

277th Meeting

Erskineville Town Hall
Erskineville
319334

Wednesday, 1 August 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.33 p m on Wednesday 1 August 2001.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Harcourt-

That the minutes of the Ordinary Meeting of Council of 4 July 2001, be taken as read and confirmed.

Carried.

Apology

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

Moved by Councillor Furness, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE MAYOR

30 July 2001

PUBLIC RELATIONS - SALE OF NEWTOWN PCYC (2016558)

On Wednesday 25 July, I met with a number of representatives from the Newtown PCYC, including Johnny Lewis, Chris Hayes, Neil Frazer and Alan Jones, all members of the board, to discuss how to proceed following Council's Public Meeting and the actual sale of the Newtown PCYC.

The representatives outlined their concerns regarding the process that has led to the sale of the Newtown PCYC. In particular, the commitments they had previously received from the Minister for Police, The Hon Paul Whelan, and also the misinformation and lack of consultation from the State PCYC on the issue. Concerns were also raised about the legitimacy of the sale due to possible breaches of the PCYC's Articles of Association, and potential conflicts of interests that some Newtown PCYC board members may have had in events leading up to the sale.

It was agreed the best course of action at this point was for Council to seek legal advice as to the options to address the serious matters raised by the local community.

To assist this, Council's staff have developed a chronology of the events and undertakings leading up to the sale, including commitments from the Minister for Police.

It was also decided that it was pointless to pursue the matter with the Minister for Police, as resolved by Council at its meeting of 4 July, 2001, due to his lack of response to requests for a meeting to date. On this basis the meeting agreed that it would be more

appropriate to request a meeting with the Premier and the Deputy Premier on the issue, as a matter of urgency.

RECOMMENDATION:

I recommend that Council, on behalf of the local community, seek legal advice as to the most appropriate course of action in relation to the sale of the Newtown PCYC, and also pursue, as a matter of urgency, a meeting with the Premier and Deputy Premier on the issue.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Pooley, the Mayor requested that the Director of Health and Community Services circulate in the Councillors Information Service, a copy of the chronology of the events and undertakings leading up to the sale.

MINUTE BY THE MAYOR

30 July 2001

**DONATIONS – SYDNEY 2002 GAY GAMES LTD. – REQUEST FOR SUPPORT
(2020152)**

By letter dated 29th June 2001, Sydney 2002 Gay Games Ltd have requested the following support from Council:-

“Our most pressing needs are:

- For the services of an IT professional to rationalise our IT set-up and advise us on the installation of a LAN (or alternative) for head office and the Information and Registration Centre `shop-front'. I would estimate this would require 4 to 5 days F/T and then an occasional consultation.
- A laser printer to serve our 10 workstations (we are currently using an inkjet printer that is designed to serve a single PC.
- A photocopier (we have none).

If this equipment could be lent for 18 months, or alternately if it were about to be sold-off or "written-off", we would be most grateful to have the opportunity to bid for it.

I assure you that the equipment requested is most urgently required.

One more thing: I have booked Redfern Town Hall for a public meeting from 4.00 p.m. - 6.00 p.m. Saturday, 28 July to give the community an opportunity to raise their concerns, queries, etc, and S2002 to inform them of issues and developments for Gay Games VI. The Town Hall Booking manager says that the Gay Games organisation does not qualify as a community group and that we would be charged \$65 per hour with a minimum 6-hour call. Can I request a waiver of these charges please?"

Setting up a local area network for 10 PCs has its own area of complexity and because of Council's priority to its own IT setup, Council is unable to supply staff for this request.

Council does not have any available laser printers that are in good working condition and the price of a new printer is about \$3,000. Similarly, Council does not have an available photocopier and the price of a new photocopier with reasonable options is about \$4,000.

I propose Council buys a laser printer and photocopier to the value of \$7,000 and loans it to the Sydney 2002 Gay Games Ltd for 18 months.

In regard to the hire of Redfern Town Hall, I propose Council approves this free use and foregoes \$281.00 in income and \$200.00 in costs for the use on Saturday 28th July 2001.

RECOMMENDATION

That in regard to the requests from Sydney 2002 Gay Games Ltd, Council:-

- (1) approves the purchase of a laser printer and photocopier at a total estimated cost of \$7,000 to be lent to the Gay Games for 18 months, and that the funds be added to the 2001/2002 Budget.
- (2) under the provisions of Section. 356 of the Local Government Act gives confirmatory approval for the free use of Redfern Town Hall for a public meeting on Saturday 28th July 2001 and agrees to forego \$281 in income and \$200 in costs.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

27 July 2001

**DONATIONS - SOUND WAVES CONCERT – AUSTRALIAN NAVY BAND –
PADDINGTON TOWN HALL 16 SEPTEMBER 2001 (2025042)**

Council has received a letter dated 26 June 2001 from the Royal Australian Navy Band proposing to perform “Sound Waves” a free concert at Paddington Town Hall in conjunction with South Sydney City Council, for the South Sydney local community on Sunday, 16 September 2001.

