual conference of the NSW Local Government Association.

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

That an appropriate Officer present a Draft Policy for Council's consideration to require this Council to have no new direct dealings with commercial entities involved in the woodchipping of non-plantation Australian native forest or whose products are derived wholly or in part from such woodchips, unless there exists extenuating circumstances.

At the request of Councillor Mallard and by consent, the motion was amended by the deletion of the word wholly and the insertion in lieu thereof, of the word partly.

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

At the request of Councillor Mallard, the Mayor requested that a report be submitted to Committee regarding the Draft Policy.

Carried.

2.

PROPERTIES – BROADWAY, NOS. 149 – 159 – QUESTION OF PAYMENT OF TEMPORARY INSURANCE COVER (2023331)

Moved by Councillor Harcourt, seconded by Councillor Lay.

That as empty spaces – temporary places (es-tp) is now incorporated, has obtained temporary insurance cover for the properties Nos. 149 – 159 Broadway, and is taking appropriate steps to meet the conditions of the deferred Development Application,

Council agree, upon receiving due notification to pay on behalf of *es-tp*, the annual premium (\$984.50) for \$10,000,000 public liability cover on these premises.

It was moved by Councillor Mallard, seconded by Councillor Bush that Standing Orders be suspended to allow for Councillors to speak further on the motion.

That notwithstanding Clause 23(4)(b) of the Local Govt. Regulations 1999, the Mayor ruled a suspension of Standing Orders.

Carried.

It was moved by Councillor Harcourt, seconded by Councillor Lay that the motion be approved and adopted.

Carried.

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

The Council Meeting terminated at 8.58 p.m.

Confirmed at a meeting of South Sydney City Council

Held on2001

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER