

**271<sup>ST</sup> Meeting**

**Erskineville Town Hall  
Erskineville  
302106**

**Wednesday, 9 May 2001**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.34 pm on Wednesday, 9 May 2001.

**PRESENT**

The Deputy Mayor, Councillor Peter Furness (Acting Chairperson)

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

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**Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 11 April 2001 and the minutes of the Extraordinary Meeting of Council of 3 May 2001, be taken as read and confirmed.

Carried.

**Apology**

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler.

Moved by Councillor Lay, seconded by Councillor Shaw:-

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

Carried.

**MINUTE BY THE MAYOR**

4 May 2001

**PUBLIC RELATIONS – SOUTH SYDNEY DISTRICT CRICKET CLUB –  
CONGRATULATIONS BY COUNCIL ON WINNING  
PREMIERSHIP AND CLUB CHAMPIONSHIP (2023643)**

I am pleased to inform Council that the South Sydney District Cricket Club Inc. recently won the Sydney Second Division First Grade Premiership and the Club Championship, which is based over the five grades in the competition.

This is the first time the Club has won both trophies and it is acknowledged by Council the success achieved in the competition by the most senior club in the South Sydney Local Government area.

**RECOMMENDATION:**

That a letter be forwarded to the Chief Executive Officer of the South Sydney District Cricket Club congratulating them on the success achieved in winning both honours in the district competition.

Councillor John W Fowler (SGD)

**Mayor**

**GENERAL MANAGER**

Moved by Councillor Lennon, seconded by Councillor Harcourt:-

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

It was moved by Councillor Bush, seconded by Councillor Mallard, that a Civic Reception be held for the South Sydney District Cricket Club on their achievements.

Negatived.

It was further moved by Councillor Harcourt, seconded by Councillor Shaw, that the Minute by the Mayor be amended by the inclusion of the words in the recommendation "and that the appropriate representatives of the winning first grade team and club be invited to a future Council Meeting to receive their letter of congratulations".

At this stage Councillor Lennon moved that the motion be put, seconded by Councillor Lay.

Carried that the motion be put.

Motion, as amended by consent, carried.

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

8 May 2001

#### **PUBLIC RELATIONS - SUPPORT – REQUEST FOR COUNCIL'S SUPPORT FOR BOOM GATES INSTALLATION AT LEVEL CROSSINGS (2024496)**

On 27<sup>th</sup> January this year a group of friends from Wagga Wagga were killed on a level crossing when the XPT train travelling at 160 kph hit their car.

The mother of one of the young men killed has written to myself and Councillors seeking support to a petition devised by the Member for Wagga Wagga, Daryl Maguire MP, which asks for the New South Wales Government to fit boom gates at all level crossings in New South Wales.

Boom gates are considered to be the safest and most cost effective way of ensuring people stop at level crossings. Red or flashing lights are not as effective for various reasons mentioned in the attached letter. There are 1002 level crossings in NSW which need boom gates at an estimated total cost of \$180 million or an average of \$180,000 per facility.

**GENERAL MANAGER**

Clearly, there is a need for the State Government to fund an urgent program of works to systematically establish safe crossing conditions at all of the State's level crossings.

**RECOMMENDATION:**

That I write to the Speaker of the Legislative Assembly of the NSW Parliament offering Council's strong support to the petition being organised by the Member for Wagga Wagga, Mr Daryl Maguire, MP, urging the Carr Government to immediately ensure that all level crossings in New South Wales are fitted with Boom Gates and Lights, and further, that the Member for Wagga Wagga be advised of Council's support.

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

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

7 May 2001

**ADMINISTRATION – DRAFT MANAGEMENT PLAN 2001/2004 –  
APPROVAL FOR PUBLIC EXHIBITION (2023518)**

The Draft Management Plan 2001/2004 including the Fees and Charges are submitted.

The overall Plan incorporates 22 programs. Further detailed information is contained in 52 internal Business Plans which are currently being prepared and are scheduled for completion by 30 June 2001.

**Financials**

The plan contains two (2) financial summaries. One is based on the allowable statutory rate increase of 3.42%. The second is based on an additional 5.57% rate increase.

**GENERAL MANAGER**

**Public Exhibition**

Once approved, we will place the Draft Plan on public exhibition for 28 days. All comments received will be reported on by the Directors before final adoption of the Plan.

**RECOMMENDATION:**

Council approves the Draft Management Plan 2001/2004 to be placed on public exhibition. (GM Minute 7.04.01)

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Mallard, seconded by Councillor Furness:-

That the minute by the General Manager, be approved and adopted, subject to the following amendments, namely:-

- (1) That the Domestic Waste Management Charge for regular collection services in the amount of \$181 be now \$190 (5% increase);
- (2) That the Domestic Waste Management Charge for extended collection services in the amount of \$264 be now \$277 (5% increase 2001/2002 Financial Year).

Carried.

**MINUTE BY THE GENERAL MANAGER**

9 May 2001

**DONATIONS. - WOOLLOOMOOLOO OUTREACH PROGRAM -  
CONTRACT (2024649)**

Council recently approved a \$50,000 donation towards an outreach project with the Department of Community Services to provide case management for the large number of homeless people living in the Woolloomooloo area, particularly around Tom Uren Square and the park in Bourke St.

Council approved this on the basis that during this six month period the State Government will develop a long term strategy for dealing with the issue of homelessness.

**GENERAL MANAGER**

Council's Homelessness, Marginal and Affordable Housing Committee met on 30 April, 2001 and approved for the Chair of the Committee and Council's Community Services Manager to meet with senior representatives of the Department of Housing and DOCS to begin discussions on the content of the contract.

This meeting was held yesterday at DOCS offices in Ashfield. Council's representatives at the meeting asked for the following matters to be covered by the contract:

- That all communications in relation to the project be managed by the Steering Committee which has been established for the project, and not by the City of Sydney (Council will have two Directors on this Committee).
- That any information on progress and outcomes of the project would be made fully available to the funding bodies.
- That the information to be reported on from the project, and the format of this information, be negotiated by the 'planning group' comprising (social) planning staff from South Sydney, DOCS and the contract manager from City of Sydney.
- That any information reporting back on the project be provided to a meeting of the planning group, prior to being tabled at the Steering Committee. This will enable the information to be strategically analysed in preparation for the Steering Committee meeting.
- That the project involve the engagement of two workers, and that ideally these workers should be the same for the duration of the project, in order to ensure continuity of the relationship with the clients.
- That the workers work five days per week, eight hours per day, but that the timing of the work be flexible, and signed off by the Steering Committee after the first month of the project.
- That the case management would follow the clients into the accommodation services, until this role was able to be effectively picked up by other case managers.
- That regular case conferencing occur.
- That the 'clients' for the project would be people in Woolloomooloo who appear to be homeless.
- That every effort was made to engage the clients in the project by the case managers.
- That there be some flexibility in the contract to use the workers in other areas, if the case load for Woolloomooloo fell below the number reasonably anticipated to be covered.

- That the outcomes of the Woolloomooloo Outreach Project would inform, and be rolled out into the long term strategy being developed for homeless people.

The Department of Community Services has undertaken to communicate these requirements to the City of Sydney, prior to proceeding to draft a contract. If these are acceptable DOCS will prepare a draft contract and forward this to South Sydney Council for consideration.

It is proposed that the draft contract be considered by Council's Homelessness, Marginal and Affordable Housing Committee, and that if the Committee is happy with it then the general manager proceed to sign the contract on Council's behalf.

**RECOMMENDATION:**

I recommend that the proposed contract for the Woolloomooloo Outreach Project be considered by Council's Homelessness, Marginal and Affordable Housing Committee and that if the Committee is happy with the contract then I proceed to sign off on the contract on behalf of Council.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**PETITIONS**

1. The Mayor tabled a petition received by the General Manager with approximately 13 signatures appended from Business Proprietors requesting the reopening of the car parking spaces at the intersection of Swanson Street and Erskineville Road, Erskineville.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 49 signatures appended from residents of Elizabeth Bay Gardens at No. 15 Onslow Avenue, Elizabeth Bay, objecting to the proposed development at the "Manhattan Hotel", No. 8 Greenknowe Avenue, Elizabeth Bay.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 57 signatures appended from residents of various streets in Surry Hills, supporting the proposed closure of Richards Avenue and Collins Street, Surry Hills.

Received.

4.

The Mayor tabled a petition received by the General Manager with approximately 38 signatures appended from residents of various streets in Beaconsfield, objecting to the proposed use of Nos. 43-45 William Street, Alexandria, as a Swingers Club.

Received.

5.

Councillor Pooley tabled a petition with approximately 11 signatures appended from residents of Kepos Street, Redfern, regarding the park situated at the corner of Kepos Street and Zamia Street, requesting the closure of the park between sunset and sunrise and removal of the basketball ring, and the erection of another fence along the boundary between No. 47 Kepos Street, Redfern.

Received.

#### **REPORT OF THE MANAGEMENT REVIEW COMMITTEE**

8 May 2001

At the commencement of business and at 5.35 p.m. those present were:-

The Mayor, Councillor John Fowler and Councillors John Bush, Peter Furness, Christine Harcourt, Jill Lay, Amanda Lennon, Shayne Mallard, Tony Pooley and Gregory Shaw.

The Committee recommended the following:-

**MANAGEMENT PLAN 2000/2003 – REPORT FOR NINE MONTHS ENDED  
30 MARCH 2001 (2021951)**

**GENERAL MANAGER**

- (1) Council receives and notes the report on the Management Plan 2000/2003 for the nine months ended 30 March 2001;  
  
(GM Minute 4 May 2001);
- (2) That the report by the Director of Finance dated 7 May 2001, regarding the significant quarterly variances to the Budgets, be received and noted.

The Management Review Committee Meeting terminated at 7.20 p.m.

Moved by Councillor Bush, seconded by Councillor Pooley:-

That the minute by the General Manager dated 4<sup>th</sup> May 2001 and the report by the Director of Finance dated 7<sup>th</sup> May 2001 be received and noted.

Carried.

### **QUESTIONS WITHOUT NOTICE**

1.

#### **HEALTH – NORTH WARD – WEEDING OF PATHS AND STREETS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (H51-00091)**

##### **Question:**

The weeding of paths and streets in the north ward is still not up to a satisfactory standard. Could the Director of Public Works prepare a report which includes information on when the weeding contract in relation to the north ward was last awarded, to which company was it awarded and on what basis?

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

The contract has not been offered to somebody else. The contractor on his last warning has improved his performance and we are monitoring it on a regular basis, but his general performance has improved, so we have kept him on for the duration of his contract which I think is the 30<sup>th</sup> June 2001. I can advise you on what basis we have retained his services, but generally there is a set of conditions within the contract that he need to comply with. I assume he is complying with those conditions.

2.

**WELFARE – GOODWILL GROUPS – DISPOSING OF FOOD AND DRINK CONTAINERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (W51-00065)**

**Question:**

Can Council liaise with the various goodwill groups, which provide free meals and drinks to homeless people in South Sydney at sites such as Green Park, Darlinghurst and St. Canice's near Kings Cross, about reducing the large amount of rubbish from disposable food and drink containers by encouraging and assisting these organisations to use reusable cups, plates, cutlery etc and report back to Council on the outcome?

**Answer by the Deputy Mayor:**

I will ask the Director of Health and Community Services to have a report prepared for the Councillors Information Service.

3.

**PROPERTIES – REGINALD MURPHY HALL, GREENKNOWE AVE, KINGS CROSS – COST OF RENDERING AND PAINTING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2022933)**

**Question:**

Can a report be prepared on the possibility and cost of rendering and painting the Reginald Murphy Hall in Greenknowe Ave, Kings Cross and repairing the wall tiles on the front of the building?

**Answer by the Deputy Mayor:**

I will ask the Director of Public Works and Services to have a response prepared for you.

4.

**WELFARE – SOUTH SYDNEY HOSPITAL – ACCOMMODATION FOR THE HOMELESS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (W51-00065)**

**Question:**

In order to alleviate the problem of homelessness, which has reached serious dimensions in the north ward, can a report be prepared for Council on the feasibility of Council making available the Council owned building in Joynton Avenue, Zetland to a welfare organisation for the purpose of accommodating

homeless people? Can Council also liaise with the State Government about the vacant South Sydney Hospital in Joynton Avenue been made available for housing homeless people and report to Council on the outcome?

**Answer by the Deputy Mayor:**

I will have a joint report prepared from those Directors for Committee

5.

**KINGS CROSS STATION – REOPENING OF PUBLIC TOILETS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2015444)**

**Question:**

Can the Mayor write to the State Rail Authority asking for the Kings Cross station public toilets being reopened?

**Answer by the Deputy Mayor:**

I will pass that onto the Mayor to ask for a letter under his signature.

6.

**PARKS – FITZROY GARDENS – WORKS SCHEDULE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON. (2022124, P54-00063)**

**Question:**

In regards to the Cross Cultural Festival and the Taste Festival that occurs in Fitzroy Gardens, could we make sure that the work schedule for Fitzroy Gardens does not conflict with the dates for these events.

**Answer by the Deputy Mayor:**

I will as the Director of Public Works and Services to take that on board and provide you with a response if need be.

At this stage of the meeting, Councillor Lennon tabled a letter from Mr. Anthony Partos regarding the review of backpackers in Kings Cross.

7.

**PARKS – ELIZABETH MCRAE PLAYGROUND – UPGRADE OF FENCE SURROUNDING BASKETBALL RING - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2010788)**

**Question:**

Could the relevant Council Officer please investigate the fence surrounding the basketball ring adjacent to Kepos Lane, at the back of No. 47 Kepos Street in Elizabeth McRae Playground? Young people have been swinging off this fence and I believe it now poses a hazard to people using the park.

**Answer by the Deputy Mayor:**

I will as the Director of Public Works and Services to investigate that matter and provide a response for the Councillors Information Service.

8.

**PARKS – CORNER PHILLIP AND KEPOS STREETS, REDFERN – REMOVAL OF HAZARDOUS STRUCTURE - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2017369)**

**Question:**

A small park on the corner of Phillip and Kepos Street has a wooden ground level structure that is filled with blue metal and leaves. Did Council approve such a structure? If they did not, could it be removed as it is potentially a hazard. If they did approve it, can some explanation of its purpose be given and appropriate signage erected to warn people of its existence?

**Answer by the Deputy Mayor:**

I will as the Director of Public Works and Services to investigate that matter and provide a response for the Councillors Information Service.

9.

**COMMITTEES – KING STREET MAINSTREET ENHANCEMENT – EXPECTED DATE OF COMPLETION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY(2005632)**

**Question:**

Could the Director of Public Works and Services please supply me with an outline of the stages required to complete the King Street Mainstreet enhancement, including approximate dollar costs and how long this project is likely to take. Further could I be advised as to the works included in the

current 3 years works program. At the current rate of progress when would the Director expect this project to be completed?

**Answer by the Deputy Mayor:**

I will as the Director of Public Works and Services to investigate that matter and provide a response for the Councillors Information Service.

10.

**PARKING – PARKING METERS – ANNUAL REVENUE TO COUNCIL -  
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2012954)**

**Question:**

Could I please be advised of the amount of annual revenue Council could receive from the proposed parking meters and any undertakings that Marrickville Council have made to traders in relation to the monies they anticipate from the installation of their meters in King Street, Newtown?

**Answer by the Deputy Mayor:**

I will ask the Acting Director of Corporate Services to investigate that matter and prepare a response for you.

11.

**CLEANING – KING STREET, NEWTOWN AND ERSKINEVILLE ROAD,  
ERSKINEVILLE – MAINTAINING OF GARBAGE AND RECYCLING BINS -  
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (C56-00026)**

**Question:**

Could I please be advised as to the cleaning regime employed to maintain the garbage and recycling bin in King Street, Newtown and Erskineville Road, Erskineville. I believe that if Council and the community invest in upgrading the public domain then they must also maintain it?

**Answer by the Deputy Mayor:**

I will as the Director of Public Works and Services to response to you in the Councillors Information Service.

12.

**HUGO STREET, NOS. 29 – 53, LOUIS STREET, NOS. 28 – 54, CAROLINE STREET, NOS. 12 – 36, CHIPPENDALE – WILSON BROS SITE – TIMETABLE FOR DEMOLITION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2020517)**

**Question:**

I believe that the RAC (Redfern Aboriginal Corp) will be vacating the Wilson Bros. Site within days. I recognise the problems that have been experienced on the site due to unauthorised entries and would like to be advised of the proposed timetable for demolition and construction of both the park and centre. I am very concerned that the site will not be left in limbo between demolition and construction. I am aware that the park component is almost ready to be tendered out and that Council has given approval to engage architects to prepare DA construction drawings and tender documents. This area is in need of positive commitment and another vacant site will not assist.

Could I please be provided with a timeline for the completion of this project and note that the community has gone through a very extensive discussion and now needs tangible outcomes?

I would note that the Redfern Police and their Community Safety Officer have also expressed a desire that both section of the project happen concurrently?

**Answer by the Deputy Mayor:**

I will ask the Acting Director of Corporate Services to provide you with that timetable

13.

**STREETS – UPKEEP OF STORM WATER GULLIES IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2000704)**

**Question:**

Does a map of all storm water gullies exist for South Sydney? Do the Ordinance Officers, who according to the key performance indicators check the streets of South Sydney regularly, report on their upkeep along with Council's cleansing staff?

**Answer by the Deputy Mayor:**

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

14.

**PUBLIC RELATIONS – ‘HELP PROGRAM’- LETTER OF CONGRATULATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2023643)**

**Question:**

Last week the Wentworth courier recorded that a group of young Aboriginal film makers in South Sydney had won a major short film award for the second time in a row. The films were made through the “Help Program” run at the Settlement and funded by DOCS. The film makers and South Sydney Residents. Could a letter of congratulations under the Mayors signature on behalf of the Council be sent to the Settlement and the Film makers.

**Answer by the Deputy Mayor:**

I will bring that matter to the attention of the Mayor.

15.

**SIGNS – CORNER RESERVOIR AND SMITH STREETS, SURRY HILLS – ARTHUR STREET PLAYGROUND – DUMPING OF RUBBISH- QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S52-00107)**

**Question:**

In the past week I have received complaints of rubbish dumping at the corner of Reservoir and Smith Streets (near the Park Wall), on the Arthur Street Playground, and on the corner of Marshall Street and Phelps streets, Surry Hills.

All these places are frequently disfigured by rubbish. Please, could “No dumping signs” be erected and patrols made at these sites?

**Answer by the Deputy Mayor:**

I will ask the Director of Public Works and Services to respond to the Councillors Information service through Committee on that matter.

16.

**STREETSCAPES – ARTHUR STREET PLAYGROUND – REPAIRS TO WOODEN CLIMBING BRIDGE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2013979)**

**Question:**

The wooden climbing bridge in the Arthur Street playground, Surry Hills is broken and dangerous for young children.

Could this please be immediately attended to? The park is in further need of renovation and I will forward a copy of a letter by residents to the Director of Public Works and Services.

**Answer by the Deputy Mayor:**

I will ask the Director of Public Works and Services to respond to you in regards to that matter.

17.

**TREES – BOURKE STREET, BETWEEN PHELPS AND ARTHUR STREETS, SURRY HILLS – OBSCURED BUS STOP - TRIMMING OF TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2022831)**

**Question:**

The bus stop on Bourke Street between Phelps and Arthur Streets is particularly obscured by a street tree. The problem is made worse by parked cars and persons at the stop sometime miss their bus as a consequence. Please, could I have a report on ways to addressing this problem?

**Answer by the Deputy Mayor:**

I will ask the Director of Public Works and Services to respond to you in regard to that matter.

18.

**SIGNS – ERECTION OF SIGNS SETTING OUT COLLECTING TIMES AND COUNCIL'S POLICY ON DOMESTIC WASTE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S52-00107)**

**Question:**

When "No dumping" notices are erected close to residences, would it be possible to include an additional notice setting out collecting times and other details of Council policy on domestic waste to reinforce the message about appropriate disposal?

**Answer by the Deputy Mayor:**

I will ask the Director of Public Works and Services to have a report prepared for Committee.

19.

**OXFORD STREET, NO. 255A AND NO. 255B, DARLINGHURST – STATUS OF THE WALTER REED RESERVE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012190)**

**Question:**

Can the Director of Public Works and Services investigate the current status of the Walter Reed Reserve?

**Answer by the Deputy Mayor:**

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

20.

**PLANNING – GREEN SQUARE AREA – PHOTOGRAPHIC RECORDING OF DEVELOPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022759)**

**Question:**

Can the Director of Planning and Building investigate the potential of photographically recording the development of the Green Square area as a Social history project?

**Answer by the Deputy Mayor:**

I will forward that matter to the Director of Planning and Building and ask him to bring it back to Council as a Committee Item.

21.

**DEVELOPMENT – LAND AND ENVIRONMENT COURT – COST OF ACTION BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005988)**

**Question:**

Can the Director of Planning report on the individual costs of action by Council in the Land Environmental court where Council has opposed the recommendation of the Planning Department?

**Answer by the Deputy Mayor:**

I will ask the Director of Planning and Building to prepare a response on that matter.

22.

**ADMINISTRATION – NORTH WARD – LISTING OF COUNCIL’S ASSETS AND THEIR VALUES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A53-00100)**

**Question:**

Can a report come to Council listing Council’s assets and their values in the North Ward – Chippendale – Broadway and Camperdown?

**Answer by the Mayor:**

I will refer that matter to the appropriate Director for a response.

**REPORT OF THE FINANCE COMMITTEE**

2 May 2001

**PRESENT**

**Councillor Shayne Mallard (Chairperson)**

**Councillors – Peter Furness, Tony Pooley, Gregory Shaw**

At the commencement of business at 6.47 pm, those present were -

Councillors – Furness, Mallard, Pooley and Shaw

**GENERAL MANAGER**

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

That the Report of the Finance Committee of its meeting of 2 May 2001, be received and the recommendations set out below for Items 1 to 11, inclusive, 13 to 17, inclusive, 19 to 22.3, inclusive, 22.5 and 22.7 to 22.9, inclusive, be adopted. The recommendations for Items 18, 22.4 and 22.6 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**DONATIONS – LANDSCAPE MATERIALS - QUARTERLY REPORT – JANUARY TO MARCH 2001 (2003030)**

That approval be given under the provisions of Section 356 of the Local Government Act 1993, to donations in the form of plants and landscape materials to the value of \$400 to the various local bodies as detailed in the report for the three month period ending 31 March 2001 and that the expenditure involved be added to the 2001/2002 Revenue Estimates - Account Code 1.24.6815.

(DPWS Report 12.4.01)

Carried.

2.

**FINANCE – SECTION 356 OF THE LOCAL GOVERNMENT ACT, 1993, DONATIONS REPORT – 9 MONTHS TO 31 MARCH 2001 (2024098)**

That the report by the Director of Finance dated 9 April 2001, outlining the present position in respect of Section 356 of the Local Government Act, 1993, be received and noted.

Carried.

3.

**ADMINISTRATION – CORPORATE SERVICES – MOTOR VEHICLES – INFORMATION TECHNOLOGY SECTION – ADDITION TO BUDGET (2022300)**

- (1) That arising from consideration of a report by the Acting Director of Corporate Services dated 10 April 2001, approval be given to the additional funds of \$154,314 being added to the 2000/2001 Budget for the purchase of motor vehicles as required for allocation to employees within the Information Technology Section who elect to enter into the leaseback Scheme, following the restructure of the Section;

- (2) That in the future when any new vacant position, with benefits, is to be advertised and funds need to be voted by Council to this position that all benefits such as the inclusion of a mobile telephone, the provision of a motor vehicle etc, be listed and costed in addition to the salary component of the position.

Carried.

#### 4.

##### **INSURANCES – LIABILITY INSURANCE – LESSEES/HIRERS OF COUNCIL PROPERTY/FACILITIES AND CONTRACTORS TO COUNCIL – POLICY (2010711)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 23 April 2001, it be resolved that:-

- (1) as matters of Policy, Council adopt the following requirements for Public Liability and Professional Indemnity Insurance in contracts entered into by Council:
  - (a) minimum of \$10 Million Public Liability Insurance;
  - (b) minimum of \$5 Million Professional Indemnity Insurance;
- (2) authority be delegated to the General Manager to review the minimum Public Liability and Professional Indemnity Insurance requirements in contracts and make appropriate amendments as and when required:
  - (a) on an annual basis;
  - (b) in any individual case where the perceived exposure to the risk of liability may warrant such a review;
  - (c) where insurance market conditions indicate the necessity for such a review, to ensure the continued cost-effectiveness of a particular contract.

Carried.

#### 5.

##### **INSURANCES – RISK MANAGEMENT REPORT – HIH/FAI/CIC INSURANCE COLLAPSE (2010711)**

That the report by the Acting Director of Corporate Services dated 18 April 2001, on the financial impact upon Council following the collapse of HIH Insurance/FAI and CIC, be received and noted.

Carried.

6.

**STREETS – FILMING - REQUEST BY THE DEPARTMENT OF STATE AND REGIONAL DEVELOPMENT FOR A DISCOUNT IN FILMING FEES (2017178)**

That the application by the Department of State and Regional Development for a 20% discount in filming fees for the telemovie “The Bill”, be refused.

Carried.

7.

**PROPERTIES - PADDINGTON TOWN HALL – REQUEST FOR FREE USE, 24 OCTOBER 2001 – THE YWCA OF SYDNEY (P56-00410)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 23 April 2001, approval be given to the YWCA of Sydney for the free use of Paddington Town Hall on 24 October 2001, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$2,850 in income and \$720 in costs, to allow the YWCA of Sydney to conduct a public meeting.

Carried.

8.

**PROPERTIES – REDFERN TOWN HALL – REQUEST FOR FREE USE - JEWISH CARE AGED SERVICE - VARIOUS DATES IN 2001 AND UNTIL MARCH 2002 (P56-00410)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 23 April 2001, approval be given to Jewish Care Aged Service for the free use of Redfern Town Hall, under the provisions of Section 356 of the Local Government Act, 1993, and Council agrees to forgo \$2,880 in income and \$1,200 in costs, to allow Jewish Care Aged Service to conduct monthly social functions for Russian speaking residents of Redfern and Waterloo on various dates in 2001 and up to March 2002.

Carried.

9.

**ALCOHOL-FREE ZONE – FORBES STREET, DARLINGHURST, BETWEEN BOURKE STREET AND BURTON STREET – PROPOSED ESTABLISHMENT (2024020)**

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

- (A) Provisional intention to establish an Alcohol-Free Zone in Forbes Street Darlinghurst between Bourke Street and Burton Street. This proposed zone will cover both eastern and western footpaths and the roadway of Forbes Street. Any future or existing footpath area licensed by this Council for the purpose of food or alcohol consumption that may fall within this zone will be excluded from the provisions of the zone.
- (B) That notification of Council's decision be forwarded to the person and bodies referred to in the Acting Director of Corporate Services report of 26 April 2001, allowing these persons and bodies the statutory period in which to lodge representations and objections.
- (C) That the proposed Alcohol-Free Zone exist for a period of three years.

(A/DCS Report 26.4.01)

Carried.

10.

**PARKS – RUSHCUTTERS BAY PARK, RUSHCUTTERS BAY – CONSTRUCT STAGE ONE WORKS - ACCEPTANCE OF TENDER (2020925)**

That approval be given to:-

- (1) accept the tender submission of Profile Landscapes for the construction of Stage One Rushcutters Bay Park works at a cost of \$178,800 (Plus GST-\$17,80) total amount \$196,680;
- (2) include a contingency sum for latent conditions of \$20,000 (Plus GST - \$2000) total amount of \$22,000;

-for which funds of \$400,000 are available in the 2000/2001 Works Program (Rushcutters Bay Park (21372) (Bud Ref.45-033). The GST component of \$19,800 is available in separate Finance Department budgets.

- (3) That a briefing be arranged for any interested Councillors.

Carried.

11.

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

That the report by the Director of Finance dated 24 April 2001, detailing additions and the revised budget deficit, be received and noted.

Carried.

12.

**RATES – SPECIAL VARIATION - APPLICATION (2021518)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That for the reasons set out in the report by the Director of Finance dated 26 April 2001, Council applies for a special variation of 5.57% to its 2001/2002 General Income and that the percentage increase be applied evenly across all ratepayers.

Carried.

13.

**CELEBRATIONS – 2001 MASCON FESTIVAL – PROGRESS REPORT (2023203)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 24 April 2001, Council notes the report on the background to and progress of the preparations for the 2001 Mascon Festival and re-endorses Council's resolution of 13 September 2000 with regard to the conduct of the 2001 Mascon Festival.

Carried.

14.

**PUBLIC RELATIONS – COMMUNITY BANKS - UPDATE (2023660)**

That the report by Director of Finance dated 26 April 2001, on the proposed establishment of Community Banks in the South Sydney Local Government area, be received and noted.

Carried.

15.

**MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT - JANUARY-MARCH 2001 (M56-00080)**

That arising from consideration of a report by the Director of Health and Community Services dated 24 April 2001, confirmatory approval be given to the motor vehicles' use costs, as listed in the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act, 1993, for the 2000/2001 Budgetary period.

Carried.

16.

**ACCOUNTS – BILL PAYMENT FACILITIES (BPAY) – EXTENSION TO SUNDRY DEBTORS (A52-00156)**

That arising from consideration of a report by the Director of Finance dated 27 April 2001, approval be given to:-

- (1) the implementation of BPAY for Council's Sundry Debtors at the price as detailed in the Financial Summary in the beforementioned report;
- (2) funds of \$18,000 being added to the 2000/2001 Budget Estimates;
- (3) funds of \$36,000 being added to the 2001/2002 Budget Estimates.

Carried.

17.

**DONATIONS – INDIA ZEGAN “CELLS” EXHIBITION – REIMBURSEMENT OF DEVELOPMENT APPLICATION FEES (2002508)**

That arising from consideration of a report by the Director of Health and Community Services dated 27 April 2001, approval be given to a donation of \$500 to India Zegan to reimburse the Development Application fee associated with the current “Cells” exhibition at the old Children's Court building in Albion Street, Surry Hills, and funds to cover this donation be provided from Section 356 of the Local Government Act, 1993.

Carried.

18.

**DONATIONS – REQUEST FOR DONATION (FINANCIAL AND IN KIND SUPPORT) FOR THE ANNUAL “FEASTIBILITY” FOOD AND WINE FESTIVAL IN NEWTOWN SOUTH, 3 JUNE 2001 (C52-00071)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Pooley:-

That arising from consideration of a report by the Director of Health and Community Services dated 9 May 2001, a donation be made to the Newtown South “Feastibility” Festival to be held on Sunday, 3 June 2001, with an amount of \$1,470 and \$2,500 for “in kind” support, with funds to be provided from Section 356 of the Local Government Act, 1993.