The Band proposes to perform a popular program of works and will feature: a Wind Orchestra of 48 musicians performing classical and modern works, a Ceremonial Ensemble of 43 musicians performing Ceremonial music, the “Admirals Own” 20 piece Show Band and the “Corvettes” a high energy rock group.

The concert will run from 2.00 pm until 4.00 pm and will have a half-hour interval.

The RAN will advertise the performance through its network of mailing lists and internet webpages, however it is proposed Council promotes the concert through banners, J C Decaux posters, the Mayor’s Column and Council’s Inner City News.

The Band has its own sound production, however it is proposed Council will cover the cost of free hire of the hall and some of the production and promotion costs of the concert

The cost of hiring Paddington Town Hall for 10 hours on the day is \$4,750 plus GST and such cost could be charged as a donation under Section 356 of the Local Government Act.

It is also proposed to supply a free afternoon tea for those attending the concert.

The cost of the production and promotion costs of the event and the costs of the afternoon tea will be covered from within the 2001/2002 Estimates.

RECOMMENDATION

That Council approves the request by the Royal Australian Navy Band to perform a free concert in conjunction with South Sydney City Council at Paddington Town Hall, for the South Sydney local community on Sunday, 16 September 2001 including free use of Paddington Town Hall to the value of \$4,750 excluding GST to be charged as a donation under Section 356 of the Local Government Act, 1993, and additionally Council agrees to assist with production and promotion costs of the concert and provide a free afternoon tea for those attending for which funds have been provided for within the 2001/2002 Estimates.

Councillor John Fowler (SGD)
Mayor

Moved by The Mayor seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

8 April, 2002

PUBLIC RELATIONS - DEATH OF GRIZELDA LOUISE DAWSON (2004380)

It is with regret that I inform Council of the death of Grizelda Louise Dawson mother of the Mayor of Woollahra , Councillor Christopher Dawson.

Grizelda died in England on 6th June 2001, and she was 83 years of age.

It is recommended that a letter under the signature of the Mayor, offering the condolences of the Council, be forwarded to the Mayor of Woollahra.

Councillor John Fowler (SGD)
Mayor

Moved by the Mayor, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE MAYOR

8 April, 2002

PUBLIC RELATIONS – SOUTH SYDNEY DISTRICT RUGBY LEAGUE FOOTBALL CLUB – REINSTATEMENT INTO NRL COMPETITION (2022984)

On 6 July 2001, South Sydney District Rugby League Football Club won the long standing court proceedings to be reinstated in the NRL first grade competition.

Since 1999 when it was realised that the club would no longer be a participant in the competition, the club, supporters and community began a legal battle which some football experts predicted an impossible task for reinstatement under the criteria stated by the NRL.

After many disappointments, I am happy to announce their efforts were finally rewarded and this was largely due to the belief by the President of South Sydney District Rugby Football Club, Mr. George Piggins and the football committee that the "Mighty Rabbitohs" would some day return to their rightful place.

South Sydney Council during this period passed resolutions of Council to support their struggle and bumper stickers were placed on Council's vehicular fleet.

Numerous rallies and events were organised by the club and supporters, and they were attended by Councillors.

I would like on behalf of Councillors, staff and the community of South Sydney, congratulate the club on their wonderful efforts in being reinstated into the first grade competition and, in particular, Mr. George Piggins, the football committee and their legal representatives.

It is therefore recommended that a letter under the signature of the Mayor be forwarded to the South Sydney District Rugby League Football Club congratulating them on their achievements, and that for Mr. George Piggins and representatives of the club be invited to attend dinner in the near future, to be personally acknowledged by Council and the Councillors.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Mallard:-

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

Carried.

At the request of Councillor Lay, the Mayor asked that a further report be submitted to Council's Sports Liaison Committee on the question of holding an event in recognition of the South Sydney District Rugby League Football Club being reinstated to the National Rugby League Football Competition, such event to be held prior to the commencement of the 2002 Rugby League Football competition.

MINUTE BY THE MAYOR

24 July 2001

**CELEBRATIONS – LOCAL GOVERNMENT WEEK 2001
PRESENTATION OF SPECIAL RECOGNITION AWARDS (2020573)**

Council is aware that Local Government Week celebrations for 2001 were held throughout the South Sydney last week, from Monday 23 July to Sunday 29 July. Two of the highlights of the week included:

- A talk on **“Federation Buildings of South Sydney”** by the South Sydney Heritage Society at Paddington Town Hall and Newtown Library, and
- A viewing and discussion with students from Newtown High School for the Performing Arts on **CHANGES 1901- 2001 South Sydney**, Council’s photographic exhibition currently at Newtown Library.

The theme of Local Government Week 2001 was ‘volunteering’ and it is this aspect of our community life that I wish to salute here tonight.

In our community we are blessed with a wealth of volunteer groups and individuals that further enhance our everyday community life.

South Sydney volunteer community workers help in churches, schools, hospitals, health care agencies, government bodies and of course, local government. Tonight we acknowledge all volunteer community groups and individuals in South Sydney, and in particular, recognize two.

For over five years, the South Sydney Heritage Society has presented, talks and tours, walks and workshops, on a wealth of heritage aspects.

The society has acted as a community watchdog, examining carefully, the implications of the rapid inevitable redevelopment. The dedication of it’s members to the heritage cause is determined.

South Sydney is also fortunate in a wide range of highly skilled local artists from designers and craftsman in the fashion, furniture, food, film, photography and publications fields. South Sydney Council encourages and promotes the use of our local talented professionals in every way possible.

This year as part of Centenary of Federation and Local Government Week celebrations, Council undertook the production of a photographic exhibition depicting the physical changes of major locations in South Sydney. Council engaged, Sharon Hickey to photograph the 2001 views of these locations in South Sydney, a brief Sharon took on with great professionalism.

As the photographic exhibition grew so did the ideas.

In a period of three weeks Sharon, voluntarily supervised the production of an eight minute video version of Council's CHANGES 1901-2001, calling it, Vol 1: "Woolloomooloo to Moore Park", with staff at the South Sydney Creative Arts Centre. This excellent video is now an important component of the exhibition.

With the same dedication, Sharon is now undertaking the production of a further video, Vol 2: Surry Hills to Newtown.

It is this enthusiastic community spirit, innate to all volunteers, which on behalf of the Councillors, I am delighted to acknowledge with two Local Government Recognition Awards for Excellence to the South Sydney Heritage Society and Sharon Hickey.

Finally, I would also like to take this opportunity to thank Council staff and residents of South Sydney for helping to make Local Government Week 2001 a success in this Centenary of Federation celebratory year.

RECOMMENDATION

That the General Manager convey to all staff associated with Local Government Week 2001 activities, Council's appreciation for their efforts and we look forward to another successful celebration next year.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Lay:-

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

Carried.

At this stage the Mayor and the General Manager presented plaques to Sharon Hickey and Phillip Black, who were present at the Council meeting and congratulated them on their efforts.

At the request of Councillor Lay, the Mayor directed that a report be prepared by the Director of Health and Community Services on how Councils historic photographs could be archived.

MINUTE BY THE GENERAL MANAGER

30 July 2001

PUBLIC RELATIONS - POSITION ON THE BOARD OF SYDNEY WATER CORPORATION – QUESTION OF NOMINATING A COUNCILLOR (2011376)

Councillor Amanda Lennon has advised that nominations are being called for selection to a position on the Board of Sydney Water and has suggested that Council nominate the Mayor to the position.

Contact has been made with Mr. Ian Waters, Solicitor and Corporate Secretary, of Sydney Water Corporation who has verbally advised that there are three vacancies on the Board and that Sydney Water was looking for nominations with expertise in either Business Management , Protection of the Environment or Public Health.

The Board meets once a months and the appointed person would also be asked to be a Director on the Australian Waters Technologies Board which meets quarterly.

Nominations close on Friday 3rd August, 2001 and are to be accompanied by a Curriculum Vitae.

The question of Council nominating the Mayor to the Board of Sydney Water Corporation is submitted for consideration.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the Mayor be nominated to the Board of Sydney Water Corporation.

Carried.

MINUTE BY THE GENERAL MANAGER

30 July 2001

CONFERENCE - 2001 ANNUAL CONFERENCE OF LOCAL GOVERNMENT MANAGERS, AUSTRALIA - ATTENDANCE OF COUNCIL REPRESENTATIVES (2020741)

A communication dated 18th July 2001 has been received from the Executive Director of Local Government Managers Australia, advising that the 2001 Annual Conference of the organisation is to be held at the Sydney Convention & Exhibition Centre from Wednesday 8th August, to Friday 10th August, 2001.

A copy of the conference programme is attached.

As a number of key conference sessions relate to Council issues, the Mayor and interested Councillors may wish to attend.

The cost of attending the full conference programme is \$850.00 each.

Recommendation

That approval be given to the Mayor and interested Councillors attending the 2001 Annual Conference of the Local Government Managers Australia, and that the registration fee of \$850.00 per person be borne by the Council, for which funds are available in the 2001/02 Revenue Estimates.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Furness, seconded by Councillor Mallard:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

1 August 2001

PERSONNEL - GENERAL MANAGER - REPLACEMENT (2024865)

The recruitment agency to assist Council in the selection of a new General Manager will be approved by Council on 1st August, 2001.

Previously Council resolved on 13th December, 2000 to continue my services after 24th August, 2001 on a month to month basis, until a decision on the Sproats Enquiry is handed down.

The Sproats Enquiry report was issued in May, 2001, however, the State Government has made no decision on the recommendation at this time.

The Mayor has indicated that it is now appropriate to revisit the decision on the extension of my contract, as it would appear that no decision is going to be made in the near future on the Sproats Enquiry.

The options available are:-

- (a) Extension of the contract until 24th September, 2001 prior to the appointment of the new General Manager.
- (b) Extension of the contract until 24th December, 2001, or upon commencement of the New General Manager,
- (c) Extension of the contract until 24th February, 2002, two months after the commencement of the new General Manager.
- (d) That the remuneration be negotiated between the Mayor and the General Manager for the extension period.

Submitted for consideration.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

That the General Manager's contract be extended until 24 December 2001, or upon the commencement of the new General Manager.

It was moved as an amendment by Councillor Mallard, seconded by Councillor Bush, that the General Manager's contract be extended until 24 September 2001, prior to the appointment of the new General Manager.

Following discussion the matter, it was moved by Councillor Bush, seconded by Councillor Mallard, the motion be put.

Carried.

Amendment carried.

Substantive Motion carried.

QUESTIONS WITHOUT NOTICE

1.

DEVELOPMENT – ROSLYN STREET, KINGS CROSS – PROPOSED CONVENIENCE STORE - POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023816)

Question:

Mr. Mayor, residents and the affected small business owners in Roslyn Street, Kings Cross (opposite our recently refurbished park) are distraught about a proposal to demolish four varied small shops (boot maker, hairdresser and two

well known cafes) and open yet another convenience store. We are losing so much of the character, charm and quirkiness that make up places like the Cross.

What can Planning staff do to try and preserve the cultural heritage and urban village retail mix of this site?

Answer by the Mayor:

I don't know what Council can do except deal with the Development Application. Council is aware of SEPP4. I did speak to the Director of Planning and Building today about the ability of Council to refuse Development Applications for convenience stores.

Comment by the Director of Planning and Building:

It is a matter for Council to decide following assessment of the application by staff and what Council sees as reasons why the application should be supported or not supported. We will forward to Council what the potential impacts are on the site and then Council has to decide.

Question by the Mayor:

What is the position of putting in a legal challenge in respect of convenience stores?

Answer by the Director of Planning and Building:

If we look at an assessment of this particular store in this particular location and what are the social and economic impacts and we come back with a negative result, then it would seem to me to be the strongest argument for an appeal and at the end of the day if the Council is unsuccessful, then this would give Council more ammunition to go to the State Government to look at the current legislation not protecting the environment and Council can lobby the State Government for a change.

2.

**OXFORD STREET, NOS. 2 – 6, PADDINGTON – ALBURY HOTEL –
PROPOSED DEVELOPMENT - OBJECTION - QUESTION WITHOUT NOTICE
BY COUNCILLOR MALLARD (2015329)**

Question:

As most Councillors would know, the famous Albury Hotel has been sold to a developer. Whilst this property is in Woollahra Council area, it is surrounded on three sides by the North Ward of South Sydney Council and is patronised and held important to many of our residents. We all know that the Albury Hotel is a cultural icon to the gay and lesbian community and the home of drag performance artists in Australia. I am alarmed at the fait accompli media hype about the gutting of this historic landmark for yet more up market shops.

Can our Planning staff prepare an urgent submission to Woollahra Council opposing this development on the ground of streetscape heritage, cultural heritage and the cumulative impact of more retail on this block?

Answer by the Mayor:

I have spoken to the Mayor of Woollahra on this issue and reminded him the Council had previously commissioned a heritage report on the internal configuration for the extension of the bar uses and I don't think that this did uphold the integrity of the heritage of the internal bar.

I will have the Director of Planning and Building prepare a report for Committee.

3.

LIVERPOOL STREET, NO. 270, DARLINGHURST – FIRST CHURCH OF CHRIST SCIENTIST CHURCH HALL – PROPOSED PURCHASE – HEFFRON HALL – SALE – DEFRAYING OF COSTS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2005660)

Question:

In relation to any proposal for Council to purchase the First Church of Christ Scientist church hall in Darlinghurst, I believe this idea has some merit, but needs to be carefully considered particularly with regard to value for money. Whilst we await the valuation of this property, could Council's property department prepare a brief report on the redevelopment potential of Heffron Hall that would clearly become surplus should we purchase the First Church of Christ Scientist church hall? I believe that a mixed commercial residential redevelopment of the Heffron hall site could offset a significant percentage of the cost to purchase the church Hall.

Answer by the Mayor:

I will ask the Acting Director of Corporate Services to report either in the Councillors Information Service or to Committee.

4.

SIGNS – PARKING – BEAUCHAMP LANE, SURRY HILLS – REPLACEMENT AND RENEWAL - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2014969)

Question:

I have had a request from a few residents requesting the relevant department inspect and replace the parking signs in Beauchamp Lane, Surry Hills, as a number of the signs have been painted over or defaced.

Answer by the Mayor:

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

5.

WHITEHORSE STREET, NO. 1, NEWTOWN – NEWTOWN SCHOOL OF THE PERFORMING ARTS – PROPOSED REDEVELOPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2002835)**Question:**

Can the N.S.W. Department of Education and Training and the Newtown High School of Performing Arts be contacted so as to obtain advice on their plans for redevelopment of the school site and could this advice be distributed to Councillors?

Answer by the Mayor:

I have spoken with the Department and school on this and will certainly have that master plan and any other information forwarded to you.

