

**268<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
293654

**Wednesday, 28 March 2001**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.35 pm on Wednesday, 28 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.

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**GENERAL MANAGER**

**Confirmation of Minutes**

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the minutes of the Ordinary Meeting of Council of 14 March 2001, be taken as read and confirmed.

Carried.

**Apology**

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

Moved by Councillor Harcourt, seconded by Councillor Lennon:-

That the apology be received and accepted and leave of absence from the meeting be granted.

Carried.

At this stage it was moved by Councillor Mallard, seconded by Councillor Furness, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, .that South Sydney Council opposes the Carr government proposal to close Erskineville, Waterloo and Redfern Public Schools.

Carried.

Councillor Mallard read out the following motion:-

**PUBLIC SCHOOLS – CLOSURE OF ERSKINEVILLE, WATERLOO AND REDFERN – CALL TO STATE GOVERNMENT**

That South Sydney City Council opposes the Carr government proposal to close Erskineville, Waterloo and Redfern Public Schools and calls upon the State government to reinvest in these vital inner city community facilities to create new centres of community learning and that the Mayor convene a public meeting during May to allow our residents to express their feelings and views to the government on the closures.

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

- (1) That South Sydney Council make contact with the P & C Association, Teachers Federation and other interested groups regarding the closure of the public schools;

- (2) That the Mayor write to local State Members, the Director General of School Education, the Minister for School Education and the Premier requesting that:-
- (a) the time be extended for comment phase on the proposed changes to schools in inner Sydney;
  - (b) Council and other stakeholders be provided with clear information on the proposed time of the implementation.

Negatived.

At this stage and at 6.58 p.m. Councillor Bush left the meeting .

At this stage and at 7.00 p.m. Councillor Bush returned to the meeting.

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

That South Sydney City Council opposes the Carr government proposal to close Erskineville, Waterloo and Redfern Public Schools and calls upon the State government to reinvest in these vital inner city community facilities to create new centres of community learning. and that the Mayor convene a public meeting during May to allow our residents to express their feelings and views to the government on the closures.

Carried.

#### **MINUTE BY THE MAYOR**

28 March 2001

#### **CELEBRATIONS – 60<sup>TH</sup> WEDDING ANNIVERSARY MR. JOHN GEORGE DAVIS & MRS. QUEENIE VIVA DAVIS (2018194)**

It is with great pleasure that I advise Council of the 60<sup>th</sup> Wedding Anniversary to be celebrated in the South Sydney City Council area.

Mr John George Davis and his wife Queenie Viva Davis of Wylde Street, Potts Point, are to celebrate their Wedding Anniversary on Saturday 7<sup>th</sup> April 2001. They were married at the Great Synagogue in Elizabeth Street, Sydney. I think it would be appropriate for Council to recognise this wonderful occasion.

**GENERAL MANAGER**

**RECOMMENDATION:**

That a letter of congratulation be forwarded to Mr and Mrs Davis and that floral arrangements also be forwarded to them on this very special occasion.

Councillor John W Fowler (SGD)  
**Mayor**

Moved by Councillor Lennon, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE MAYOR**

27 March 2001

**CELEBRATIONS - HERITAGE WEEK- SUNDAY 22 APRIL 2001  
"DEDICATION AT NO. 210 WILSON STREET" AND  
"WALK ON WILSON STREET" (P58-00055)**

As part of Council's Centenary of Federation celebrations it is proposed that a conducted walking tour of Wilson Street, North Newtown, take place on Sunday 22 April by South Sydney Heritage Society during Heritage Week 2001.

In conjunction with this event, I have been asked to unveil a plaque at 210 Wilson Street, North Newtown. This 1896 building, once a bakery and shop, was purchased by Bruce and Sarah Lay in 1979. Since that time they have undertaken extensive restoration work. In particular and of wide interest, was the restoration of the verandah over the footway. For Council it raised the conflicting issue of public safety verses heritage integrity.

With the personal eloquent persuasion of the owners and their vision that a desire to faithfully restore and conserve a building was achievable to the satisfaction of all. I congratulate the Lays.

The program for the day will be:

- 1.30 pm - Dedication at 210 Wilson St
- 2.00 pm - Walk on Wilson Street
- 3.30 pm - Afternoon tea at Hollis Park.

Council has also been asked to join the Australian Technology Park and the Powerhouse Museum in celebrating the "Eveleigh Community Weekend". This event runs from Saturday 21 to Sunday 22 April from 11am to 4pm daily.

**GENERAL MANAGER**

A highlight of the weekend will be the launch of a video "Steam Power" and the display of the Governor General's carriage built in Eveleigh in 1901. The carriage was used to transport the Duke of Cornwall (later King George V) around NSW for the 1901 Federation celebrations.

Leaflets and invitations for the above three events will be distributed to residents of South Sydney and advertised in the Mayor's Column.

**RECOMMENDATION:**

That Council approve this further celebration for the Centenary of Federation with a conducted walking tour of Wilson Street, North Newtown on Sunday 22 April during Heritage Week 2001, for which funds are available in the 2000/2001 Public Relations Budget account (cost code 1.553315.16125.0).

Councillor John W Fowler (SGD)

**Mayor**

Moved by Councillor Mallard, seconded by Councillor Furness:-

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

Carried.

**MINUTE BY THE MAYOR**

28 March 2001

**CELEBRATIONS - RESERVE FORCES – FREEDOM OF ENTRY  
TO CITY – OFFICIAL PARADE 1 JULY 2001 (2024432**

On 1 July 2001, the Commonwealth Military Forces Services will be celebrating their centenary with an organised street parade which will travel through the streets of South Sydney Council and Woollahra Council areas.

Traditionally, a Council grants Freedom of Entry to the City to units of the Defence Force on such auspicious occasions. Woollahra Council on 12 March 2001, resolved to grant such freedom to any current and former members of the Naval, Army and Air Forces Reserves in conjunction with South Sydney and that an appropriate day in June be chosen by their Mayor for the Freedom of Woollahra.

If Council agrees to grant Freedom of Entry to South Sydney, it would then need to assist the parade organisers in the following form:

- by the fencing "off" of an area in Taylor Square for VIP's

**GENERAL MANAGER**

- by implementing a local Traffic Management Plan informing residents of any impacts from the movement of traffic from the parade to use Green Road to enter Victoria Barracks
- collaboration with parade organisers on the need to plan broadcasting spaces and seating to view the event
- a media strategy to ensure the community is informed of the event

**RECOMMENDATION:**

That approval be given to:-

- (1) Council agreeing to grant to current and former members of the Naval, Army and Air Force Reserves Freedom of South Sydney in conjunction with Woollahra Council;
- (2) an appropriate day in June being chosen by the Mayor for the Freedom of South Sydney;
- (3) the implementation of Council's assistance as detailed in the Mayoral Minute in order to assist the parade organisers.

Councillor John W Fowler (SGD)

**Mayor**

Moved by the Mayor, seconded by Councillor Mallard:-

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

Carried.

**PETITIONS**

1.

The Mayor tabled a petition received by the General Manager with approximately 12 signatures appended from residents of Whateley Street, Newtown, objecting to the proposed use of Nos. 240-242 King Street, Newtown as a bottle shop.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 45 signatures appended from residents of Commonwealth Street, Surry Hills and surrounding streets objecting to the proposed

**GENERAL MANAGER**

Restaurant and Bar Entertainment area at Berman House Nos. 91-103  
Commonwealth Street, Surry Hills.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 32 signatures appended from residents of Pitt Street, Redfern objecting to the proposed Group Home at No. 30 Pitt Street, Redfern.

Received.

4.

The Mayor tabled a petition received by the General Manager with approximately 11 signatures appended from residents of Denham Street and Bloomfield Street, Surry Hills, requesting the closure of Denham Lane, Surry Hills with appropriate fencing and a secured gate.

Received.

5.

The Mayor tabled a petition received at the Community Consultative Meeting held at Redfern Town Hall on 26 March 2001, with approximately 133 signatures appended from residents of Pitt Street, Redfern and surrounding Streets objecting to the proposed use of No. 30 Pitt Street as a Group Home.

Received.

6.

Councillor Mallard tabled a petition with approximately 22 signatures appended from residents requesting that Sydney City Council abandon plans to reduce the size of Prince Alfred Pool from 50 metres to 25 metres, and that the Council meet with residents in adjacent areas to consult on any proposal to 'upgrade' the park and pool complex.

Received, and the Mayor requested that the petition be forwarded to the appropriate Department of Sydney City Council.

7.

The Mayor tabled a petition with approximately 35 signatures appended from residents objecting to the proposed development at (Minton House), Nos. 72-80 Darlinghurst Road, Potts Point.

Received.

**GENERAL MANAGER**

**QUESTIONS WITHOUT NOTICE**

1.

**PARKING – KING STREET, NEWTOWN – PROPOSED METER PARKING AND PARKING FEES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY. (2019990)****Question:**

The Traffic Committee of 11 October 2000, dealt with Item 13, King Street, Newtown – Proposed Meter Parking. This Committee approved in principle, meters for City Road and King Street subject to RTA approval. It received and noted the conclusions of the Consultants report and determined not to adopt the Consultants recommendation to establish a parking review and involve stakeholders. Condition 4 of the approval did however, require a review of proposed parking fees to be charged and an assessment of the impact of the proposal on surrounding streets be deferred to Council's Committee.

I would like to know who is doing this work? What parameters are being considered? When it is to come to Council?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services and the Acting Director of Corporate Services to take that on notice and have a report prepared for Councillors Information Service.

2.

**PUBLIC RELATIONS – PROPOSED CHANGES TO SCHOOLS IN INNER SYDNEY. - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2024409)****Question:**

Could the Mayor write to the Local State Members, Director General of School Education, the Minister for School Education and the Premier requesting that:-

- (a) the comment phase on the proposed changes to schools in Inner Sydney be lengthened;
- (b) Council and other Stake Holders be provided with clear information on the proposed timing of the implementation?

**Answer by the Mayor:**

Yes I will.

3.

**TRAFFIC – LAWSON AND REGENT STREETS, REDFERN – CONCERNS REGARDING OPERATION OF TRAFFIC LIGHTS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2009548)**

**Question:**

I have been sent a copy of a letter that was sent to Minister Scully from a resident in the Watertower in Redfern. The resident is concerned about the operation of traffic lights at Lawson and Regent Streets, Redfern, and the failure of the RTA to fully implement a green light corridor for Ambulance despite many assurances to residents that the placement of the dispatch centre would not result in sirens day and night. Could Council Officers provide me with a report into what action the RTA and Ambulance Service have taken to maximise response times and minimise noise impacts on the immediate areas of Henderson Road, Garden Street, the area of the Watertower etc?

**Answer by the Mayor:**

I will have a response prepared for circulation in the Councillors Information Service.

4.

**CONVENIENCES – BROWN STREET, NEWTOWN – LOCATION OF PUBLIC TOILETS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (5256216)**

**Question:**

Could I be provided with an update with respect to the location of a public toilet in Newtown, particularly in the Brown Street area?

**Answer by the Director of Public Works and Services**

There is a briefing this Tuesday, which I believe all Councillors have been e-mailed.

5.

**PLANNING – STATE GOVERNMENT WHITE PAPER ON PROPOSED CHANGES TO PLANNING SYSTEMS – SUBMISSION BY SOUTH SYDNEY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2024298)**

**Question:**

Is Council making a submission to the White Paper on Planning? Could I get a copy of the Draft White Paper and Officers comments?

**GENERAL MANAGER**

**Answer by the Director of Planning and Building:**

I will have copies for circulation for the Management Plan weekend for Councillors. At the present point in time Council has not resolved to make a separate submission, but it is an issue to be discussed on that weekend. The SSROC group of the Councils has already achieved planner level 1 and has decided to make a submission from SSROC in any event.

6.

**STREETSCAPES – ERSKINEVILLE VILLAGE PROJECT – INDEPENDENT EVALUATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY. (2020952)****Question:**

Could I please have a timeline for the completion of the Erskineville Village Project and when Independent Evaluation of the project will be undertaken?

**Answer by the Director of Public Works and Services:**

Certainly we can attempt to do a timeline. One of the issues will be for discussion for next year's budget and whether continuous funding is going to flow into that project. The timeline really is dependent on budget discussions in the next couple of months for next year. I can give you a timeline of the current stages.

7.

**STREETS – LANEWAY RUNNING EASTWARD OFF MCALISTER LANE, CHIPPENDALE, BETWEEN BARTLEY AND CLEVELAND STREETS – REQUEST FOR CLOSURE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2024416)****Question:**

I have received requests for the closure of an unnamed lane running eastward off McAlister Lane, Chippendale, between Bartley and Cleveland Streets and I believe there may be some uncertainty over the ownership of the lane. Could a report be prepared for Committee on the possible closure and sale or lease of this lane?

**Answer by the Mayor:**

Yes Mr. Wilcoxon will take that on notice and refer it to the Properties Section.

8.

**PUBLIC RELATIONS – INNER CITY NEWS – OPTIONS FOR IMPROVED DELIVERY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2014543)**

**Question:**

The distribution of the most recent Inner City News has been the most successful to date but there are still residents claiming they have not received it. Can a report be prepared for Committee detailing options for an improved delivery of the Inner City News and other notices?

**Answer by the Mayor:**

I will ask the Media Manager to prepare a report for you.

9.

**LAWSON STREET, NOS. 120-122, REDFERN – UNAUTHORISED WORKS AND NON-COMPLIANCE WITH ENVIRONMENTAL HEALTH STANDARDS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2008666)**

**Question:**

I have been prompted to raise this matter, in part, by Item 11.14 on the Properties Sub-Committee paper regarding the Aleena Aboriginal Home Care Services. This Service currently operates out of No. 120-122 Lawson Street, Redfern. I have received complaints about the front awning and the air conditioning units placed on it and suspect they lack Council approval. Further, the rear of this site, which backs on to Caroline Lane, is being used as an open-air toilet. On inspecting the site on Monday, I was overwhelmed by the stench. Could a report come to Committee detailing what action may be taken against the slum landlords of this property in relation to unauthorised works and non-compliance with environmental health standards? I have recently raised this matter with the Planning and Building Department but I am seeking to expedite the matter.

**Answer by the Mayor:**

I will have the appropriate Officer inspect that tomorrow and have a report prepared for Committee.

10.

**LAWSON STREET, NOS. 112-116, REDFERN – UNAUTHORISED  
COMMERCIAL USAGE AND BUILDING WORKS - QUESTION WITHOUT  
NOTICE BY COUNCILLOR FURNESS (2015638)**

**Question:**

Following on from my previous question, Could a report be prepared for Committee on a property nearby the current Aleena Centre, namely Nos. 112-116 Lawson Street, Redfern in relation to unauthorised building works and unauthorised commercial usage?

**Answer by the Mayor:**

I am unaware of those reports, however, I will ask the Director of Planning and Building to have a report prepared for Committee.

11.

**FINANCE – LEARNING CIRCLES AUSTRALIA PROGRAM –  
PARTICIPATION BY SOUTH SYDNEY COUNCIL - QUESTION WITHOUT  
NOTICE BY COUNCILLOR MALLARD (2023452)**

**Question:**

Last Wednesday I represented Council at the launch of Learning Circles Australia. I was pleased to be speaking on behalf of Council and be supported by Councillor Pooley, Chairman of the Healthy Older Persons Committee. Learning Circles is a Federally funded program to create learning or discussions groups in the community of older people within our Local Government Area. It represents great opportunities for Council to engage our oldest and wiser residents in creating an active knowledge bank. A resource we could in fact tap into for consultation on matters of public importance. My question is, could a brief report be prepared for the Community Services Committee outlining Council's involvement in Learning Circles to date, support for and future participation in this program and ways that Council can benefit from involvement?

**Answer by the Mayor:**

I will ask the Acting Director of Health and Community Services to prepare a report for Committee on Council's possible actions with that activity by the Federal Government in the future.

12.

**PUBLIC TRANSPORT – EASTERN SUBURBS GOVERNMENT BUS SERVICE – INVESTIGATION INTO THE RELIABILITY OF THE 311 BUS SERVICE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P59-00008)**

**Question:**

An elderly resident from North Ward has contacted me regarding the unreliability of the 311 Government Bus Service from the City to Elizabeth Bay via Oxford Street and Kings Cross. The resident claims the bus is often cancelled and on one recent day she was forced to wait for nearly one hour because two buses did not show up. After being assaulted on the McElhone stairs last year this resident unstandably does not feel safe when forced to sit at a bus stop for such a long period of time. The State Government recently announced an inquiry into the Eastern Suburb bus service. Could you write to the Minister for Transport firstly expressing Council's concern regarding the reliability of the 311 Bus Service and secondly seeking Council's involvement through the Community Services Department in any consultation on the future of Government Bus Services in the Local Government Area?

**Answer by the Mayor:**

The matter has already been drawn to the attention of the Traffic Committee and there will be a report coming to Committee from the Director of Planning and Building and the Director of Public Works and Services.

13.

**PLANT AND ASSETS – APPLICATION OF COUNCIL'S LOGO TO ALL APPROPRIATE WORKS VEHICLES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2020971)**

**Question:**

I have noticed quite a few Council vehicles (trucks, utes etc.) sporting our distinctive green and white livery but without Council's logo on the doors or sides. Could Council management ensure the Council logo is attached to all appropriate vehicles? Residents and ratepayers should be able to easily identify Council activities without any doubt whom is providing services on their streets.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to prepare a report for the Councillors Information Service.

14.

**STREETS - APPLICATION OF COUNCIL'S LOGO TO COUNCIL STREET BINS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2014501)**

**Question:**

Could the Director of Public Works and Services report to Council on a proposal to install a badge or sticker of Council's Logo onto the sides of Council's Green Street Bins?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to prepare a report for the Councillors Information Service.

15.

**YURONG STREET, NOS. 4-16, DARLINGHURST - INVESTIGATION INTO COMPLIANCE OF DEVELOPMENT APPLICATION CONDITIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (U96-00193)**

**Question:**

I have been approached by residents of North Ward in regard to Alpha Beta College.

Could the relevant Council Officer please check on the compliance of conditions we placed on that Development Application – particularly that relating to the 8.00 p.m. closure?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to have Council Officers to inspect that business in terms of operation of hours.

16.

**PROPERTIES – PALMER STREET, NO. 137, DARLINGHURST – CLAIM TO COUNCIL FOLLOWING DAMAGE TO PROPERTY FROM HAILSTORM - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2021351)**

**Question:**

I refer to Council's property at No. 137 Palmer Street, Darlinghurst. Since 1996, prior to the hailstorm, they have had some difficulties with a leaky roof.

I understand they currently have a claim into Council for in excess of \$6000 for replacement of carpets and lost ability to operate following the recent heavy rain. I further understand this is at least the third similar claim.

I further wish to state that the organisation Beehive has found Ms. Coralie Doyle the Council's contact Officer has been very helpful and they and I make no complaints about her, but could the relevant officer attend with a view to resolving this ongoing problem?

**Answer by the Mayor:**

I will ask the Acting Director of Corporate Services to consult with Ms. Doyle to organise site inspection to try and put an end to this problem.

17.

**PUBLIC RELATIONS – COST OF ‘INNER CITY NEWS – CONSIDERATION TO A LETTER TO THE EDITOR’ - SEGMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2014543)**

**Question:**

A resident rang me to ask if Council could advise:

- (1) What is the cost of producing an Inner City News?
- (2) Whether a resident's "Letter to the Editor" segment could be considered?

**Answer by the Mayor:**

I will have the Media Manager respond to you in regard to that matter.

18.

**GRANTS – EMPLOYMENT OF FAMILY LIAISON WORKER IN WOOLLOOMOOLOO. - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2018954)**

**Question:**

I understand that Council received Federal funding for three years for a family liaison worker in Woolloomooloo, but when I tried to make contact with the workers, I was told there wasn't one.

Could the Acting Director provide a report by the next Council meeting on the work of the Family Liaison Officer in Woolloomooloo which details;

- (a) Whether Council received any Federal funding for a Family Liaison Worker and if so, when did the funding start?
- (b) If funding was received was the position advertised and was anyone employed as a Family Liaison Worker?
- (c) For how long were they employed and is there any evidence of them engaging as a Family Liaison Worker?
- (d) If funding was received and nobody employed, why wasn't anybody employed and what has happened to the money?

**Answer by the Mayor:**

I will ask the Acting Director of Health and Community Services prepare a report for the Councillors Information Service.

19.

**PARKS – UPGRADE – YOUNG LANE, REDFERN AND REAR OF SURRY HILLS SHOPPING VILLAGE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2010532)**

**Question:**

I have received complaints about the condition of a park on Young Lane, Redfern, and the street closure park at the rear of the Surry Hills Shopping Village car park.

Both have children's play equipment in them, but they are often covered in broken bottles and debris left by a small group of people who habitually drink in these open spaces. These people also harass passerbys for money.

Are there any plans to upgrade the parks? Would Council Officers report on ways to deal with the current problems and ensure safe use of the parks by all users.

**Answer by the Mayor:**

There is a report coming to the Properties Sub-Committee in relation to community and operational land. This matter is a concern and I will ask the Director of Public Works and Services to examine the appropriate signage on this space and inform Councillors in reference to it.

20.

**LIBRARIES – ADDITION OF THE AUSTRALIAN FINANCIAL REVIEW TO THE COLLECTION OF WEEKLY JOURNALS TO COUNCIL’S LIBRARIES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2003201)****Question:**

I believe other Councillors have received an e-mail request to include the Australian Financial Review in the collection of weekly journals at Waterloo Town Hall. It seems a reasonable request as I believe the review is already received by some of our other libraries. Please would library staff add it to their list of journals?

**Answer by the Mayor:**

I will ensure that a copy is made available in the library and further that a report is pending from the Libraries Manager for budget discussions later in the year.

21.

**MARLBOROUGH STREET, NO. 70, SURRY HILLS – OBJECTIONS TO AMENDED DEVELOPMENT APPLICATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (U97-00427)****Question:**

I have received copies of objections to an amended Development Application for No. 70 Marlborough Street, Surry Hills. If this application is not coming to the next Planning Committee, please may I have a brief report responding to the claims if irregular processing of previous application for the building? An e-mail report in the next week would be good.

**Answer by the Mayor:**

I will ask the Director of Planning and Building to have that information circulated to Councillors by e-mail.

22.

**SIGNS – ANZAC PARADE – MOORE PARK – ERECTION OF BANNERS CELEBRATING 20 YEARS OF THE SYDNEY SWANS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2004473)****Question:**

Frank Sator, ever on the ball, has put up large banners in the City extolling 20 years of the Swans in Sydney. As the Swans plays (and some important ones, lives) in South Sydney, could we have similar banners on Anzac Parade – where they would be great deal more relevant then on College Street?

**GENERAL MANAGER**

**Answer by the Mayor:**

I am not a fan of banners, however, I will ask the Director of Public Works and Services to prepare a report on the appropriateness of the matter.

23.

**PARKING – WILSON STREET, NO. 143, CHIPPENDALE – CHANGE OF STATUS OF PARKING SIGNS- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2010523)****Question:**

Can the Director of Public Works and Services investigate the need for a change in status of parking signs at No.143 Wilson Street, Chippendale?

**Answer by the Mayor:**

The Parking signs across the Local Government area are a cause for concern. If you would like to put that request through to Mr. Donley or the Director of Public Works and Services that will come up at the Traffic Committee , but we have run out of the money that the RTA kindly give us each year and we are currently trying to re-negotiate that money for those signs and I believe it might be more appropriate to examine signage and the usage of that until we get the full control of parking in July.

24.

**PROPERTIES – JOYNTON AVENUE, ZETLAND- INVESTIGATION INTO DEVELOPMENT POTENTIAL, DRAINAGE ISSUES AND CONTAMINATION PROBLEMS. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023672)****Question:**

Can a report come to Council on the planning and financial options with regard to Councils land at Joynton Avenue?

Can the report include details of the development potential of the land owners that adjoin Council's block, the drainage issues and the contamination problems?

**Answer by the Mayor:**

I will ask the General Manager to report on his meeting with the South Sydney Development Corporation tomorrow and have it circulated in the Councillors

**GENERAL MANAGER**

Information Service or more appropriately tabled at the Management Review Weekend.

25.

**PERSONNEL – MANAGEMENT PLAN WEEKEND – DISCUSSIONS REGARDING REPLACEMENT OF GENERAL MANAGER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH. (2002856)**

**Question:**

Will the issue of the replacement of the General Manager be a matter for discussion on the Management weekend?

If so, will there be any background papers outlining the replacement process and options ie the benefits or otherwise of engaging agents or consultants and the formation of a Sub-committee on the Management weekend?

**Answer by the Mayor:**

It is an issue that is on the agenda for the weekend. As you would know there are certain restrictions in terms of the Committee that are noted in the act and there are also other references that need to be taken into account, but those matters will be tabled and discussed at the Management Review Weekend.

26.

**PUBLIC RELATIONS – PLANNING – CIRCULATION OF COUNCILLORS CONTACT DETAILS. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH(P58-00055)**

**Question:**

Can the Secretariat send a list of Councillors contact details to the member for Bligh Ms. Moore, so that she might benefit in gaining a better understanding of the planning issues coming before the Council?

**Answer by the Mayor:**

All the Local Members have been given the details of contact for all the Councillors.

**REPORT OF THE FINANCE COMMITTEE**

21 March 2001

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

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

The Mayor and 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 21 March 2001, be received and the recommendations set out below for Items 2-7 inclusive, 9, 11 to 11.8 inclusive 11.10 to 11.12 inclusive and 11.14 be adopted. The recommendations for Items 1,8,10,11.9 and 11.13 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**ADMINISTRATION – ONE STOP SHOP – COUNCIL'S ADMINISTRATION BUILDING, GROUND FLOOR, NO. 280 ELIZABETH STREET, SURRY HILLS - REVIEW OF SECURITY (2017119)**

That for the reasons set out in the report by the Acting Director of Corporate Services dated 5 March 2001, approval be given for the engagement of a firm to provide armed security services on Saturday mornings within the One Stop Shop, from the hours of 9.00 a.m. to 12.20 p.m.

It was moved by Councillor Lennon, seconded by Councillor Furness that the matter be deferred to seek quotations from two other security organisations for the provision of security services at Council's One Stop Shop, Ground floor, No. 280 Elizabeth Street, Surry Hills on Saturdays mornings.

At the request of the Mayor a show of hands was requested

Carried on the show of hands 5 votes 3

Motion, as amended, carried.

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2.

**FINANCE – SECTION 611 OF THE LOCAL GOVERNMENT ACT, 1993 - ON POLICE UTILITIES - CHARGES (2019719)**

That the report by the Director of Finance dated 15 March 2001, on the charging of Public Utilities under Section 611 of the Local Government Act, 1993 be received and noted.

Carried.

3.

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

That arising from consideration of a report by the Director of Health and Community Services dated 16 March 2001, Council adopt the Community Bus Scheme policy and fees and charges, as outlined in the beforementioned report, to be implemented and effective as of 1 April 2001.

Carried.

4.

**RATES - CATEGORY AND DATE APPLICABLE - CHANGE - POLICY – (2002770)**

That for the reasons set out in the report by the Director of Finance dated 16 March 2001, it be resolved that Council adopts the Policies “Rates: guidelines for change of Category” applicable date for change of Category adjustment” as detailed in the report.

Carried.

5.

**STREETSCAPES – TAYLOR SQUARE MASTER PLAN – IMPLEMENTATION STRATEGY – APPROVAL TO PROCEED WITH DESIGN DEVELOPMENT, ALLOCATE FUNDS TO 2000/2001 BUDGET AND CALL TENDERS FOR DESIGN AND DOCUMENTATION SERVICES (2023675)**

That approval be given to:-

- (1) proceed with development of the Taylor Square Masterplan to achieve completed construction of the public domain works prior to September 2002 Gay Games;
- (2) Allocate \$250,000 in the 2000/2001 Budget and call tenders to engage consultants to prepare detailed design development, construction

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documentation and provide contract administration services during construction of the project.

(DPWS/DPB Report 15 3.01)

Carried.

6.

**FINANCE – MONTHLY INVESTMENT REPORTS – PERIOD ENDING – 28 FEBRUARY 2001 (2015594)**

That the monthly Investment Report for the period ending 28 February 2001, by the Director of Finance 19 March 2001, be received and noted.

Carried.

7.

**BOUNDARIES - GREEN SQUARE AREA – HISTORICAL INFORMATION OF SUBURBS WITHIN THE (2024092)**

That the report on the historical information of suburb names within the Green Square area be received and noted.

Carried.

8.

**BOUNDARIES – MOORE PARK – SUBURB BOUNDARIES - PROPOSED ALTERATIONS – MERITON APARTMENTS PTY LTD (2024092)**

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 be taken.

(DPWS Report dated 23.2.01)

It was moved by Councillor Bush, that the matter be referred to the Geographical Names Board for comment and assessment.

Amendment, lapsed through want of a seconder.

Motion, carried.

9.

**PERSONNEL - ABORIGINAL EMPLOYMENT PROGRAM – PUBLIC WORKS AND SERVICES DEPARTMENT (G52-00067)**

That arising from consideration of a joint report by the Director of Public Works and Services, director of Organisational Development and the Acting Director of Health and Community Services , approval be given to:-

- (1) the establishment of an Aboriginal Employment Program for a period of 6 months offering 6 positions of Council Workers Grade 1 in the Construction and Parks Branches at a cost of \$57,372;
- (2) fund the program by adding funding to the current budget (\$20,000 for 2000/01) and providing funds in the draft 2001/02 budget for (\$37,372 for 2001/02).
- (3) the application for wages assistance in the amount of \$26,400 under the indigenous Employment Programme auspiced by the Commonwealth Government Department of Employment, Work Place Relations, and Small Business.
- (4) an evaluation report being submitted to the Finance Committee towards the end of the employment period as to the status of the employees and the program.