Carried.

19.

**COMMITTEES – HOMELESSNESS MARGINAL HOUSING RESEARCH PROJECT - PARTNERSHIP WITH IAN BUCHAN, FELL HOUSING RESEARCH CENTRE (2023508)**

(ALSO LISTED AS ITEM NO. 22, PLANNING & DEVELOPMENT COMMITTEE)

That Council become a partner with the Ian Buchan Fell Housing Research Centre, University of Sydney, to undertake research into a short term caretaker model for marginal housing, subject to:-

- (a) the application to the Australian Research Council being successful;
- (b) Council’s financial contribution being limited to \$10,000 per annum inclusive of any G.S.T. implications for two years and that the 2001/2002 Estimates make provision for this amount;
- (c) Council’s in-kind support be limited to providing officer accommodation, access to computer facilities and telephone whilst working two days per week at Council and limited supervision (indirectly two hours per week).

(DPB & A/DHCS Joint Report 30.4.01)

Carried.

20.

**DONATIONS - PAUL VAN REYK – REQUEST FOR ASSISTANCE WITH PRINTING COSTS (2017729)**

That the application by Paul Van Reyk, for financial assistance towards the printing costs of the book “Out Living, Out Loving, Out Lasting; a social history

of the fight against AIDS in Australia” be refused, but should the applicant be successful in gaining funding from other Councils/Stakeholders and or Government departments then the applicant be invited to resubmit the application for consideration.

Carried.

21.

**PROPERTIES – ERSKINEVILLE TOWN HALL – FREE USE, 28 APRIL 2001 – LOCAL GOVERNMENT ABORIGINAL NETWORK (P56-00410)**

That the actions of the Finance Committee in approving the Local Government Aboriginal Network using Erskineville Town Hall on Saturday 28 April 2001, to conduct their Executive Committee meeting between the hours of 10.00 am and 4.00 pm free of charge and that costs involved be covered by Section 356 of Local Government Act, 1993, be confirmed.

Carried.

22.

**REPORT OF THE PROPERTIES SUB-COMMITTEE – WEDNESDAY, 2 MAY 2001 COMMENCING AT 6.10 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 2 May 2001, be approved and adopted.

22.1.

**LEASING – DENHAM LANE, SURRY HILLS – PROPOSED LEASE (2024271)**

Approved as recommended by the Director of Public Works and Services in the report dated 30 March 2001.

Carried.

22.2.

**LICENSING – ELIZABETH BAY ROAD, NOS. 31 – 33 (AKA NO. 33), ELIZABETH BAY – PROPOSED FOOTWAY LICENCE (2023864)**

That approval be given to:-

- (1) the granting of a licence to Aminur Rahman over an area of 3.6 square metres of the footway of Elizabeth Bay Road, Elizabeth Bay adjacent to Café Coriander at Nos. 31- 33 (AKA No.33) Elizabeth Bay Road, Elizabeth Bay as shown stippled on Plan No S4-130/801A 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 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) the total number of seating for the premises, including outdoor seating, be restricted to no more than fifty (50) seats and any breach of this condition be liable to termination;
- (8) the Director of Public Works and Services submit a report on the circumstances of the development approval relating to the footway licence for the Wattle Private Hotel, with the subject area in Palmer Street, Darlinghurst and all other platform licenced areas.

(DPWS Report 19/4/01)

Carried.

### **22.3.**

#### **LEASING – OXFORD STREET, NO. 68, DARLINGHURST – BASEMENT AREA – RENEWAL OF LEASE TO THE AUSTRALIAN ART PRINT NETWORK PTY LTD (L52-00092)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 23 April 2001, approval be given to The Australian Art Print Network Pty Limited being offered a five (5) year lease with a five (5) year Option of Council owned premises, Basement area, No. 68 Oxford Street,

Darlinghurst, at a rental of \$20,000 per annum gross, plus the GST component commencing on 17 April, 2001, subject to the following conditions, namely:-

- (1) That the rental be reviewed on the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> terms by 5% and at the commencement of the Option period, if exercised, then reviewed to Market;
- (2) That Council retains the existing Bond of \$3,900;
- (3) That the Lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (4) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs, etc, by the Lessee during the term of the Lease period, must first be submitted to the Property Branch manager prior to any submission of plans, etc, to Council's Planning and Building Department for Statutory approvals;
- (5) That the Lessee is to provide Council with a Public Liability Insurance Policy 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;
- (6) 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;
- (7) That all relevant documents are to be executed by Council's Attorney;
- (8) That this approval lapses in three (3) months from the date of Council's approval to the granting of the Lease, if the Lessee has failed to provide the security deposit and/or Public Liability Insurance as required, or has failed to execute the Lease documents;
- (9) That this lease is subject to the Goods and Services Tax.

(ADCS Report 23.4.01)

Carried.

#### **22.4.**

#### **LICENSING – OXFORD STREET, NOS. 82-106, DARLINGHURST – (AKA NO. 96, OXFORD STREET) – PROPOSED FOOTWAY LICENCE (2024060)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

That approval be given to:-

- (1) the granting of a licence to Piltz Enterprises Pty Ltd over an area of 8 square metres of the footway of Oxford Street adjacent to "Thaina Box" at Nos. 82-106 Oxford Street (AKA No. 96 Oxford Street) as shown stippled on Plan No S4-130/803A 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 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) all future approved footway licences for Oxford Street, Darlinghurst, having a 12.00 Midnight closing time;
- (8) the report by the Director of Public Works and Services dated 7 May 2001, that was submitted in respect of the hours of operation of premises with footway licences in Oxford Street, Darlinghurst, be noted.

(DPWS Report 19.4.01)

Carried.

## 22.5.

### **LEASING - THOMSON LANE – REAR OF NOS. 217-253 FORBES STREET AND NOS. 2-40 THOMSON STREET, DARLINGHURST – PROPOSED CONSENT FOR GATES (2021782)**

That the matter be deferred to the next Properties Sub-Committee meeting to be held on 16 May 2001.

Carried.

**22.6.**

**LICENSING – DARLINGHURST ROAD, NOS. 122-132 – (AKA NO. 132) – PROPOSED FOOTWAY LICENCE (2002851)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

That approval be given to:-

- (1) the granting of a licence to Lifting Management P/L over an area of 4 square metres of the footway of Darlinghurst Road adjacent to 'Fishface' at No 132 Darlinghurst Road, Darlinghurst, as shown stippled on Plan No S4-130/546C 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 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 27.04.01)

Carried.

**22.7.****LICENSING – VICTORIA STREET, NOS. 146 – 150, POTTS POINT (AKA NO. 146 VICTORIA STREET) – PROPOSED FOOTWAY LICENCE (2024076)**

That approval be given to:-

- (1) the granting of a licence to Industry at MC Pty Ltd over an area of 6 square metres of the footway of Victoria Street adjacent to Thaipower at Nos. 146-150 Victoria Street (aka No. 146 Victoria Street) Potts Point as shown stippled on Plan No S4-130/806A 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 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (8) if the seating capacity of the Café (inside and outside) exceeds 20, then the footway licence may be subject to termination.

(DPWS Report 24.04.01)

Carried.

**22.8.****LEASING – WOOLLOOMOOLOO RAILWAY VIADUCT – LAND BENEATH (L52-00145)**

That the matter be deferred and the Director of Public Works and Services write to the State Access Corporation of NSW to point out the anomaly of the

zoning with a view to seeking resolution of the matter to allow Council to properly plan the care and control of the sites.

Carried.

**22.9.**

**PROPERTIES – ROSEBERY COMMUNITY CENTRE – REQUEST FOR USE BY EASTERN RESPITE AND RECREATION (2014160)**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 30 April 2001, Council approve the leasing of the Rosebery Community Centre to Eastern Respite and Recreation for a period of 14 months, for a peppercorn rental, for the purposes of running programs and increasing the participation of South Sydney residents in the programs offered by the service.

Carried.

The Properties Sub-Committee Meeting terminated at 6.44 p.m.

The Finance Committee Meeting terminated at 7.43 p.m.

**REPORT OF THE PROPERTIES SUB-COMMITTEE (CONFIDENTIAL MATTER)**

**WEDNESDAY 2 MAY 2001 AT 6.03 P.M.**

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

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

Item 1 - Property Matter - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The Committee **recommends** the following:-

**1. PROPERTIES – NO. 4 DOODY STREET, ALEXANDRIA - PROPOSED ACQUISITION (2023861)**

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 30 April 2001, be approved and adopted.

Carried.

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

The Properties Sub-Committee (Confidential Matter) Meeting terminated at 6.09 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

2 May 2001

**PRESENT**

**Councillor Peter Furness (Chairperson)**

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

At the commencement of business at 7.44 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw.

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

That the Report of the Community Services Committee of its meeting of 2 May 2001, be received and the recommendations set out below for Items 1, 5 and 7, be adopted. The recommendations set out below for Items 2 to 4, inclusive, and 6 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**FINANCE - GRANTS – LEARNING CIRCLES - REPORT (2023452)**

That the report by the Director of Health and Community Services dated 6 April 2001, on Learning Circles, be received and noted.

Carried.

2.

**ANTI-SOCIAL ACTIVITIES - CLOSED CIRCUIT TELEVISION (CCTV) IN THE KINGS CROSS AREA – PROPOSED INSTALLATION (A55-00009)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lay:-

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

- (1) the report on the installation of Closed Circuit Television in the Kings Cross area be received and noted;
- (2) a further report be submitted to Council after the evaluation by the Premier's Council on Crime Prevention findings are distributed to Councils;
- (3) the Kings Cross Community Drug Action Team (CDAT) be advised of the current situation.

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

- (1) That the appropriate Council Officer contact the Council of the City of Sydney with a view to extending the contract to have the Closed Circuit Television (CCTV) extended to the North Ward of Council, particularly in significant areas in Kings Cross and that be included in a report.

Carried.

It was further moved by Councillor Pooley, seconded by Councillor Harcourt, that the motion be further amended by the addition of a clause (2) to the resolution, namely:-

- (2) That when the report is prepared it incorporates recent statistics from the Bureau of Crime Statistics and from Don Weatherburn, and that the report also include information from other areas of

the State, such as the City of Sydney and Cabramatta, where CCTV is installed as to whether there has been an increase or decrease in crime since the installation of the Closed Circuit Television Systems.