6.

TRANSPORT – RAIL – GIBBONS STREET ENTRANCE TO REDFERN RAILWAY STATION – DAILY OPENING AND REDEVELOPMENT OF STATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2023989)**Question:**

Following a meeting with a representative of the Redfern Village Business Association at Council offices on 20 July 2001, could you please write to City Rail requesting that the Gibbons Street entrance to Redfern Rail Station be opened all day, and further, that City Rail advise of their plans for the redevelopment of Redfern Rail Station and the likely completion date of any redevelopment?

Answer by the Mayor:

I will have the appropriate Officer follow that through for you.

7.

PROPERTY FILE – REGENT STREET, NO. 141, CHIPPENDALE – SECURING TO PREVENT UNAUTHORISED OCCUPATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2003783)

Question:

I have received representations from residents regarding No. 141 Regent Street, Chippendale. The building is derelict with broken windows on its frontage to Regent Street and is frequently, possibly always, used at night for the injection of drugs and is littered with used syringes.

Could Council take action to require the owner to secure the building?

Answer by the Mayor:

There are a number of unoccupied properties throughout South Sydney, including No. 65 Albion Street. I will have the appropriate Director follow up any action required on these properties.

8.

FINANCE – GRANTS – ROADS TO RECOVERY – COUNCIL'S BIKE PLAN - IMPLEMENTATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2024646)

Question:

Could I please have a report on the use of the Roads to Recovery monies and, in particular, the use of a percentage of these monies being used for the implementation of Council's bike plan?

Answer by the Mayor:

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

9.

MEMBERSHIP – SSROC – COMPRESSED NATURAL GAS – LOCAL GOVERNMENT AND SHIRES ASSOCIATION ANNUAL CONFERENCE – SUBMISSION OF MOTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (M53-00058)

Question:

On 19 July 2001, I acted as Chair of the SSROC Transportation Policy Committee Meeting at which Waverley Council reported on their investigations into Compressed Natural Gas trucks. I would like to table the report presented and ask that a report be prepared to go to Council's Finance Committee in time to sponsor

motions to the Local Government and Shires Association. I believe that the motions should commend to the Local Government and Shires Association the work done by Waverley Council and SSROC, call for their support for Compressed Natural Gas as an alternative fuel for Local Government and for the Local Government and Shires Association to further investigate the use of Compressed Natural Gas, purchase of vehicles and development of refueling infrastructure.

Answer by the Mayor:

That matter will go to Committee.

10.

DEVELOPMENT – SUBSIDISATION OF PUBLIC TRANSPORT FROM FSR BONUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2017748)

Question:

Could I please have a report on the locations of Development Applications and the dollar amounts for subsidising public transport resulting from FSR bonuses and the implementation strategy for this expenditure?

Answer by the Mayor:

I will ask the Director of Planning and Building to circulate the information to you.

11.

STREETS – AUDITING – SIGNS – REPLACEMENT – COST RECOVERY - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2011371)

Question:

What is the current policy and practice for auditing the placement and replacement of street naming, parking and traffic signage, the cost and opportunities for cost recovery and the current delay times for signage replacement?

Could the appropriate Directors please provide a report outlining the above?

Answer by the Mayor:

I will ask the Director of Public Works and Services to submit a report to the Finance Committee.

12.

TRAFFIC – SCHOOL CROSSINGS – STAY SAFE COMMITTEE REPORT - ACQUISITION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (5248394)

Question:

Could Council's Road Safety Officer obtain a copy of the recent Stay Safe Committee Report on school crossings and prepare a report to Council on its recommendation and their application in South Sydney.

Answer by the Mayor:

I will have the Director of Public Works and Services respond to you on that.

13.

SUBSTATIONS – CONSTRUCTION – ADJACENT TO GOULBURN STREET POLICE STATION – AMENITY DECLINE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S56-01422)

Question:

Is this Council liaising with Sydney City Council over the construction of a large substation adjacent to the Goulburn Street Police Station? Construction and relocation of police parking will have a major impact on an area already under pressure from traffic, restaurant development and pedestrian safety issues.

What is proposed to protect the amenity of our residents?

Answer by the Mayor:

I will ask the Director of Public Works and Services to submit a report in the Councillors Information Service on what is transpiring.

14.

GARBAGE – RESERVOIR STREET, ANN STREET AND COMMONWEALTH STREET, SURRY HILLS – WASTE DISPOSAL – DOOR KNOCKING OF HOUSES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (C56-00003)

Question:

I have received a copy of a letter from Chloe Mason suggesting ways Council might improve domestic and other waste disposal around Reservoir Street, Ann Street and Commonwealth Street, Surry Hills. Could I please have a report from the Waste Education Officer on the feasibility of a door knocking campaign by Councillors and staff as suggested by Ms. Mason?

Answer by the Mayor:

Maybe we should reactivate the facility of the free garbage bins. I will have a report on the matter submitted to the Waste Services Committee.

15.