Carried.

10.

**CONFERENCES – NEW URBANISM CONGRESS – MELBOURNE, VICTORIA ON 26-29 APRIL 2001 – ATTENDANCE OF COUNCIL REPRESENTATIVES (2021170)**

That Council approve the attendance of Lila Contziu Green Square Project Planner and Nick Horiatopoulos, Urban Design Co-ordindator to attend the “New Urbanism, Urban Challenges, New Urban Practice” Congress in Melbourne at an estimated cost of \$2,600 for which funds are available in account 1.11.5310.12105.

At the request of Councillor Mallard, and by consent, the motion was amended by the addition of the words” and interested Councillors for which funds are available in account 1.513210 12105” after the figure No. 5 where appearing in the last line of the resolution.

Motion, as amended by consent, carried.

The Finance Committee Meeting terminated at 7.10. p.m.

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**11.****REPORT OF THE PROPERTIES SUB-COMMITTEE – WEDNESDAY,  
21 MARCH 2001 COMMENCING AT 6.00 PM (5262801)**

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 21 March 2001, be approved and adopted:-

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

That approval be given to amending of the approval of Council dated 8 November 2000 by inserting Plan No. S4-130/712B in clause (1) in place of Plan No. S4-130/712A, and amending the hours of operation of the footway restaurant licence to 7.30am to 10.00pm seven days per week.

(DPWS Report 2.3.01)

Carried.

**11.2.****LICENSING – RILEY STREET, NOS. 91 – 93, DARLINGHURST –  
PROPOSED FOOTWAY LICENCE (2023900)**

That approval be given to:-

- (1) the granting of a licence to J & A Vanson Pty Ltd over an area of 9.1 square metres of the footway of Riley Street adjacent to La Toque at No. 91-93 Riley Street, Darlinghurst as shown stippled on Plan No. S4-130/802 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;

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- (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 8.3.01).

Carried.

### 11.3.

#### **LICENSING – CHALMERS STREET, NOS. 204 – 214, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2023668)**

That approval be given to:-

- (1) the granting of a licence to Peter Konstantopoulos over an area of 6.4 square metres of the footway of Chalmers Street adjacent to Chalmers Café at Nos. 204-214 Chalmers Street, Surry Hills as shown stippled on Plan No S4-130/792A 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 provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule, accompanying the Director's report or failed to execute the licence agreement.

(DPWS Report 6.3.01)

Carried.

**11.4.****LICENSING – UNDERGROUND CONDUIT ALONG CITY ROAD,  
CHIPPENDALE – INSTALLATION BY AMR INTERACTIVE (2023839)**

(A) That approval be given to:-

- (1) AMR Interactive, under Part 9 Division 3 of the Roads Act 1993, to install a communication conduit within City Road, Chippendale, as shown on Plan No S4-130/808 and subject to the conditions in the attached schedule accompanying the Director's report;
- (2) Council entering into a Licence Agreement with AMR Interactive for a period of 25 years at an annual charge determined by Council in accordance with Section 611 of the Local Government Act 1993 set by the Annual Scale of Fees and Charges adopted by Council;
- (3) the signing of all relevant documents and plans by Council's Attorney;
- (4) the Licensee paying Council's legal costs and disbursements incidental to the preparation signing and stamping of the licence agreement.

(B) That the Director of Public Works and Services contact the Local Government Association with a view to finding out the best practice initiatives for the charging of fees from interstate and overseas organisations for both underground and aboveground installations.

(DPWS Report 7.3.01)

Carried.

**11.5.****STREETS – LUCAS LANE, CAMPERDOWN – PROPOSED CLOSURE AND  
SALE (2024235)**

That approval be given to advertising and action to be taken for the proposed closure and sale or lease of Lucas Lane, Camperdown as shown stippled on Plan No. S6-280/258 in accordance with the Policy for the Proposed Closure and Sale or Lease of laneways and sale of vacant Council owned land as adopted by Council on 27 August 1997, and that a further report be submitted to Council at the end of the advertising period.

(DPWS Report 12.3.01)

Carried.

**11.6.****LICENSING – VICTORIA STREET, NO. 332, DARLINGHURST -  
PROPOSED FOOTWAY LICENCE (2005628)**

That approval be given to:-

- (1) the granting of a licence to Patricia Timperi over an area of 8 square metres of the footway of Victoria Street adjacent to Fellini on Victoria at No. 332 Victoria Street, Darlinghurst, as shown stippled on Plan No S4-130/572B 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 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 19.2.01).

Carried.

**11.7.****LEASING – TURNER STREET, NO. 17, REDFERN – VACANT LAND –  
LEASE BY THE NSW POLICE SERVICE (2016128)**

- (A) That arising from consideration of a report by the Acting Director of Corporate Services dated 12 March 2001, approval be given to the NSW Police Service being offered a 1 year lease of Council owned land, at No.17 Turner Street, Redfern, commencing on 1 April, 2001 at a rental of \$2,238 per annum gross plus the GST component for the purposes of using a demountable building on the land for Police staff to carry out administrative duties subject to the following conditions:-
- (1) the lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than ten million dollars indemnifying both the Council and the lessee for their respective

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rights and interests against any claims that may arise during the term of the lease.

- (2) that at the expiry date of the lease, the lessee is to landscape the area to its original condition at the lessee's cost.
  - (3) the lessee (without penalty) giving to the lessor, 1 month's written notice to terminate the lease, when alternative premises are found within the lease period;
  - (4) 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;
  - (5) all relevant documents are to be executed by Council's Attorney, if required.
  - (6) this lease is subject to the Goods and Services Tax.
- (B) That the Acting Director of Corporate Services submit a report to the next Properties Sub-Committee regarding all operational, functional, community and general uses of vacant land, in Council's area.

Carried.

**11.8.**

**LICENSING – RAGLAN STREET, NOS. 125 – 131, WATERLOO - PROPOSED FOOTWAY LICENCE (2023096)**

That approval be given to a reduction in the approved footway licence area from 6 square metres to 3 squares as shown on Plan No. S4-130/775B. accompanying the Director's report.

(DPWS Report 14.3.01)

Carried

**11.9.**

**LEASING – OXFORD STREET, NO. 66, DARLINGHURST, SUITE 5, LEVEL 1 – LEASE TO BAJ MANAGEMENT SYSTEMS PTY LTD (2014163)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness.

That arising from consideration of a report by the Acting Director of Corporate Services dated 12 March 2001, approval be given to BAJ Management Systems Pty Ltd being offered a month to month lease of Council owned

premises, Suite 5, Level 1, 66 Oxford Street, Darlinghurst, at a rental of \$1,672 per month (\$20,064 per annum) gross, plus the GST component commencing on 1 April, 2001 subject to the following conditions, namely:-

- (1) That the lease be terminated by either party giving one month's notice;
- (2) That the lessee is to provide Council with a Public Liability Insurance in an amount of indemnity of not less than Ten Million Dollars indemnifying both Council and the lessee against any claims that may arise during the term of the lease;
- (3) That this lease is subject to the Goods and Services Tax;
- (4) 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;
- (5) That all relevant documents are to be executed by Council's Attorney.

Carried.

#### **11.10.**

#### **LEASING – ELIZABETH STREET, NOS. 529 – 531 (ADJACENT TO), SURRY HILLS – PROPOSED LEASE OF PART (L52-00162)**

That arising from consideration of a report by the Director of Public Works and Services dated 14 March 2001, approval be given to:-

- (a) Sydney Building Information Pty Ltd being granted a lease under Part 10 Division 2 of the Roads Act 1993, over part of Elizabeth Street, Surry Hills, as shown hatched on Plan No S6-326/176, for a period of 5 years, and subject to the conditions in the schedule in the schedule, accompanying the Director's report;
- (b) the date of commencement of the lease being from 26 May 2000;
- (c) all relevant documents and plans being signed by Council's Attorney;
- (d) this approval lapsing 3 months from the date of Council's approval to the granting of a lease if the applicant has failed to sign the lease agreement;
- (e) payment of the outstanding advertising costs of \$ 266.47 by the applicant before the lease agreement is signed.

Carried.

**11.11.****LEASING – LOWER CAMPBELL STREET, REAR OF NOS. 251 – 263 GOULBURN STREET, SURRY HILLS – PROPOSED LEASE OF PART (2023665)**

That approval be given to advertising and action to be taken for the proposed lease under Section 153 of the Roads Act 1993 of part of Lower Campbell Street, Surry Hills as shown on Plan No. S4-130/809 and that a further report be submitted to Council at the end of this advertising period.

(DPWS Report 14.3.01)

Carried.

**11.12.****LEASING – THOMSON LANE – REAR OF NOS. 217 – 253 FORBES STREET AND NOS. 2 – 40 THOMSON STREET, DARLINGHURST – PROPOSED LEASE OF PART (2021782)**

That the matter was deferred to the next Properties Sub-Committee Meeting to be held on 4 April 2001, and that Residents Around Thomson Lane be notified that this matter will be considered at that meeting.

Carried.

**11.13.****PROPERTIES – BROADWAY, NOS. 153 – 157 AND NOS. 161 – 179, ULTIMO AND OWEN STREET, NO. 3, ULTIMO – SECURITY OF VACANT PREMISES – TRANSFER OF FUNDS (2023331)**

This matter be submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush.

That the report by Director of Corporate Services dated 16 March 2001, be approved and adopted and that a Clause (B) be added to the recommendation namely:-

- (B) That with regard to some reasonable cost recovery on the squatter issue the Council calculate an in kind residential rent value for the Broadway properties being squatted and add a clause to the proposed caretaker lease requiring that the squatters in return for free accommodation dating back to last August, undertake community service in the Council's Meals on Wheels project.