Motion, as moved by Councillor Mallard and amended by Councillor Pooley, carried.

**3.**

**ANTI-SOCIAL ACTIVITIES – AEROSOL ART AND GRAFFITI POLICY – FINAL DRAFT - ADOPTION (2015700)**

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Shaw:-

That the matter be deferred until resolution of the Local Government Amendment (Graffiti Removal) Bill 2001, which is currently before the NSW Parliament.

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

That when the person responsible for graffiti is found which can be done by their "Tags", that they be publicly named, and that information be placed in the Inner City News and forwarded to the relevant authorities for prosecution.

Amendment negatived.

Motion, as moved by Councillor Pooley, carried.

**4.**

**COMMITTEES – HOMELESSNESS, MARGINAL AND AFFORDABLE HOUSING COMMITTEE – MINUTES OF MEETING – 19 MARCH 2001 (2023508)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lay:-

That the report by the Civic Affairs Manager/Public Officer dated 27 April 2001, and the accompanying minutes of the Homelessness, Marginal and Affordable Housing Committee held on 19 March 2001, be received and noted.

Carried.

5.

**PARKS – SPRINGFIELD PLAZA/SPRINGFIELD MALL/SPRINGFIELD GARDENS AND LLANKELLY PLACE, KINGS CROSS –DRAFT MASTERPLAN – ADOPTION (2022689)**

That for the reasons set out in the report by the Director of Public Works and Services dated 26 April 2001, it be resolved that:-

- (1) the Draft Masterplan accompanying the beforementioned report be adopted as the Springfield Precinct Masterplan 2001;
- (2) Council commence the preparation of the detailed design development and construction documentation as per the draft design plan. Include a flexible implementation strategy that will review and monitor design elements, and enact modifications post construction, if problems arise;
- (3) Council undertake an independent safety audit for the scheme to address safety and use issues addressed in the submissions;

-for which funds are available in 2000/2001 (Budget ref: 21358).

Carried.

6.

**WELFARE – SOCIAL PLAN – ABORIGINAL AND TORRES STRAIT ISLANDER PLAN AND ALSO SAFER COMMUNITIES PROJECT REPRESENTATIVE – NOMINATION OF COUNCIL REPRESENTATIVE (W51-00086)**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 30 April 2001, approval be given to:-

- (1) Item 1 of the report being received and noted;
- (2) Item 2 Councillor Peter Furness be its representative on the IMROC Safer Communities Committee.

At the request of the Chairperson, the Deputy Mayor, and by consent, the motion be amended by the addition of the following words after the word "Committee" where appearing in the second line of clause (2) of the recommendation, namely:-

“and that Councillor Amanda Lennon be appointed as the alternative delegate.”

Motion, as amended by consent, carried.

7. **PROPERTIES – HOMELESSNESS SUMMIT, 14-16 MAY 2001 –  
SUBMISSION BY COUNCIL (2023331)**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 30 April 2001, Council endorse the final submission accompanying the beforementioned report to the Homelessness Summit, to be held from 14 to 16 May 2001.

Carried.

8. **COMMITTEES - IMROC – GREEN WEB PROJECT SPOKESPERSON –  
NOMINATION OF COUNCIL REPRESENTATIVE (C57-00077)**

That Councillor Amanda Lennon be nominated as the Green Web Project spokesperson for South Sydney Council.

Carried.

The Community Services Committee Meeting terminated at 7.58 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

2 May 2001

**PRESENT**

**The Mayor, Councillor John Fowler (Chairperson)**

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

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

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

That the Report of the Planning and Development Committee of its meeting of 2 May 2001, be received and the recommendations set out below for Items 2,4,6,10,11,13,15 to 17 inclusive, 19 to 22 inclusive, be adopted. The recommendations for Items 1,3,5,7, to 9, 12,14,18 and 23. having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

**GENERAL MANAGER**

1.

**KING STREET, NO. 240, NEWTOWN – FITOUT OF SHOP, USE AS A LIQUOR SHOP – DEVELOPMENT APPLICATION (U01-00159)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Furness:-

That the application submitted by The Rice Daubney Group with the authority of Mr G. and Mrs A. Belogianis to use the ground floor of 240 King Street, Newtown as an off-licenced premises (take-away liquor sales) undertake a shop fitout and erection relevant signage, be deferred pending the applicant commissioning a Traffic Study investigating the management of deliveries to the premises and, in particular, so as to prevent the blocking of Whateley Street by those vehicles.

At the request of Councillor Lay, and by consent, the motion be amended by the addition of the words “and garbage collection” after the words “management of deliveries”.

Motion, as amended by consent, carried.

2.

**FLINDERS STREET, NOS. 112 – 114, DARLINGHURST – DEMOLITION OF REAR PARKING AREA AND ERECTION OF 2 X THREE STOREY DWELLINGS FRONTING SOUTH DOWLING STREET AND BOUNDARY ADJUSTMENT – DEVELOPMENT APPLICATION (U00-00840)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 26 April 2001.

Carried.

3.

**MACLEAY STREET, NO. 119, POTTS POINT – DEMOLISH EXISTING AND ERECT RESIDENTIAL BUILDING WITH RETAIL AND COMMERCIAL BELOW – DEVELOPMENT APPLICATION (U00-01168)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Marchese Partners Architects with the authority of Holpin Pty Ltd for permission to demolish existing buildings and construct a mixed residential/commercial development subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$33,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$4,000 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 DA1.00 Rev A, DA1.01, DA1.02, DA2.00 Rev A, DA2.01 Rev A, DA3.00 Rev A, DA4.00 Rev A, DA4.01 Rev A, DA4.02 Rev A, DA4.03 Rev A and DA4.04 Rev A dated October 2000 and February 2001 and the Statement of Environmental Effects prepared by Garry Shiels and Associates dated March 2001 subject to the amendments detailed below in Conditions (4) and (5);
- (4) That the roof terrace fronting Macleay Street is to be for communal use of all residents in the building and not for private use. These details shall be shown in the application for a Construction Certificate;
- (5) That each unit within the development is to have a private balcony with a minimum area of 8m<sup>2</sup>. These details shall be shown in the application for a Construction Certificate;
- (6) That this consent does not approve the proposed operating hours of the commercial tenancies. Where the proposed use and hours of the tenancies are inconsistent with complying development in Council's DCP 1999 (exempt and complying development) a further development application shall be submitted to Council detailing the proposed uses and hours prior to occupation;
- (7) That all relevant sections of the BCA shall be complied with;
- (8) 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;

- (9) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (10) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (11) That the demolition work shall comply with Australian Standard 2601-1991;
- (12) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$440 for the stormwater connection and no work shall be commenced until the fee is paid.
- (13) Before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (14) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That the developer shall supply a plan for construction traffic for access to and from the site, which shall be approved by the Director of Public Works and Services prior to the release of the Construction Certificate;
- (17) That the developer/owner shall supply a Traffic Control Plan, which shall be approved by the Director of Public Works and Services prior to the approval of the Construction Certificate;
- (18) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (19) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's

standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;

- (20) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (21) That any connection to Council's stormwater system shall be subject to a positive covenant on the land title. A separate application for works on the public way related to the connection must be made to the Director of Public Works and Services and approval obtained prior to the approval of the construction certificate. The applicant/owner will be responsible for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance;
- (22) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (23) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (24) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (25) That the garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (26) That a certificate shall be submitted with the Construction Certificate from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (27) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans;
- (28) That all proposed work shall be wholly within the boundaries of the site;

- (29) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (30) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (31) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (32) That a separate garbage/recycling storage area for commercial use shall be provided, detailed in the application for a construction certificate;
- (33) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (34) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (35) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (36) That prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:
  - (a) measures to control noise emissions from the site,
  - (b) measures to suppress odours and dust emissions,
  - (c) soil and sediment control measures.
- (37) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (38) That all of the proposed residential units achieve of minimum 3.5 star energy rating;
- (39) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects

of the development shall be submitted to Council **or a certifying authority** for approval prior to the commencement of any works:

No.	Health Aspect	Standard or Requirement
(i)	All required mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	The garbage room.	SSCC Waste Management/Minimisation Fact Sheets.
(iii)	The recycling storage area.	SSCC Waste Management/Minimisation Fact Sheets.

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

- (a) Construction periods of 4 weeks and under:  
The  $L_{A10}$  level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background ( $L_{A90}$ ) noise level by more than 20dB(A) when assessed to any sensitive noise receiver;
- (b) Construction periods greater than 4 weeks and not exceeding 26 weeks;  
The  $L_{A10}$  level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background ( $L_{A90}$ ) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

**NOTE:** The above noise levels are applicable for construction hours of:

Monday to Friday, 7.00am to 5.00pm  
Saturday, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council;

- (41) The use of the premises shall not give rise to:
- (a) Transmission of “offensive noise” to any place of different occupancy, **and**
  - (b) A sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) noise level in the absence of the noise under consideration by more than 5dB(A).  
The source noise level shall be assessed as an  $L_{A10, 15min}$  and adjusted in accordance with EPA guidelines for

tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, **and**

- (c) A sound pressure level at any affected premises that NSW, EPA Industrial Noise Policy;
- (42) That the applicant shall accept responsibility for all costs associated with the design, construction, alteration, adjustment, relocation or restoration of any works on the public way including kerb, gutter, pavement, footpath paving, landscaping, drainage, street furniture, signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (43) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees to have these levels considered. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (44) 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 be easily observed and read by persons entering the building;
- (45) That the resident garbage storage area shall accommodate a minimum of 4 x 240 litre sulo bins for domestic refuse and 2 x 240 litre sulo bins for recycling;
- (46) That the commercial tenants shall engage the services of private waste contractor for removal of waste and recycling and that the bins are not to be stored on footway after collection days;
- (47) That the commercial tenants shall provide a separate garbage storage area for use;
- (48) That the applicant shall meet with Council's Waste Services Operations Manager at the completion of planning to discuss the suitability of the storage areas, general requirements regarding collection services and waste management responsibilities of the Body Corporate;
- (49) 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	\$ 5,549	2E97003.BGY0
Open Space: New Parks	\$25,956	2E97009.BGY0
Accessibility And Transport Management	\$ 166	2E97006.BGY0
	\$ 447	2E97007.BGY0
Total	\$32,118	

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.