TRAFFIC – REDFERN STREET – ENTRANCE TO CHALMERS STREET – USE BY BUSES TO ACCESS SOUTHS LEAGUES CLUB - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2009548)**Question:**

Residents in Chalmers Street, Redfern, are concerned by the way buses to the Leagues Club access the Club via Elizabeth Street and Phillip Street. The corner into Chalmers Street is very narrow because of traffic calming measures undertaken by Council.

Could the Traffic Committee consider whether it is possible for these buses to access and leave via Redfern Street, where Chalmers Street is much wider and the Club's car park provides a possible turning circle?

Answer by the Mayor:

I will have the matter looked at by the Director of Public Works and Services and then have the matter referred to the Traffic Committee for assessment and possible action.

16.

PARKING – CAR PARK – COPE STREET, NOS. 37 – 49, REDFERN – “NO GO AREA” – WORKCOVER DECISION - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2016576)**Question:**

Mr. Mayor, at the Waterloo Community Meeting last Monday night I was somewhat concerned to hear that the Cope Street Car Park was considered a 'no go area' by staff of the Council. Reference was made to the fact that it was a Workcover decision following an assault on Council staff.

I'd like to emphasise that I do not on any occasion wish to be associated with putting Council staff in danger, however, I wonder whether I could get some details of the event referred to? A copy of the Workcover recommendation and advice on whether there are other 'no go areas' within Council's boundaries.

Answer by the Mayor:

I will certainly have a report done by the Director of Public Works and Services in relation to this matter and particularly in relation to the Workcover matter.

17.

**COMMUNITY SERVICES – PUBLIC SCHOOLS – REDFERN AND
ERSKINEVILLE PRIMARY SCHOOLS – SUBMISSIONS BY COUNCIL ON
PROPOSED CLOSURES - QUESTION WITHOUT NOTICE BY COUNCILLOR
POOLEY (2024409)**

Question:

Mr. Mayor, as you are aware the N.S.W. Education Department has indicated that Redfern Primary and Erskineville Primary Schools are to be subject to a formal review of their proposed closure. I am keen to ensure that a formal Council submission, along similar lines to our previous submissions, is lodged with this Committee.

Answer by the Mayor:

I will have the Director of Health and Community Services look at that. He has already been keeping myself and Councillor Lay updated in relation to this matter.

18.

**PARKING – REDFERN STREET, REDFERN – MATCHING OF KING STREET,
NEWTOWN, FEES - QUESTION WITHOUT NOTICE BY COUNCILLOR
POOLEY (5249277)**

Question:

Mr. Mayor, another aspect of the recent meeting with the Redfern Chamber of Commerce was the fact that parking in Redfern Street is \$4.40 per hour. Subject to decisions on King Street parking, could a report come to the Finance Committee on the feasibility and cost of matching Redfern Street parking costs with that of King Street?

Answer by the Mayor:

I will have that report to the next Committee.

19.

**COMMUNITY FACILITIES – KINGS CROSS BABY HEALTH CENTRE –
FUTURE USE - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW
(2025035)**

Question:

Regarding the Kings Cross Baby Health Centre, could I be provided with details of a rumoured proposal to relocate this service from its current location?

Answer by the Mayor:

I will ask the Director of Health and Community Services to submit a report to Committee.

20.

COMMUNITY FACILITIES – COMMUNITY CHILDREN’S PLAYGROUND - MELBOURNE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022733)**Question:**

Could the Director of Public Works and Services answer yes or no to the idea of a community children’s playground as per the Melbourne visit? Possible location, risks, viability?

Answer by the Mayor:

I will ask the Director of Public Works and Services to report on the matter.

21.

ANTI-SOCIAL ACTIVITIES – CCTV – RESURRECTION OF REPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A55-00009)**Question:**

Could the previous report on CCTV be resurrected and be distributed to Councillors with the view of a new report to come to Council?

Answer by the Mayor:

I will have the previous report revisited and placed on the Committee agenda.

22.

DEVELOPMENT – APPLICATION PROCESSING – FAST TRACKING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (D52-00622)**Question:**

Could the Director of Planning and Building contact Sydney City Council to investigate the fast track planners operation? The Director to implement the system as soon as possible to deal with minor Development applications and planning enquiries. Development Applications to be approved or refused in a 14 day turn around. How many additional staff are required for this system up to a salary of \$60,000 per annum?

Answer by the Mayor:

I will ask the Director of Planning and Building to report on the matter.

23.**PROPERTIES – JOYNTON AVENUE, NOS. 136 AND 140 – VALUATIONS FOR DEVELOPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2019927)****Question:**

Could the Property Branch Manager obtain valuations regarding the potential development at Nos. 136 to 140 Joynton Avenue as separate sites, as a consolidated site and both to take into consideration the value with and without usage as a stormwater retention basin?

Answer by the Mayor:

I will ask the Acting Director of Corporate Services to submit a report.