Negatived.

It was moved by Councillor Harcourt, seconded by Councillor Pooley that approval be given to transfer funds of \$46,068.60 from Project No. 46.006 to provide security at Nos. 153-157, and Nos. 161-179 Broadway, Ultimo and No. 3 Owen Street, Ultimo to 21 February 2001.

(A/DCS Report 16.3.01)

Carried.

**11.14.**

**LEASING – ALEXANDRIA TOWN HALL – HOME CARE SERVICE OF N.S.W. – RESCISSION OF RESOLUTION OF COUNCIL, 7 FEBRUARY 2001 (2003437)**

That the resolution of Council dated 7 February 2001, be rescinded and arising from consideration of a joint report by the Acting Director of Health and Community Services and the Acting Director of Corporate Services dated 20 March 2001, approval be given to the space available at Alexandria Town Hall being leased to the Home Care Service of NSW for the purposes of operating the Alleena Aboriginal Home Care Service, as previously approved by Council at its meeting of 7 February 2001.

Carried.

The Properties Sub-Committee Meeting terminated at 6.38 p.m.

The Finance Committee Meeting terminated at 7.10 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

21 March 2001

**PRESENT**

**Councillor Peter Furness (Chairperson)**

**Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw.**

At the commencement of business at 7.11 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw.

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

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That the Report of the Community Services Committee of its meeting of 21 March 2001, be received and the recommendations set out below for Items 1 and 3, be adopted. The recommendations set out below for Items 2 and 4 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**PARKS – WILSON BROTHERS SITE, HUGO, CAROLINE AND LOUIS STREETS, CHIPPENDALE – PRESENT POSITION – FUTURE DIRECTIONS (2022923)**

That approval be given to:-

- (1) Consultants Pittendrigh Shinkfield & Bruce proceed with detail design development and preparation of construction drawings for the park based on exhibited draft masterplan and feedback from the safety review;
- (2) Redfern Police Safety Officer to review and comment on aspects of the detailed design development of the scheme, in particular the awning structures;
- (3) construct the park and the building refurbishment works in a co-ordinated construction program to ensure the delivery and operation of the facilities within the same timeframe;
- (4) engage consultants to prepare documentation for Development Application and Construction Certificate for the building and development works at an estimated cost of \$140,000 for which funds are available in the 2000/2001 Works Program (Budget Ref: 2071 – Wilson Brothers).

(DPWS/DHCS/A/DCS Joint Report 15.3.01)

Carried.

2.

**COMMUNITY SERVICES – PUBLIC SCHOOLS IN THE SOUTH SYDNEY LOCAL GOVERNMENT AREA – RATIONALISATION (2024409)**

That a briefing between Councillors and the relevant Department of Education staff be arranged.

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It was moved by Councillor Lay, seconded by Councillor Pooley, that the motion be amended by the addition of the words to the recommendation namely :-

“and that representatives from the Parents and Citizens Association and the Teachers Federation be present at the briefing also”.

Motion, as amended, carried.

**3.**

**COMMUNITY SERVICES – YOUTH WEEK 2001 – PROPOSED PROGRAMME OF EVENTS (5273346)**

(At the Committee and Council meetings, Councillor Pooley declared an interest and did not take part in discussions or voting on the Item.)

That arising from consideration of a report by the Director of Health and Community Services dated 13 March 2001, it be resolved that approval be given to:-

- (1) approve the program of events for Youth Week 2001, as outlined in the beforementioned report and attached schedule, including:-

Youth Week Launch – SmartArts at South Sydney Creative Arts on Saturday 31<sup>st</sup> March from 4pm to 8.30pm.

Sports Afternoon – “Get into It” at Waterloo Green on Wednesday 4<sup>th</sup> April from 4.30pm to 7pm.

The Youth Awards/Betty Makin Scholarships Ceremony followed by a Civic Reception to be held in the Alexandria Town Hall on Thursday 5<sup>th</sup> April from 7pm to 10pm.

Woolloomooloo Twilight Garden Party at Woolloomooloo Community Garden/Playground on Sunday 8 April, 2001 from 3pm to 8pm.

- (2) Present the following awards and scholarships to be presented at the Youth Week civic reception to be held on 5<sup>th</sup> April 2001 at Alexandria Town Hall:

**Youth Awards:**

- Karlie Chalker
- Tristan Garrett
- Peter Fenwick
- Michael Boney

**Group Awards:**

- Hot M – History of Music and Theatre

**Educational Scholarships:**

- Creative Youth Initiatives – Artworks Floating Exhibition
- South Sydney Creative Arts – Video production group

**General Scholarships:**

- Woolloomooloo Community Garden
- The Boys Brigade Inc – Teenfit and Lifestyle project.

-with funds to cover this expenditure in the 2000/2001 Budget.

Carried.

4.

**CONFERENCES - COMMUNITY SERVICES – HOMELESSNESS SUMMIT – SYDNEY, N.S.W., 14-16 MAY 2001 – ATTENDANCE OF COUNCIL REPRESENTATIVES AND ENDORSEMENT OF SUBMISSION (2023331)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Mallard:-

That arising from consideration of a report by the Acting Director of Health and Community Services dated 21 March 2001, it be resolved that:-

- (1) Council endorses the proposed Homelessness Summit and its aims, and authorise the Manager Community Services to forward Council's endorsement to the Organising Committee for publication in documentation associated with the Summit;
- (2) the Community Services Section prepares a draft submission for the Homelessness Summit and present this to Council's Community Services Committee on 4 April 2001;
- (3) Councillors wishing to provide a brief verbal presentation to the Summit advise the Social Planning Co-ordinator by Friday 6 April on the topic, proposed content and time required, so that it can be forwarded to the Summit Organising Committee.

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

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- (4) That when Council's Submission is prepared, a reference be included for the Model Caretakers Residential Tenancy Agreement for Squatters Care taking Leases including the full costing of such a model.

Motion, as amended, carried.

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

## **REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

21 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 6.40 pm, those present were -

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

**NOTE:** Councillors Furness, Mallard and Shaw were in attendance on a number of Items as observers.

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

That the Report of the Planning and Development Committee of its meeting of 21 March 2001, be received and the recommendations set out below for Items 3, 5, 11, 12, 14 and 16, be adopted. The recommendations for Items 1, 2, 4, 6 to 10, inclusive, 13 and 15 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

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1.

**SELWYN STREET, NO. 40 PADDINGTON – ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING REAR ADDITION TO MAIN HOUSE AND REAR LANE STYLE GARAGE/STUDIO – DEVELOPMENT APPLICATION (U00-00013)**

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 it deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the application submitted by Mr G Lemnell with the authority of Kenbrook Properties Pty Ltd, for permission to make alterations and additions subject to the following conditions, namely:-

- (1) That this deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 shall not operate until the following information has been submitted to the satisfaction of, and approval in writing by, the Director of Planning and Building:
  - (a) a plan showing the deletion of the first floor deck on the western elevation of the studio garage;
  - (b) The openings associated with the rear deck shall also be deleted from the plan and replaced with a series of windows that do not provide the opportunity for direct overlooking into adjacent properties. These may take the form of either opaque glass hopper windows, windows with fixed louvres or fixed opaque glazing to a height of 1.8m from the internal floor level and openable hi-lite windows;
  - (c) That a colour scheme for the garage/studio incorporating colours sympathetic to the surrounding area shall be submitted;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$4290 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

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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 \$520, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) That no kitchen or food preparation facilities shall be provided within the studio/garage structure;
- (5) That the studio bedroom shall be used in association with the main house and shall not be occupied as a separate dwelling;
- (6) That all trees over three meters in height shall be protected and maintained during construction by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area ;
- (7) That the paperbark tree adjacent to the driveway on Iris Street shall be protected and maintained during construction;
- (8) That existing and proposed stormwater details shall be submitted and approved prior to commencement of any building work;
- (9) That structural details and certificate shall be submitted prior to commencement of building work from a qualified structural engineer;
- (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 for approval prior to the issue of a Construction or Occupation Certificate:
  - all required mechanical ventilation systems;
- (11) That the applicant shall comply with the following conditions or otherwise provide an alternate solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied.
  - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (b) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.9 of the BCA;

- (c) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
- (d) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (e) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (f) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (g) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (h) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (i) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (j) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (k) That sanitary facilities shall be constructed in accordance with part 3.8.3.3 of the BCA, in particular toilet to garage;
- (l) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;
- (m) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (n) That all relevant sections of the BCA shall be complied with;

- (o) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA Attention is directed to the window to the rear studio;
- (p) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of Part 3.8.5 of the BCA;

and the following adopted standard conditions:

- (12) Support for Neighbouring Buildings<sup>8506</sup>
- (13) Construction Hours<sup>9151</sup>
- (14) Works to be Within Allotment Boundaries<sup>9159</sup>
- (15) Work on Public Way<sup>9154</sup>
- (16) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (17) Walls Not to be Built as Party Walls Unless Consent Obtained<sup>9108</sup>
- (18) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (19) Building/Demolition Noise Control<sup>9156</sup>
- (20) Demolition to Comply With Aust Standard<sup>9163</sup>
- (21) Construction Certificate Required<sup>9155</sup>
- (22) Survey Certificate at Set Out Stage<sup>9001</sup>
- (23) Survey Certificate at Completion<sup>9002</sup>
- (24) Ventilation<sup>7023</sup>
- (25) Alignment Levels<sup>1016</sup>
- (26) Footway Crossing<sup>3028</sup>
- (27) Obstruction of Public Way<sup>3029</sup>
- (28) Delivery of Construction Materials<sup>3032</sup>
- (29) Stormwater Standard<sup>4001</sup>
- (30) Refuse Skips<sup>6002</sup>
- (31) Works Within Boundary<sup>9152</sup>

- (32) Work on Public Way<sup>9154</sup>
- (33) Stormwater Certificate at Completion<sup>9016</sup>
- (34) Comply With the WorkCover Authority<sup>9105</sup>
- (35) Demolition to Comply With Aust Standard<sup>9163</sup>

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

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

Carried.