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

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

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

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

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

Part B

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

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

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

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

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

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

- (50) 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	\$7,636	2E97008.BGY0

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

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

where:

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

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

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

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

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

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

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

That the application be refused for the following reasons, namely:-

- (1) That the Floor Space Ratio of the development at 4:32:1 is excessive, given that a ratio of 3:1 applies to the site;
- (2) That the development would shade Fitzroy Gardens and thereby result in unacceptable impacts on civic space;
- (3) That the development provides no on site parking and would thereby exacerbate existing parking problems in the area;
- (4) That the development is not compatible with the existing streetscape;
- (5) That the granting of consent would not be in the public interest.

Negated.

It was moved by Councillor Mallard, seconded by Councillor Furness, that the application be deferred to allow residents and the developers to accurately discuss the issues concerning the site with a view of a site inspection.

Negated.

Moved by Councillor Harcourt, seconded by Councillor Bush:-

That the application be approved as per the Planning and Development Committee decision of 2 May 2001, subject to the additional conditions (51) and (52), namely:-

- (51) That the ground level facade design at the Macleay Street frontage be amended as set out in the drawing marked "Facade Amendments 9 May 2001;
- (52) That all proposed residential units shall comply with the 3.5 star NatHERS rating, with compliance details being provided with the Construction Certificate.

Carried.

(The Deputy Mayor, Councillor Furness and Councillor Lennon requested that their names be recorded as voting against the foregoing motion.)

4.

**DALMENY AVENUE, NOS. 83 – 93, ROSEBERY – INSTALLATION OF 14 SATELLITE DISHES ON THE RESIDENTIAL COMPLEX – REVIEW PURSUANT TO SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 – DEVELOPMENT APPLICATION (U00-01370)**

**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 24 April 2001.

Carried.

5.

**MYRTLE STREET, NOS. 69 – 73, CHIPPENDALE – ERECTION OF RESIDENTIAL FLAT BUILDING – SECTION 96 MODIFICATION – RECONSIDERATION PURSUANT TO SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 – DEVELOPMENT APPLICATION (U98-00384)**

- A) That the Council, as the consent authority, under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended:
- (1) Refuses to modify the consent granted by Council dated 10 February 1999 in respect of the external finish of the residential flat building at 69 –73 Myrtle Street, Chippendale. The reasons for this refusal are that granting consent is likely to adversely affect the amenity of the neighbourhood, including heritage conservation and aesthetic considerations. The external finish of the building is to be rendered and painted in accordance with the consent dated 10 February 1999 and, subject to the consent of the applicant, the addition of the following new condition, namely:
    - (46) That details of the external rendered finish, including colour scheme, are to be to the satisfaction of Council's Heritage Planner.
  - (2) Modifies the consent granted by Council on 10 February 1999 to allow a flat roof generally in accordance with plans numbered AO1/B to AO4/B inclusive, dated 7/99 and drawn by Colin de Lore and Associates Pty Ltd and, subject to the consent of the applicant, the addition of the following new condition, namely:
    - (47) That details of the materials and colour of the roof are to be to the satisfaction of Council's Heritage Planner.

The reason for the Council's consent to the modification being granted, subject to conditions is:

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse affects relating to the emission of noise and vibration, and would not be in the public interest.

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

Carried.

6.

**BUCKLAND STREET, NO. 139, ALEXANDRIA – CONVERT FACTORY INTO GROUND FLOOR OFFICE AND CONSTRUCT ABOVE A 2 LEVEL APARTMENT WITH REAR DECKS – SECTION 82A REVIEW OF DEVELOPMENT APPLICATION (U00-00941)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 26 April 2001.

Carried.

7.

**DAVIES STREET, NO. 4, SURRY HILLS – SECTION 96 APPLICATION TO AMEND CONDITION 5 – DEVELOPMENT APPLICATION (U00-00893)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Furness:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the Section 96 application submitted by Neustein Associates, with the authority of Mr M. Robinson (owner), for permission to modify the development consent and provide a second garage, subject to the deletion of condition (5) of the previous consent and the replacement of condition (1) with:
- (1) That the development shall be generally in accordance with plans numbered DA05 dated 24 July 2000 and DA01-A dated February 2001.

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

Carried.

8.

**KEPOS STREET, NO. 40, REDFERN – ALTERATIONS AND ADDITIONS TO RESIDENTIAL TERRACE – SECTION 96 AMENDMENT – DEVELOPMENT APPLICATION (U00-00124)**

**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 19 April 2001.

At this stage it was moved by Councillor Harcourt, seconded by Councillor Bush, that the above application approved by the Planning and Development Committee on 2 May 2001, be rescinded.

The Deputy Mayor indicated that a Rescission Motion needed to be lodged by Councillors.

The following Rescission Motion was then lodged by Councillors Mallard, Bush and Lay:

That the decision in relation to No. 8 of the Planning and Development Committee of 2 May 2001, be hereby rescinded and that the application be deferred to the next Planning and Development Committee of 16 May 2001.

Rescission Motion carried.

9.

**VICTORIA STREET, NOS. 174 – 176, BEACONSFIELD – DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF MIXED USE RESIDENTIAL/ COMMERCIAL DEVELOPMENT – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00145)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by J. Athanassiou, with the authority of J. Athanassiou, K. Athanassiou, T. Chuah, Y.Wan to demolish the existing buildings and construct a 5 unit mixed residential/commercial development, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$7,425 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the 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 \$900, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) Part A

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

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space: LGA Works Programme	\$1031	2E97003.BGY0
Open Space: New Parks	\$4666	2E97009.BGY0
Accessibility And Transport Management	\$ 30	2E97006.BGY0
Multi function	\$ 95	2E97007.BGY0
	\$1,096	2E97007.BGY0
<b>Total</b>	<b>\$6,918</b>	

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

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

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 the December- Quarter 2000/2001.

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

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

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

#### Part B

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

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

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

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects

liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1,009	2E97008.BGY0

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

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

where:

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

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

- (5) That the development shall be generally in accordance with plans numbered DA01-DA10, dated January, 2001, except where amended by conditions of consent, or where superceded by drawings DA 02A, 05A, 06A and 09A with respect to the amended configuration of the ground floor units and access thereto;

- (6) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.
- (7) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises.
- (8) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668.
- (9) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets.
- (10) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets.
- (11) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (12) The business proprietor shall enter into a contract for the removal of trade waste from the premises.
- (13) Noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
  - (i) Construction periods of 4 weeks and under:

The  $L_{A10}$  level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background ( $L_{A90}$ ) noise level by more than 20dB(A) when assessed to any sensitive noise receiver;
  - (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

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

**NOTE:** The above noise levels are applicable for construction hours of:

- Monday to Friday, 7.00am to 5.00pm
- 0 Saturday, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council.

- (14) Prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:
- (i) measures to control noise emissions from the site,
  - (ii) measures to suppress odours and dust emissions,
  - (iii) selection of traffic routes to minimise residential noise intrusions,
  - (iv) soil and sediment control measures,
  - (v) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
  - (vi) community consultation.
- (15) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (16) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (17) That the applicant and/or builder shall prior to the commencement of work, install and maintain suitable measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. The applicant and/or builder is advised that it is an offence to allow, permit or cause materials to pollute or be placed in a position that they may pollute waters.

- (18) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system.
- (19) That building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the public footway or any other locations which could lead to the discharge of materials into Council’s stormwater drainage system.
- (20) That the use of the premises shall not give rise to:

Transmission of “offensive noise” to any place of different occupancy, **and**

A sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{A10, 15min}$  and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, **and**

A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy.

- (21) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the commencement of any works:

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

- (22) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment;

relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;

- (23) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (24) That the existing street trees are to be retained and are not to be damaged during construction activities. An application to prune the street trees will be subject to assessment and approval from Council's Tree Preservation Officer.
- (25) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site.
- (26) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like.
- (27) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;
- (28) That the applicant shall provide a garbage storage area that is of sufficient size to accommodate 2 x 240-litre sulo type bins for domestic refuse and 2 x 240-litre sulo recycling bins;
- (29) That the applicant shall provide a suitable garbage storage area to accommodate anticipated number of container bins required for refuse and recycling generated by commercial tenants;
- (30) That the applicant shall submit a landscape principles plan indicating pavement treatments, indicative tree, shrub and ground cover species choice, and any landscape elements such as lighting, seating and bollards prior to the Construction Certificate being issued;

- (31) That the exterior wall adjacent to Collins Street shall be set back 2m from Victoria Lane;
- (32) That three windows with dimensions of 0.6m wide X 1.8m high shall be provided at ground level on the Collins Street frontages of the site between the door to the car park area and the doors to unit 2;
- (33) That all relevant sections of the BCA shall be complied with;
- (34) 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;
- (35) That the requirements of the Work Cover Authority shall be complied with;
- (36) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (37) That the demolition work shall comply with Australian Standard 2601-1991;
- (38) 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);
- (39) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
  - (i) external finishes to walls;
  - (ii) roofing;
  - (iii) balcony treatment;
  - (iv) proposed fences;
  - (v) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;

- (40) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development;
- (41) That a maximum of 4 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (42) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (43) That a separate development application shall be lodged for the specific use of the ground floor tenancies;
- (44) That the parking spaces shall be allocated on the basis of 3 for residents and for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (45) That details of the location of a solar hot water system or a heat pump system shall be submitted with the Construction Certificate. If a solar hot water heating system is used, a tank with a capacity of 180 litres (one panel system) shall be associated with each one bedroom and two bedroom unit, a tank with a capacity of 300 litres (2 panel system) shall be associated with the three bedroom unit;

and the following adopted standard conditions:

- (46) Display Street Number<sup>124</sup>
- (47) Builders Hoarding Permit<sup>1008</sup>
- (48) Shoring<sup>1012</sup>
- (49) Road Opening Permit<sup>3025</sup>
- (50) Obstruction of Public Way<sup>3029</sup>
- (51) Delivery of Construction Materials<sup>3032</sup>

- (52) Stormwater Standard<sup>4001</sup>
- (53) Clean Water Discharge<sup>4002</sup>
- (54) Connection to Council's Stormwater System<sup>4005</sup>
- (55) Street Trees<sup>5008</sup>
- (56) On Slab Planting<sup>5013</sup>
- (57) Maintenance of Landscaping<sup>5014</sup>
- (58) Final Inspection<sup>5015</sup>
- (59) Garbage on Public Way<sup>6001</sup>
- (60) Refuse Skips<sup>6002</sup>
- (61) Commercial Garbage Contract<sup>6003</sup>
- (62) Commercial Garbage Storage<sup>6004</sup>
- (63) Garbage/Recyclable Material Room<sup>6010</sup>
- (64) Drainage Design Certificate<sup>9011</sup>
- (65) Stormwater Certificate at Completion<sup>9016</sup>
- (66) Works Within Boundary<sup>9152</sup>
- (67) Work on Public Way<sup>9154</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.