24.**LEASING – ERSKINEVILLE AND REDFERN OVALS – SOUTH SYDNEY DISTRICT RUGBY LEAGUE FOOTBALL CLUB - STATUS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (5264950, 2009755)****Question:**

South Sydney Football Club needs to know what Council's intentions are towards Erskineville and Redfern Ovals. Can the conditions of the leases be pulled out of the cupboard so that we can all have a look and make a decision in a hurry? South's would request an urgent meeting on this matter long before the next Sports Liaison Committee Meeting.

Answer by the Mayor:

I will ask the Director of Public Works and Services to report on the matter.

25.**GARBAGE – BEACONSFIELD LANE, ALEXANDRIA – REMOVAL OF BUILDING MATERIALS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C56-00040)****Question:**

There is a load of building materials dumped in Beaconsfield Lane. Could the Director of Public Works and Services have the rubbish removed?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have the Lane cleared.

26.**PARKING – CAR PARK – COPE STREET, NOS. 37 – 49, REDFERN – TENDERING OUT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016576)****Question:**

Could a report come to Council with regard to the tendering out of the Cope Street Car Park?

Answer by the Mayor:

I will ask the Director of Public Works and Services to report on the matter.

27.**PARKING – CAR PARK – COPE STREET, NOS. 37 – 49, REDFERN – COACHES AND BUSES USING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016576)****Question:**

Could the issue of allowing coaches and buses to park in the Redfern shopping area be placed on the Traffic Committee Agenda? This question should be directly linked to the Cope Street Car, 'BUS' Park as in the previous question.

Answer by the Mayor:

This may need input from the Transport Planner and I will refer the matter to him for comment.

REPORT OF THE FINANCE COMMITTEE

25 July 2001

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Peter Furness, Tony Pooley, Gregory Shaw

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

Councillors – Furness, Mallard, Pooley and Shaw.

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

That the Report of the Finance Committee of its meeting of 25 July 2001, be received and the recommendations set out below for Items 2 to 5, inclusive, 7 to 9, inclusive, 11 to 13, inclusive, 15 to 21, inclusive, 23 to 24.4, inclusive, 24.6, 24.8 to 24.12, inclusive, and 24.14 to 24.16, inclusive, be adopted. The recommendations for Items 1, 6, 10, 14, 22, 24.5, 24.7, 24.13 and 24.17 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CONFERENCES – ANNUAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION OF NSW - WOLLONGONG, NSW, FROM 27 TO 31 OCTOBER 2001 – QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2013318)

- (a) That Councillors Bush, Furness, Lennon and Mallard be nominated as Council's delegates at the Conference;
- (b) That approval be given to the Mayor, interested Councillors and the General Manager attending the 2001 Annual Conference of Local Government Association of NSW to be held in Wollongong, NSW from 27th to 31st October, 2001, and that any registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2001/2002 Revenue Estimates.

(CAM/PO Report 17.7.01)

It was moved by Councillor Harcourt, seconded by Councillor Pooley, that the motion be amended by the deletion of the names Bush, Furness, Lennon and Mallard where appearing in clause (a) of the recommendation and the insertion in lieu thereof of the following new names, namely, Furness, Harcourt, Lay and Lennon.

Following discussion on the matter, Councillor Mallard, seconded by Councillor Bush, moved that the motion be put.

Carried.

Motion as amended by Councillor Harcourt, carried.

2.

CONFERENCES – LOCAL GOVERNMENT CONFERENCE, WOLLONGONG, NSW, 27-31 OCTOBER 2001 – QUESTION OF SUBMISSION OF MOTIONS (2013318)

That the report by the Civic Affairs Manager/Public Officer dated 16 July 2001, in respect of the submission of motions to the 2001 Local Government Conference in Wollongong, NSW, be received and noted.

Carried.

3.

DONATIONS – BLUEY DAY – 11 AUGUST 2001 – COUNCIL SPONSORSHIP (2022481)

That arising from consideration of a minute by the General Manager dated 10 July 2001, approval be given to Mr Peter McIntosh of Council's Nursery Tree Gang and member of the State Emergency Services being sponsored by Council in the "Bluey Day" on 11 August 2001, involving an expenditure of \$1,000 and that the expenditure be charged to Section 356 (Donations) of the Local Government Act, 1993, for which funds are available in the 2001/2002 Budget.

Carried.

4.

FINANCE – OUTSTANDING SUNDRY DEBTORS – 30 JUNE 2001 (2023443)

That the report by the Director of Finance dated 13 July 2001, on the balance of outstanding sundry debtors as at 30 June 2001, be received and noted.

Carried.

5.

DOMAIN CAR PARK – AUSTRALIA DAY COUNCIL OF NSW – AUSTRALIA DAY, 26 JANUARY 2002 – REQUEST FOR DISCOUNT (2005208)

That arising from consideration of a report by the Acting Director of Corporate Services dated 9 July 2001, Council grants approval for free entry to the Domain Carpark for vehicles associated with the Australia Day Council of NSW "Motorfest" display on 26 January 2002, from 5:30am to 9:30am, subject to Council's additional operating costs of \$500 being met by the Australia Day Council of NSW.