## 2.

### **ERSKINEVILLE ROAD, NO. 65, ERSKINEVILLE - SECTION 96 AMENDMENT APPLICATIONS (2) ADDITIONAL – CONTRIBUTION INCLUDED IN CONSENT (U99-00603)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Harcourt:-

- (A) That the Council, as the responsible authority, refuses its consent to 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 in the following manner; namely:-
  - (1) redesign of the basement car park to accommodate 8 parking spaces in lieu of the approved maximum of 7 parking spaces;
  - (2) reconfiguration of the ground floor to provide 4m<sup>2</sup> of additional storage space for the Post Office;

- (3) reconfiguration of the first floor to provide ensuite bathrooms in units 1 and 2, a "study" and second bathroom in unit 3 and conversion of unit 4 from a studio unit to a 1 bedroom unit, plus associated window changes;
- (4) reconfiguration of the second floor to provide an ensuite bathroom and window in unit 5 and the conversion of the approved 3 bedroom unit to 2 x 1 bedroom units thereby increasing the total number of units to 7;
- (5) erection of 2 attic loft storage spaces attached to units 5 and 6;

for the following reason, namely:

Council has no power to grant retrospective approval to building work that has been commenced.

- (B) That the developer be advised that Council intends to issue a demolition order in respect of the unauthorised enclosure of the rear parts of the side balconies of units 3 and 4 which have been erected contrary to the approved construction certificate V99-06030 and have reduced the open space area available to the respective units.
- (C) That the developer shall submit a detailed survey of the building as constructed confirming the levels of each of the floors and the roof height are in accordance with the approved construction certificate V99-06030 and where they do not accord with the approved levels an application shall be submitted to Council for its consideration - the survey shall be submitted within 30 days of the date of this determination.
- (D) That the developer be advised that, subject to the following requirements, no further action will be taken in respect of the unauthorised development, namely:-
  - (1) That the developer shall submit structural, drainage and all other required certification in respect of the unauthorised work;
  - (2) That the developer confirm in writing that the unauthorised attic loft spaces in units 5 and 6 shall be used only for ancillary storage and shall attach an appropriate restriction on the title of the respective units to this effect in the event that the building is strata subdivided;
  - (3) That a maximum of 8 off-street car parking spaces shall be provided in the basement car park with the short spaces marked accordingly in any strata plan;
  - (4) That the 1800mm high brick parapet along the southern side of the second floor rear decks shall be retained;

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- (5) That the windows at the first floor level in the south elevation shall be hopper style windows fixed so that they only open a maximum of 30° from the vertical and with frosted glass;
- (6) That the developer shall pay the following additional Section 94 contributions, payable by way of cash or unendorsed bank cheque before the building is occupied, namely:

Contribution Category	Amount	Account
(i) Open Space: LGA Works Programme	\$111	2E97003.BGY0
Open Space: New Parks	\$526	2E97009.BGY0
Accessibility And Transport	\$ 3	2E97006.BGY0
Management	\$ 8	2E97007.BGY0
<b>Total</b>	<b>\$648</b>	
(ii) Multi-Function	<b>\$166</b>	2E97008.BGY0
Administration Centre		

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 December Quarter 2000/01.

- (E) That the persons who made representations regarding these proposals be notified of Council's decision.
- (F) That Council prosecute the applicant for the unauthorised work except for the work in Part (A).

Carried.

3.

**PLANNING – LEP 1998 AND DCP 1997 – URBAN DESIGN – TOURIST ACCOMMODATION PROVISIONS (2020365)**

That Council:-

- (1) adopt the amendments to *Development Control Plan 1997: Urban Design* at Attachment Two to this Report;
- (2) defer adoption of the draft amendments to *Local Environmental Plan 1998* until such time as the *Housekeeping 200 Local Environmental Plan* is considered by Council;
- (3) give public notice of this decision in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

(DPB Report 16/3/01)

Carried.

4.

**OXFORD STREET, NOS. 97-99, DARLINGHURST – SEX ON PREMISES VENUE – DEVELOPMENT APPLICATION (U00-00689)**

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Cletus Holdings Pty Ltd, with the authority of M&C Investments Pty Ltd, for permission to operate a Sex on Premises Venue subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with plans numbered c/d/sh-1a dated June 2000 and the Plan of Management, Policy and Procedure Manual signed and dated 28 November, 2000;
  - (2) That the hours of operation shall be restricted to between 8.00 p.m. and 6.00 a.m., Mondays to Thursdays and 24 hours, Fridays to Sundays;
  - (3) That the rear lane door shall not be used for customer access to or egress from the premises;
  - (4) That no people (commonly known as “spruikers”) shall be on the property or the public way, publicising the use of the premises;
  - (5) That a separate Application be submitted for additional exterior signage;

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- (6) That condoms, water-based lubricant and disposable tissues or towelettes be made available at all times in all cubicles, rooms and sexual activity areas;
- (7) That dental dams be made available upon request with appropriate signage at the front counter;
- (8) That a hands free type wash hand basin be provided to the douching area;
- (9) That all contaminated waste including syringes shall be stored in an approved container and disposed of by an Environment Protection Authority licensed waste collector;
- (10) That the walls, floors and furniture of the cubicles and rooms where sexual activity is conducted be constructed of durable impervious material that is easily kept clean;
- (11) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times. Particular attention should be given to all vinyl or rubber mattresses and other surfaces where sexual activity is being conducted;
- (12) That the premises shall comply with the requirements of Council's Sex Industry Policy provisions for sex on premises venues;
- (13) The proprietor shall ensure that staff are made aware of sexually transmitted and blood borne diseases by providing educational material from the Health Department;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2 and Council's Ventilation Code;
- (15) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (16) That the premises shall be provided with adequate lighting in accordance with Australian Standard 1680;
- (17) That the use of the premises shall not give rise to:-
  - (a) transmission of 'offensive noise' to any place of different occupancy;
  - (b) a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) noise level in the absence of the noise under consideration by more than 5dB(A).

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

- (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Environmental Noise Control Manual or, a 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);
- (18) That 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 Management/Minimisation Fact Sheets;
  - (19) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to the requirements of Council's "Waste Management/Minimisation Fact Sheets";
  - (20) 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 an accredited certifier for approval prior to the issue of a Construction or Occupation Certificate;
    - (a) all required and proposed mechanical ventilation systems;
    - (b) the garbage room;
    - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor finishes to all areas where sexual activity is to be conducted.
  - (21) That the douching facilities shall be of a type approved by Sydney Water, incorporating backflow prevention and zone containment systems;
  - (22) That the premises shall be operated in accordance with 'The Den - Plan of Management - Policy & Procedure Manual' submitted to Council by Denese Stuart: TDB Consultants dated 28 November, 2000.

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

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

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

At the request of Councillor Mallard, and by consent, the motion be amended by:-

- (1) Condition (2) to read "That the hours of operation shall be restricted to between 8.00 pm to 6.00 am Mondays to Fridays, and continuously from 8.00 pm Fridays to 6.00 am Mondays";
- (2) That the following additional BCA conditions of consent be added:
  - (23) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
    - (a) That the proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
    - (b) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
    - (c) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
    - (d) That the discharge from exits shall comply with D1.10 of the BCA;
    - (e) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
    - (f) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
    - (g) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
    - (h) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (i) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7
  - (j) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
  - (k) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
  - (l) That 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;
  - (m) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
  - (n) That floor wastes are to be provided to the floors for each bathroom and laundry in accordance with the requirements of Part F1.11 of the BCA;
  - (o) That all sanitary compartments shall be constructed in accordance with Part F2.5 of the BCA;
- (24) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;
- (25) 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);
- (26) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (27) 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);

- (28) 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;
- (29) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (30) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".

Motion, as amended by consent, carried.

5.

**MYRTLE STREET, NOS. 69-73, CHIPPENDALE – ERECTION OF RESIDENTIAL FLAT BUILDING – SECTION 96 – MODIFICATION (U98-00384)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report of the Consultant, Angelini Planning Services dated 15 March 2001, and as recommended in the Director of Planning and Building's report dated 15 March 2001.

Carried.

6.

**DOWLING STREET, NOS. 129-131, WOOLLOOMOOLOO – INTERNAL ALTERATIONS TO GROUND AND FIRST FLOORS OF THE OLD FITZROY HOTEL TO IMPROVE BAR AND TOILET FACILITIES, REMOVAL OF EXISTING DECK, REPLACEMENT WITHIN NEW ENCLOSED TERRACE WITH GAMING AREA BELOW – DEVELOPMENT APPLICATION (U00-01302)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

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- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Greg Pye, with the authority of Everpacific Co., for permission to carry out internal alterations to ground and first floor to improve bar and toilet facilities, removal of existing deck, replacement with new enclosed terrace with gaming area below, 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 \$825 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 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 \$100 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 GA01A – GA10A dated 27 October 2000 and the management of the hotel shall be in accordance with the Management Plan received under cover of letter from Greg Pye dated 18 January 2000;
  - (4) That all openings in the hotel including all windows, the proposed doors to the new terrace area and the door to the first floor balcony, shall be closed at 8.00 pm, the front doors of the hotel shall be closed at 10.00 pm with the exception of permitting access;
  - (5) That there shall be no entertainment provided within the hotel at any time except that permitted within the area of the theatre;
  - (6) That recorded music within the hotel shall be used as background music only and shall be kept at a level which satisfies the noise level condition of this consent;
  - (7) That the entrance door to the gaming room on Cathedral Street shall remain closed at all times with the exception of access for patrons of the gaming room only;