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

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

**NOTE:** This application has not been assessed for compliance with the Building Code of Australia.

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

Carried.

10.

**PLANNING - NORTH EVELEIGH WORKS SITE – QUESTION WITHOUT NOTICE (2024070)**

That the report by the Director of Planning and Building dated 27 April 2001, regarding the North Eveleigh Works Site, be received and noted.

Carried.

11.

**ERSKINEVILLE ROAD, NO. 65, ERSKINEVILLE – SECTION 96 AMENDMENT APPLICATION – AMENDMENT TO RESOLUTION OF COUNCIL (U99-00603)**

That the Council amends its resolution of 26 March 2001 only insofar as to delete Part (F) and adopt the following:-

- Part (F) "That Council prosecute the applicant for carrying out all the unauthorised work except that referred to in Part (B)".
- And that Part (D) be amended by deleting the first paragraph and inserting

"That the applicant be advised that subject to Part (F) and the following requirements, no further action will be taken in respect of the unauthorised development namely:-"

DPB Report 19.5.01)

Carried.

12.

**ABERCROMBIE STREET, NO. 370, DARLINGTON – EXTENSION TO REAR OF ROYAL HOTEL – WORK NOT IN ACCORDANCE WITH CONSENT – DEVELOPMENT APPLICATION (U01-00081)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the consent authority refuses its consent to an application submitted by Dennis Callahan to carry out work to the rear of the existing hotel at No. 370 Abercrombie Street, Darlington, for the reason that the work having been already carried out, the Council has no power to grant retrospective consent.
- (B) That the applicant be advised that the Council will take no legal action in relation to the unauthorised work, subject to the provision of structural and essential services certification within 30 days of the date of this resolution, of the unauthorised work.
- (C) That the applicant is advised that development consent U95-01000 dated 9 January 1996 and building approval Q98-00348 and their conditions, continue to be in force.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

**BILLYARD AVENUE, NO. 26, ELIZABETH BAY – ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING ROOF EXTENSION AND LIFT WELL LANE – DEVELOPMENT APPLICATION (U01-00117)**

**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 27 April 2001.

Carried.

14.

**SURREY STREET, NO. 61, DARLINGHURST – ALTERATIONS AND ADDITIONS TO SINGLE DWELLING – SECTION 96 APPLICATION TO AMEND CONSENT (U98-00368)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council having considered an application pursuant to Clause 96 of the Environmental Planning and Assessment Act for the amendment of a development consent granted on 12 August 1998 for alterations to an existing terrace house, subject, inter alia, to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans 01 to 06, dated 23 April 1998, as amended by the undermentioned following conditions;
  - (2) That the attic level deck shall be deleted;
  - (3) That the doors at the rear of the attic room shall be replaced by windows to the satisfaction of the Director of Planning and Building.
- (B) Resolves to grant its consent to the amendments, to permit the inclusion of an attic level rear deck and a front dormer window, subject to the deletion of the abovementioned conditions, and to the inclusion of the following new conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered A01C to A03C dated 11 October 2000;
  - (2) That the attic level deck shall have a depth of not more than 3m and shall have screening on the eastern and western sides to a height of not less than 1.5m;
  - (3) That the front dormer window shall be redesigned to have a height to width ratio of 1.5:1.
- (C) That the Council would look favourably at a further Section 96 Application to enable two dormer windows instead of one.

Councillor Harcourt withdrew her amendment regarding the additional clause(C) to the recommendation

It was moved by Councillor Bush, seconded by Councillor Lennon, that the motion be amended by resolving to delete the fee for a new Section 96 Application when submitted by the applicant.

Amendment negatived.

It was moved by Councillor Lennon, 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 new resolution, namely:-

That the application be deferred to the next Planning and Development Committee Meeting in order for Council to assess the dormer windows.

Motion, as moved by Councillor Lennon, carried.

15.

**BELMONT STREET, NOS. 301 – 303, ALEXANDRIA – USE COTTAGE AND LAND FOR STORAGE OF BUILDING MATERIALS – DEVELOPMENT APPLICATION (U00-01397)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 27 April 2001, subject to the addition of the following words “and that the applicant be advised that he has three months to remove the unauthorised storage at the site” to clause (B) of the recommendation.

Carried.

16.

**FLINDERS STREET, NO. 106, DARLINGHURST – ERECTION OF A NEW DWELLING CONTAINING GARAGE, LIVING SPACES, BEDROOM AND DECKS (BUT NO KITCHEN, BATHROOM OR LAUNDRY) – DEVELOPMENT APPLICATION (U00-00894)**

**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 27 April 2001.

Carried.

17.

**MARLBOROUGH STREET, NO. 70, SURRY HILLS – SECTION 96  
APPLICATION TO AMEND APPROVED PLANS FOR RESIDENTIAL FLAT  
DEVELOPMENT (U97-00427)**

That the application submitted by M/s S Waks with the authority of S Waks and B Maksimovic to modify a development consent granted on 24 September 1997, be deferred to the next Planning and Development Committee Meeting to be held on 16 May 2001, to allow for further notification of residents.

Carried.

18.

**GREENKNOWE AVENUE, NO. 8, ELIZABETH BAY – DEMOLITION OF  
MANHATTAN PARK INN AND ERECTION OF 54 RESIDENTIAL  
APARTMENTS, BASEMENT CAR PARK, CAFÉ AND RETAIL UNIT –  
DEVELOPMENT APPLICATION (U00-01393)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council grants its deferred commencement consent Pursuant to Section 80(3) under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Richard Huxley and Associates, with the authority of Tesrol Holdings Pty. Ltd., for the Demolition of Manhattan Park Inn and erection of 54 residential apartments, basement car park, café and retail unit, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be A-E approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate;
    - (a) An Environmental Management Plan (EMP) shall be developed and submitted to Council. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:
      - (i) measures to control noise emissions from the site including a 'Power Tools Management Plan' The management Plan shall identify the following:

- All practical and reasonable noise mitigation techniques to be implemented at each stage of the demolition and construction process;
  - Start times for power tool and other noise generating activities for each stage of the development process;
  - Other initiatives for reducing noise impacts;
  - Procedures for ensuring all staff are aware of the Plan;
  - Effective monitoring and feedback systems;
  - Consultation and contact arrangements;
  - The person immediately responsible for the implementation of the Plan
- (ii) measures to suppress odours and dust emissions,
- (iii) selection of traffic routes to minimise residential noise intrusions,
- (iv) soil and sediment control measures,
- (v) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.
- (b) That the applicant shall submit a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for the Council to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (c) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details.;
- (d) As a consequence of this development, Council has identified an additional demand for public domain works to be carried out as part of the development. The applicant is required to carry out the following works as part of this consent;

That the footpath at both street frontages and at the John Armstrong Reserve shall be upgraded to a value of \$80,000, utilising Council's pallet of footpath materials. Details of which shall be submitted to Council and shall be to the satisfaction of Council's Director Of Public Works and Services.

It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 contribution.

Note: Works carried out without written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (e) That the applicant shall submit a design of the proposed widened driveway the Director of Public Works and Services for approval;
- (2) That the development shall be generally in accordance with the plans endorsed and stamped by Council numbered DA.01A-04A, 05B-12B, 13A-15A, 16B-19B and 20A-28A dated 17 April 2001, the external finishes board which was received by Council on 18 April 2001, the revised plans for the laneway FIG 56 & 57 and the revised plan for the Onslow Avenue bin store FIG 53a & 54 received by Council on 27 April 2001 subject to consistency with the conditions below;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$264,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$32,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$31,748	2E97008.BGY0

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

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

where:

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

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

- (6) That as a performance bond, a Bank Guarantee covering Council's estimated value of works \$80,000 shown in Condition 1(d) above shall be lodged with Council prior to the issue of the Construction Certificate. Upon satisfactory completion of each stage or element of the works, it would be possible for a corresponding proportion of the Bank Guarantee for the Public Domain Works to be refunded. However, an amount of 10% of the value of total built works will be retained for a period of 12 months following final completion of all works will be retained for a period of 12 months following final completion of all works as surety against defective work;
- (7) That construction plans and specifications for all works involving public access shall comply with Council's Development Specifications for Civil Works (Design and Construction) which may be purchased from Council's One Stop Shop. Pursuant to Part 9 Division 3 of the Roads Act 1993, these plans and specifications shall be approved by Council prior to construction

regardless of who is nominated as certifier for on-site work, and the works constructed strictly in accordance with these approved plans. Construction of the works will be subject to terms negotiated with the Director of Public Works and Services (the contact for future liaison is Public Works Approvals Manager, Steven Liaros, on 9288 5449). All works are to be completed prior to the issue of the Occupation Certificate;

- (8) That the lower courses of the retaining wall adjacent to Onslow Avenue shall be retained as a street seat and garden edge as shown on plan DA.03A dated 17 April 2001;
- (9) That the hotel and house should be photographically recorded in accordance with the NSW Heritage Office Guidelines for preparing archival records and two copies of the photographic record shall be submitted to Council prior to works commencing on site and shall be to the satisfaction of the Director of Planning and Building;
- (10) That during demolition, excavation and building work, the private laneway between 6 and 8 Greenknowe Avenue, shall be kept clear at all times and shall not be obstructed by building materials, materials from the site, plant, machinery or vehicles associated with the construction works;
- (11) That no fixtures are attached or located on the roof other than the glazed handrails and planter boxes;
- (12) That the hours of operation of the café and retail unit shall be between 8.00am and 6.30pm, seven days;
- (13) That where the commercial uses at the ground floor are not deemed as 'exempt' or complying development pursuant to LEP 1998 and DCP 1999, a separate Development Application shall be lodged with Council detailing the use prior to occupation;
- (14) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 3.98:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;
- (15) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;