- (8) That the detail of the proposed sign adjacent to the games room entrance shall clearly indicate that the entrance to the hotel is from Dowling Street;
- (9) That the gaming area and the roof terrace shall operate only within the permitted hours of operation of the hotel;
- (10) That during the interval and at the completion of a show in the theatre the ushers shall direct all customers out of the theatre into the front bar and access shall not be made through the gaming area onto Cathedral Street;
- (11) That the number of patrons in the ground and first floor bar areas, the gaming area and the roof terrace shall not exceed 205 persons at any time;
- (12) That the timber framed door and windows on the Judge Place elevation of the theatre shall be retained and repaired in keeping with the original detailing, but shall be sealed internally to ensure compliance with the noise condition attached to this consent;
- (13) That any external repainting of the hotel is to be done in a traditional heritage colour scheme which is appropriate to its architectural character and style of construction;
- (14) The face brick of the hotel and theatre is not to be coated, rendered or painted;
- (15) That prior to works commencing the second floor shall be vacated and shall remain completely vacant and shall not be used for any purposes;
- (16) That structural drawings and certificate from a qualified structural engineer shall be submitted prior to the commencement of work;
- (17) That existing and proposed stormwater details shall be submitted and approved prior to commencement of building work;
- (18) That all requirements of Council's Fire Order re 129-131 Dowling Street, Woolloomooloo (Ref: 2002265/DHH/GJC/289638) shall be complied with;
- (19) 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 relevance performance requirements can be satisfied.
  - (a) That balustrades shall be provided in accordance with Part D2.16 of the BCA;

- (b) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7
- (c) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (d) 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;
- (e) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

and the following adopted standard conditions:

- (20) Noise<sup>7028</sup>
- (21) Obstruction of Public Way<sup>3029</sup>
- (22) Delivery of Construction Materials<sup>3032</sup>
- (23) Stormwater Standard<sup>4001</sup>
- (24) Refuse Skips<sup>6002</sup>
- (25) Works Within Boundary<sup>9152</sup>
- (26) Work on Public Way<sup>9154</sup>
- (27) Construction Certificate Required<sup>9155</sup>
- (28) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (29) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (30) Protection from Termites<sup>9203</sup>
- (31) Construction Hours<sup>9151</sup>
- (32) Survey Certificate at Completion<sup>9002</sup>
- (33) Building/Demolition Noise Control<sup>9156</sup>
- (34) That from 8pm until 30 minutes after closing, from Wednesday to Saturday, a licensed security guard is to be posted on the

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footpath outside the premises to ensure the orderly conduct of patrons, preventing excessive noise and any other anti-social behaviour. This condition is to commence from the date of determination. However after a 12 month period the applicant may seek to amend this condition, providing justification for alternative management arrangements for patrons using the footpath and leaving the premises.

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: 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 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.

Carried.

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

7.

**PALMER STREET, NO.186, DARLINGHURST – CHANGE OF USE TO OFFICE AND RESIDENTIAL – DEVELOPMENT APPLICATION (U00-01316)**

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Cec Parnell, with the authority of P. D. and J. E. Long, for the change of use of the building, to office and residential, for the following reasons, namely:-

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- (1) That the proposal is not considered to be consistent with the objectives of the 2(b) Residential (Medium Density) Zone under South Sydney Local Environment Plan 1998, in particular:
    - (a) it does not enhance the amenity of the residential area;
    - (d) it does not provide goods, services or employment for residents and is not of a type and scale that is compatible with the existing residential development and it does detract from the amenity enjoyed by nearby residents;
    - (f) it can not be considered to be a small scale local business activity and it is not considered to be compatible with the existing residential area.
  - (2) That the proposal does not comply with the definition of a *local business* under South Sydney Local Environmental Plan 1998 as it employs more than two persons other than permanent residents of the premises;
  - (3) That the proposal does not comply with the definition of *home business* under South Sydney Local Environmental Plan 1998 as it involves the employment of persons other than permanent residents of the premises; it interferes with the amenity of the neighbourhood by reason of the emission of noise, generation of excessive vehicular traffic, the attraction of an excessive number of customers or clients; and the reduction of car parking in the vicinity of the site;
  - (4) That the proposal by virtue of the level of intensity and nature of the use is detrimental to the amenity of adjoining residential properties;
  - (5) That the proposal does not provide any parking spaces and as such it is contrary to the guidelines set out in DCP 11: Transport Guidelines for Development 1996. The lack of parking provision is likely to result in increased demand for on street parking, and the lack of provision for service vehicles is likely to result in illegal parking and increased traffic movements to the detriment and safety of other road users in the vicinity;
  - (6) That the proposal is not in the public interest.
- (B) That Council advise the persons who made representations in respect of the proposal be advised of Council's decision.

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

**GENERAL MANAGER**

That the application be deferred for a further report and that an inspection by Councillors be carried out for the site.

Motion, as amended by consent, carried.

8.

**WILSON STREET, NO. 217, NEWTOWN – UNAUTHORISED ROOFING ON THE EXISTING FIRST FLOOR REAR DECK – DEVELOPMENT APPLICATION (U00-01314)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Leona Jay Novak, for the permission of roofing on the rear deck for the following reasons, namely:-
- (1) That the proposed development is contrary to Clause 22(f) of the Heritage Aims outlined in South Sydney Local Environmental Plan 1998 as the development is not sympathetic to the character of heritage conservation area;
  - (2) That Council declines to permit the retention of the roof structure given that it conflicts with the requirements of Clause 23A(2) relating to compatible materials used on the exterior of the building with the existing building in the heritage conservation area outlined in South Sydney Local Environmental Plan 1998 (Amendment No.3);
  - (3) That Council cannot grant consent to the application as Council cannot legally consent to building works which have already been undertaken.
- (B) That the Council proceed with legal action against the owner of the site for breaches of the Environmental Planning and Assessment Act, 1979 and seek the removal of the unauthorised work, namely, the roofing on rear deck.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) (1) That the applicant be advised that a retractable woven fabric canopy of more than one metre in depth when closed may be affixed to the rear wall to provide protection to the stained glass window provided its width does not extend closer than 900mm to any adjoining property boundaries;

- (2) That the lattice screen of the property to the south be retained.

Carried.

9.

**BOURKE STREET NO. 132, WOOLLOOMOOLOO – PERMANENT USE OF BACKPACKERS HOSTEL (REMOVAL OF 2 YEAR TIME LIMITATION CONDITION) – DEVELOPMENT APPLICATION (U01-00050)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by T. J Holdings Pty. Ltd., with the authority of by T. J Holdings Pty. Ltd., to permanently use 132 Bourke Street Woolloomooloo, as a Backpackers Hostel (removal of 2 year time limitation condition), subject to the following conditions, namely:-

- (1) That the 'Conditions to be satisfied throughout the term that the consent remains valid' as set out in the original consent (Conditions B1-B20) granted by the Land and Environment Court dated 22 December 1999 shall remain valid for this consent except for condition B19 'Time limitation of Consent,
- (2) That a schedule showing the number of each bedroom and dormitory and the number of persons permitted to be accommodated in each bedroom/ dormitory shall be conspicuously displayed at the reception area of the premises and the maximum residential capacity of the room shall be displayed on each bedroom/ dormitory door;
- (3) That a register shall be kept detailing the length of stay of each person accommodated on the premises. The Register shall be kept up to date at all times and shall be made available to Council on request;

and the following standard condition:-

- (4) Shared Accommodation<sup>7010</sup>

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

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

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

Carried.

10.

**WATTLE STREET, NOS. 445-459, ULTIMO – UNAUTHORISED WORKS, INSTALLATION OF CANOPY (PAINT PREPARATION AREA) FLUES COMPRESSOR ROOM ENCLOSURE AND MECHANICAL VENTILATION (DUST EXTRACTION) WITHIN AND ADJACENT TO PAINT SHOP, USE OF AREA FOR SPRAY PAINTING AND DUST EXTRACTION – DEVELOPMENT APPLICATION (U00-01429)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lennon:-

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by M. Zammit, with the authority of Chippendale Smash Repairs Pty Ltd, for an internal canopy (dust extraction and preparation area) within the existing paint shop (as described by the applicant), two chimney flues, mechanical ventilation and enclosure of the compressor at Nos. 445-459 Wattle Street, Ultimo for the following reasons, namely:-
- (1) That the works have been constructed without the prior consent of Council and is therefore in breach of the Environmental Planning Assessment Act, 1979;
  - (2) That Council has no authority to retrospectively grant consent to the works.
- (B) That the applicant be advised that without prejudice to any action deemed necessary by Council should a nuisance arise, no further action will be taken in relation to the unauthorised works, subject to the following:
- (1) the works complying with all NSW Environment Protection Authority and WorkCover Authority of NSW requirements in respect of installation and operation. Details shall be submitted to Council within 14 days of receipt of this determination;
  - (2) compliance with Conditions of consent to previous development and building applications where relevant, particularly in regard to hours of operation;
  - (3) the canopy shall comply in all respects with the definition of "booth" as outlined at Clause 4 of the Factories (Health and Safety-Spray Painting) Regulation 1977;

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- (4) all preparations for spray painting shall be carried out in accordance with the requirements of the NSW WorkCover Authority and the Motor Vehicle Industry Repair Council;
  - (5) compliance with the requirements of the following Acts and Regulations:-
    - Factories (Health and Safety-Spray Painting) Regulation 1977;
    - Occupational Health and Safety (Confined Spaces) Regulation 1990;
    - Occupational Health and Safety Act NSW 1983.
  - (6) that any gaseous emissions from the development shall comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulation thereunder. Processes including airborne particulate matter shall incorporate a suitable dust collection system;
  - (7) that the direction and velocity of the effluent air discharged from the exhaust vents shall be such that the amenity of the neighbourhood, including the outdoor air at doors and windows of adjacent buildings and in the vicinity of the exhaust vent at ground level, is preserved;
  - (8) that the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
  - (9) 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<sub>A90</sub>) 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<sub>A10, 15 min</sub> 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.
- (C) That the Council defers consideration of the application until the applicant has provided details responding to the following matters, which shall be submitted within one month of the date of this determination.

- (1) Evidence from WorkCover that the facility has been constructed and the use able to be carried out in accordance with recognised Australian Standards, with regard to the health and safety of surrounding residents and employees of the company.
  - (2) Evidence from the Environment Protection Authority that the facility has been constructed and the use able to be carried out in accordance with recognised Australian Standards, with regard to the health and safety of surrounding residents and employees of the company;
  - (3) That the canopy is a "booth" as defined by the Factories (Health and Safety-Spray Painting) Regulation 1977;
  - (4) The applicant has investigated the potential use of high-volume, low-pressure spray guns, rather than conventional spray guns. This would have the dual benefits of less impacts on the environment as well as being safer for workers;
- (D) The applicant's attention is drawn to the provisions of Section 125 and 126 of the Environmental Planning and Assessment Act, 1979.

**SECTION 125 - Offences against this Act and the regulations**

- 125.** (1) Where any matter or thing is by or under this Act, other than by or under the regulations, directed or forbidden to be done, or where the Minister, the Director, a council or any other person is authorised by or under this Act, other than by or under the regulations, to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direction or prohibition shall be guilty of an offence against this Act.
- (2) Where any matter or thing is by or under the regulations directed or forbidden to be done, or where the Minister, the Director a council or any other person is authorised by the regulations to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direct or prohibition shall be guilty of an offence against the regulations.
- (3) Nothing in subsection (1) or (2) applies in respect of a direction given under this Act by the Minister to a public authority.
- (4) It is a sufficient defence to a prosecution for an offence that arises from a failure to comply with an order under Division 2A if the defendant satisfies the Court that the defendant was unaware of

the fact that the matter in respect of which the offence arose was the subject of an order.

**SECTION 126 - Penalties**

- 126.** (1) A person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 10,000 penalty units and to a further daily penalty not exceeding 1000 penalty units.
- (2) A person guilty of an offence against the regulations is liable to a penalty not exceeding 1000 penalty units.
- (3) Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct to that person —
- (a) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth; and
  - (b) to provide security for the performance of any obligation imposed under paragraph (a).

Note: A penalty unit is equal to one hundred and ten dollars (\$110).

- (E) That the Council's Solicitors seek a written undertaking from the applicant within 7 days, that no spray painting of any type will occur from this part of the site until such time as consent has been granted and the conditions of any consent complied with and that the approved hours of operation for the business of 7.30am to 6.30pm Mondays to Fridays and 7.30am to noon Saturdays will be strictly adhered to at all times. In that event that this undertaking is not given, that Council seeks an immediate injunction from the Land and Environment Court and prosecutes forthwith.

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

- (F) That Council Officers notify the objectors of the notice of compliance.

Motion, as amended by consent, carried.

11.

**SOUTH DOWLING STREET, NO. 354, PADDINGTON – ALTERATIONS AND ADDITIONS TO COMMERCIAL BUILDING INCLUDING FIRST FLOOR BALCONY REINSTATEMENT AND REAR ADDITION – DEVELOPMENT APPLICATION (U00-01405)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 16 March 2001.

Carried.

12.

**CLEVELAND STREET, NO. 61, DARLINGTON – ALTERATIONS AND ADDITIONS TO CREATE A BOARDING HOUSE – DEVELOPMENT APPLICATION (U0001134)**

That the development application submitted by D Wang, with the authority of D Wang and Q H Tam, to extend at the rear of the premises to create a total of 9 boarding rooms and change the use of the existing dwelling to a boarding house, be deferred to the next Planning and Development Committee meeting to be held on 4 April 2001, as requested by the applicant in fax dated 21 March 2001.

Carried.

13.

**GOWRIE STREET, NEWTOWN – ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CONSTRUCTION OF FIRST FLOOR (U00-01124)**

That the development application submitted by Maya Saric and Jason Steward (owners) to construct a second level upon an existing residential dwelling and to carry out ground floor additions and alterations, be deferred for further discussions with the Director of Planning and Building.

Carried.

14.

**BOTANY ROAD, NO. 644, ALEXANDRIA – PROPOSED SUB-DIVISION OF LAND INTO TWO LOTS, PROPOSED STAGED DEVELOPMENT IN TWO STAGES OF 104 APARTMENTS, OFFICE, COMMERCIAL SPACE, RETAIL SPACE AND 102 CAR SPACES – DEVELOPMENT APPLICATION (U00-00865)**

**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 15 March 2001, subject to:-

- (1) the deletion of the amount "\$14,000" where appearing in the second line of condition (B)(1) of the recommendation and the insertion in lieu thereof of the amount "\$115,500";
- (2) the deletion of the amount "\$115,500" where appearing in the sixth line of condition (B)(2) of the recommendation and the insertion in lieu thereof of the amount "\$14,000".

Carried.

15.

**TEGGS LANE, NO. 1, CHIPPENDALE – ERECT RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00909)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lennon:-

That the matter be deferred to allow the applicant to submit amended plans which include placing the parking at least 1.5 metres below ground level so as to provide greater casual surveillance of the street.

Negated.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Burley Katon Halliday for permission to erect a residential flat building containing 10 town houses, subject to the following conditions, namely:-
  - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$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

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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 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 \$4,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$9,303	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 or the certification of building 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		\$ 5,841
	E97003.BGY0	
Open Space: New Parks	\$ 27,917	2E97009.BGY0
Accessibility And Transport	\$ 176	2E97006.BGY0
Management	\$ <u>430</u>	2E97007.BGY0
Total		\$ 34,364

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 - 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.

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

**GENERAL MANAGER**

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 DA01 to 08 dated July 2000 as amended by plans SK01 to 05 dated 15 February, 2001;
- (6) That the louvres in the façade shall be setback from the dividing walls to give visual emphasis to the dividing walls ;
- (7) That the work carried out shall be in accordance with the schedule of colours and materials provided;
- (8) That the façade wooden louvres may be adjustable but shall not be designed to close so far as to prevent light and air to the balcony areas;

- (9) That the each unit be provided with a separate ground level garbage enclosure adjacent to the units street entrance;
- (10) That the building shall be provided with solar hot water heating in accordance with the Council's adopted policy;
- (11) 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 and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works shall be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (12) That the development must satisfy the requirements of Council's DCP No.11, Transport Guidelines for Development 1996. In particular the development must have satisfactory:
  - (a) Ramp grades and transitions
  - (b) Clearance
  - (c) Aisle widths
  - (d) Width of car parking spaces
  - (e) Width of vehicular entrance
- (13) That the applicant shall install (a) speed bumps within the development to slow the speed of vehicles exiting the site and (b) external flashing lights, activated by vehicle detectors, so as to warn pedestrians of exiting vehicles;
- (14) That the applicant shall provide off street parking for workers constructing the development;
- (15) 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 the fees for Council to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (16) That the applicant shall meet with Council's Waste Services Operations Manager, Mr Jason Elbourne, upon completion of the project to discuss service delivery details;
- (17) That before entering a purchase/lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located

in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;

- (18) That light and ventilation shall be provided in accordance with the requirements of the BCA;
- (19) That plans and specifications demonstrating compliance with the nominated standards and requirements for all required mechanical ventilation systems of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate;
- (20) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations;

and the following adopted standard conditions:

- (21) One Television Aerial<sup>114</sup>
- (22) Display Street Number<sup>124</sup>
- (23) Consolidate Lots<sup>122</sup>
- (24) Street Number Application<sup>123</sup>
- (25) Builders Hoarding Permit<sup>1008</sup>
- (26) Disabled Entry<sup>3024</sup>
- (27) Cost of Signposting<sup>3026</sup>
- (28) Footway Crossing<sup>3028</sup>
- (29) Obstruction of Public Way<sup>3029</sup>
- (30) Construction Traffic<sup>3030</sup>
- (31) Traffic and Pedestrian Management<sup>3031</sup>
- (32) Delivery of Construction Materials<sup>3032</sup>
- (33) Stormwater Standard<sup>4001</sup>
- (34) Clean Water Discharge<sup>4002</sup>
- (35) Connection to Council's Stormwater System<sup>4005</sup>
- (36) Garbage on Public Way<sup>6001</sup>

- (37) Refuse Skips<sup>6002</sup>
- (38) Position of Garbage Area<sup>6005</sup>
- (39) Recycling<sup>6007</sup>
- (40) Storage/Garbage<sup>6009</sup>
- (41) Garbage/Recyclable Material Room<sup>6010</sup>
- (42) Drainage Design Certificate<sup>9011</sup>
- (43) Construction Hours<sup>9151</sup>
- (44) Works Within Boundary<sup>9152</sup>
- (45) Work on Public Way<sup>9154</sup>
- (46) Soil and Sediment Control<sup>7068</sup>
- (47) Car Park Ventilation<sup>7029</sup>
- (48) Ventilation<sup>7023</sup>
- (49) Comply With BCA<sup>9104</sup>
- (50) Construction Certificate Required<sup>9155</sup>
- (51) Excavating Below Base of Footings<sup>9158</sup>
- (52) Works to be Within Allotment Boundaries<sup>9159</sup>
- (53) Excavations and Backfilling<sup>9160</sup>
- (54) Excavations and Backfilling Safely<sup>9161</sup>
- (55) Demolition to Comply With Aust Standard<sup>9163</sup>
- (56) Contamination Assessment<sup>7018</sup>
- (57) That the facade and internal layout design of the building at street level on Teggs Lane is to be amended as shown on Drawing No. SK 07A & SK 08A, dated 27 March 2001. This amended design is to be replicated on the Little Queen Street frontage. The design amendments to both street frontages are to be incorporated into the application for the Construction Certificate.

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: 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 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.
- (C) That the TriBeCa Body Corporate be advised that the Council will require that the unauthorised roofing of the light shaft on the eastern boundary of the TriBeCa building to be removed.

Carried.

16.

**GEORGE STREET, NOS. 370 – 376, WATERLOO – DEMOLITION OF EXISTING FACTORY, EXCAVATION FOR CAR PARKING, ERECTION OF TWO BUILDINGS WITH GROUND FLOOR COMMERCIAL AND UNITS ABOVE – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-01072)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 16 March 2001.

Carried.

**GENERAL MANAGER**

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

The Council Meeting terminated at 8.26 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2001

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**