- (16) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (17) That a maximum of 67 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (18) That the parking spaces shall be allocated on the basis of 55 for residents, 2 for commercial/café, 9 for visitors and 1 for a car wash bay (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (19) That of the required car spaces, at least one measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (20) That the applicant shall ensure that the ramp between levels B3 and B4 will have traffic signals installed and appropriate signage for all ramps prior to the issuing of an occupation certificate;
- (21) That the applicant shall ensure that the entry ramp from off Greenknowe Avenue will have a one-way boom gate/ security gate which is to be clearly signposted prior to the issuing of an occupation certificate;
- (22) 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;
- (23) That the garbage storage area shown on fig 53a is to be located kerbside in Onslow Avenue prior to the issuing of an occupation certificate;

- (24) That the entrance to the storage area shown on Fig 53a shall be fitted with a council compatible locking device prior to the issuing of an occupation certificate;
- (25) That a driveway is to be constructed at the entrance to the storage area to allow the safe transport of sulo bins prior to the issuing of an occupation certificate;
- (26) That the garbage storage area shown on Fig 53a is of sufficient size to accommodate a minimum of 6 x 360-litre sulo type bins for domestic refuse and 5 x 240-litre sulo recycling bins prior to the issuing of an occupation certificate;
- (27) That a suitable separate garbage storage area be provided to accommodate anticipated number of container bins required for refuse and recycling generated by the commercial tenants prior to the issuing of an occupation certificate;
- (28) That the car park shall be ventilated in accordance with AS1668 as applicable;
- (29) The garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (30) That the collection of commercial garbage and the collection of residential garbage, if collected by private contractor shall not take place between the hours of 9.00 p.m. and 6.30 a.m.;
- (31) That solar hotwater heating system shall be provided with the have a capacity to serve all hotwater needs of each unit and a statement from a suitably qualified energy advisor shall be submitted with the Construction Certificate, indicating the suitability of the proposed system in terms of orientation, location and capacity;
- (32) If a solar hotwater heating system cannot be provided on the site, pursuant to the exemption criteria in DCP 1997, then either a heat pump system or 3 and a half star gas water heating system shall be provided on the site;
- (33) That all clothes dryers installed in the new residential units shall have a minimum greenscore of 3.5;

and the following adopted standard conditions:

- (34) Glazing Reflectivity less than 20%<sup>118</sup>
- (35) Consolidate Lots<sup>122</sup>

- (36) Display Street Number<sup>124</sup>
- (37) Paving<sup>1003</sup>
- (38) Builders Hoarding Permit<sup>1008</sup>
- (39) Shoring<sup>1012</sup>
- (40) Road Opening Permit<sup>3025</sup>
- (41) Footway Crossing<sup>3028</sup>
- (42) Obstruction of Public Way<sup>3029</sup>
- (43) Construction Traffic<sup>3030</sup>
- (44) Traffic and Pedestrian Management<sup>3031</sup>
- (45) Delivery of Construction Materials<sup>3032</sup>
- (46) Stormwater Standard<sup>4001</sup>
- (47) Clean Water Discharge<sup>4002</sup>
- (48) On Site Detention –Stormwater<sup>4003</sup>
- (49) Overland Flowpaths<sup>4004</sup>
- (50) Connection to Council's Stormwater System<sup>4005</sup>
- (51) Street Trees<sup>5008</sup>
- (52) Maintenance of Landscaping<sup>5014</sup>
- (53) Final Inspection<sup>5015</sup>
- (54) Garbage on Public Way<sup>6001</sup>
- (55) Refuse Skips<sup>6002</sup>
- (56) Commercial Garbage Contract<sup>6003</sup>
- (57) Commercial Garbage Storage<sup>6004</sup>
- (58) Garbage/Recyclable Material Room<sup>6010</sup>
- (59) Drainage Design Certificate<sup>9011</sup>
- (60) Stormwater Certificate at Completion<sup>9016</sup>

- (61) Works Within Boundary<sup>9152</sup>
- (62) Work on Public Way<sup>9154</sup>
- (63) Construction Certificate Required<sup>9155</sup>
- (64) Comply With BCA<sup>9104</sup>
- (65) Demolition to Comply With Aust Standard<sup>9163</sup>
- (66) Comply With the WorkCover Authority<sup>9105</sup>
- (67) Smoke control<sup>9512</sup>
- (68) Recycling<sup>6007</sup>
- (69) Sewer Discharge<sup>8004</sup>
- (70) Noise<sup>7028</sup>
- (71) Construction Noise<sup>7008</sup>
- (72) Soil and Sediment Prosecution Note<sup>7069</sup>
- (73) Sanitary Facilities<sup>7016</sup>
- (74) Details of Health Aspects<sup>7017</sup>
- (75) Fitout of Food Premises<sup>7020</sup>
- (76) Exhaust for Food<sup>7021</sup>
- (77) Ventilation<sup>7023</sup>
- (78) Trade Waste (Daily Removal)<sup>7064</sup>
- (79) Noise and Vibration<sup>7026</sup>

NOTE: That the applicant be advised that this application has not been assessed for compliance with the BCA or Local Government (Approvals) Regulations.

- (B) That Council advise the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council enter into negotiation regarding the use of the Reg Murphy Centre as a site and marketing office in exchange for a negotiated package of improvement.

- (D) That Council encourage the applicant to further negotiate with the owners of the laneway regarding the design and layout to further benefit the existing and future users of the laneway.

Motion carried.

19.

**POWELL STREET, NOS. 204, WATERLOO – DEMOLITION OF EXISTING STRUCTURES, ERECTION OF MULTIPLE DWELLING RESIDENTIAL DEVELOPMENT CONSISTING OF 137 UNITS BASEMENT CAR PARKING AND LANDSCAPING, ADAPTIVE RE-USE OF SUB-STATION AS A CAFÉ – DEVELOPMENT APPLICATION AND MASTERPLAN VARIATION ASSESSMENT (U00-01231)**

- (A) That Council, as the responsible authority, defer consideration of the development application submitted by Sanrise Pty Ltd for permission to demolish the existing structures, construct a multiple dwelling residential development containing 137 units, basement car parking and landscaping, adaptive reuse of sub-station as a café, and:
- (1) Advise the applicant in writing that it endorses the proposed built form and design of the overall development, but that the granting of consent is subject to the resolution of the following matters:
- ◆ final details and costing of public domain works to achieve the FSR bonus over the total site;
  - ◆ the submission of a Conservation Management Plan for the Energy Australia substation, prepared in accordance with the NSW Heritage Office Guidelines including a heritage impact statement;
  - ◆ resolving outstanding stormwater issues;
- (B) That the persons who made representations in respect of the proposal, be advised of Council's decision.

Carried.

20.

**DARLINGHURST ROAD, NOS. 72 – 80, POTTS POINT (AKA KINGS CROSS) – ALTERATIONS TO LEVELS 1 & 2 FOR THE PURPOSE OF A CHANGE OF USE FROM OFFICES TO A BACKPACKERS HOSTEL – DEVELOPMENT APPLICATION (U00-01364)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 30 April 2001, and subject to the additional reasons for refusal, namely:-

- (6) That the proposal would have adverse social impacts resulting from a loss of small office suites and their replacement with backpacker accommodation;
- (7) That the proposal would have an adverse impact on the cultural heritage of the building and the locality;
- (8) That the proposal would have an adverse economic impact by virtue of the loss of small scale office space that has provided opportunities for the establishment of film and television production.

Carried.

21.

**PLANNING – FLOOR SPACE BONUS DEVELOPMENT AGREEMENT – PUBLIC DOMAIN PLANS – PROCEDURES AND IMPLEMENTATION STRATEGY (2022930)**

That the matter be deferred to the next Planning and Development Committee meeting to be held 16 May 2001, in order for a further report to be submitted regarding the submissions for Floorspace Bonus Development Agreement, Public Domain Plans.

Carried.

22.

**COMMITTEES – HOMELESSNESS MARGINAL HOUSING RESEARCH PROJECT - PARTNERSHIP WITH IAN BUCHAN, FELL HOUSING RESEARCH CENTRE (2023508)**

(ALSO LISTED AS ITEM NO. 19, FINANCE COMMITTEE)

That Council become a partner with the Ian Buchan Fell Housing Research Centre to undertake research into a short term caretaker model for marginal housing, subject to:-

- (a) the application to the Australian Research Council being successful;

- (b) Council's financial contribution being limited to \$10,000 per annum inclusive of any G.S.T. implications for two years and that the 2001/2002 estimates make provision for this amount;
- (c) Council's in-kind support be limited to providing officer accommodation, access to computer facilities and telephone whilst working two days per week at Council and limited supervision (indirectly 2 hours per week).

(DPB & A/DH&CS Joint Report 30.4.01)

Carried.

23.

**CROWN STREET, NO. 490, SURRY HILLS – MODIFY EXISTING CONSENT TO RESTAURANT/BAR/RETAIL USE – SECTION 82A REVIEW OF REFUSAL OF SECTION 96 APPLICATION (U97-00900)**

- (A) That the application be approved subject to the additional conditions below, which are in addition to the conditions of the original Development Consent, namely -

Condition no. 14, shall be replaced by the following condition, which is an updated version of the original condition relating to health requirements

That the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to the food preparation and servery bar area shall comply with the National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation 1997.

Condition no. 34

That the use of the rear terrace fronting Collins Lane is not approved as part of this consent.

Condition no. 35

That the windows and doors facing onto Collins Lane shall remain shut whilst the use is operating.

Condition no. 36

That a maximum number of 10 vehicles may be displayed within the premises.

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

At the request of Councillor Pooley, and by consent, the motion be amended by the deletion of the words "10 vehicles" where appearing in Condition no. 36 of the recommendation and the insertion in lieu thereof of the words "nine vehicles".

Motion, as amended by consent, carried.

The Planning and Development Committee Meeting terminated at 8.58 p.m.

### **NOTICE OF MOTION**

1.

#### **COMMITTEES- CULTURAL COMMITTEE – LETTER OF ACKNOWLEDGEMENT TO PAMELA DE BURG**

By Councillor Lennon:

That Pamela De Burg be given a letter of acknowledgement for her report/ policy on public art and be invited to join the Arts & Cultural Committee.

- Councillor Lennon withdrew her Notice of Motion.

The Council Meeting terminated at 8.15p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**