Carried.

6.

DONATIONS – PADDINGTON PUBLIC SCHOOL – REQUEST FOR FREE USE OF PADDINGTON TOWN HALL, 11 DECEMBER 2001 (2010531)

- (A) That approval be given to Paddington Public School for the free use of Paddington Town Hall on 11th December 2001, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$2,850 in income and \$250 in costs, to allow Paddington Public School the free use to conduct a speech day and children's concert.

(A/DCS Report 9.7.01)

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

- (B) That Paddington Public School be informed that in future their application for the free use of Paddington Town Hall for their annual speech day and children's concert will be processed through the Community Grants Programme.

Motion, as amended by consent, carried.

7.

FINANCE – GRANTS – DEPARTMENT OF SPORTS AND RECREATION – 2001 CAPITAL ASSISTANCE PROGRAM (2016926)

That arising from consideration of a report by the Director of Health and Community Services dated 10 July 2001, Council provides confirmatory approval to the prioritisation of applications to the Department of Sports and Recreation for the 2001/2002 Capital Assistance Program as follows:-

- (1) Woolloomooloo Playground – BBQ & Tennis Courts;
- (2) Woolloomooloo Playground – Shade structure;
- (3) Sydney Park – Internal Bikeway.

Carried.

8.

DONATIONS – LANDSCAPE MATERIALS - QUARTERLY REPORT – APRIL TO JUNE 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, labour and landscape materials to the value of \$1,000 to the various local bodies as detailed in the report for the three month period ending 30 June 2001 and that the expenditure involved be added to the 2001/2002 Revenue Estimates - Account Code 1.24.6815.

(DPWS Report 02.7.01)

Carried.

9.

**COMMITTEES - IMROC – EXTRAORDINARY MEETING – 25 JULY 2001
(C57-00077)**

That Council endorses the recommendations of the IMROC General Managers' meeting of 10 July 2001 as detailed in the minute by the General Manager dated 17 July 2001.

Carried.

10.

**PARKING – METERS – KING STREET, NEWTOWN – PROPOSED
INSTALLATION (2019990)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That approval be given to accept the tender of Reino International Pty. Ltd. for the supply, installation and commissioning of 39 multi-bay battery powered meters in King Street, Newtown, at a cost of \$221,034 plus \$3,043.15 for bay marking, making a total of \$224,077.15 (inclusive of GST), for which funds are available in the 2001/2002 Works Programme.
- (B) That the issue of extending the hours of operation of the meters to 10.00 p.m. seven days per week and any adjustments to the hours of operation of the Resident Parking Precincts be referred to the Traffic Committee for consideration.
- (C) That an internal staff committee, comprising of the Traffic and Design Branch Manager, Litigation Officer and Administrative Services Manager, be established to consider any issues raised by the King Street Traders.

It was moved by Councillor Lay, seconded by Councillor Furness, that the motion be amended by the deletion of clause (C) of the recommendation and the insertion in lieu thereof of a new clause (C) and the addition of a clause (D) and (E) to the recommendation, namely:-

- (C) That Council establishes a Parking Meter Steering Committee for King Street with resident and Trader Representatives as well as Ward Councillors, the Chair of the Traffic Committee, and internal staff comprising of the Traffic and Design Branch Manager, Litigation

Officer and the Administrative Services Manager, to oversee the introduction of parking meters and monitor their ongoing impacts.

- (D) That Council advertise for resident and trader representatives in Council publications and local press and direct mail those members of the business and residential community who have attended recent meetings on meters.
- (E) That a report be provided into the provision of disabled parking, location of loading bays and the possibility for the provision of some family/aged friendly spaces on or near King Street before a final decision is made into the actual spacing and location of meters.

Motion, as amended, carried.

11.

PUBLIC RELATIONS – CITY OF BOTANY BAY MAYORAL CHARITY GOLF DAY 18 OCTOBER 2001 – PARTICIPATION BY COUNCIL

That approval be given to Council sponsoring 4 teams in the 2001 City of Botany Bay Mayoral Charity Golf Day at a cost of \$2,240 and that such amount be added to the 2001/2002 Revenue Estimates under Section 356 of the Local Government Act, 1993.

(CAM/PO Report 20.7.01)

Carried.

12.

CONFERENCES - EASTERN REGION LOCAL GOVERNMENT ABORIGINAL AND TORRES STRAIT ISLANDER FORUM - RANDWICK CITY COUNCIL – EMPLOYMENT OF PART TIME WORKER – CONTRIBUTION OF FUNDS (2018350)

That arising from consideration of a report by the Director of Health and Community Services dated 20 July 2001, Council approve the payment of \$2,500 ((plus GST) upon receipt of a tax invoice) to Randwick City Council as a donation towards the employment of a part time worker to support the Eastern Region Aboriginal and Torres Strait Islander Forum for the 2001/2002 financial year, with funds available to cover this expenditure in the 2001/2002 Section 356 of the Local Government Act, 1993, Budget.

Carried.

13.

**DONATIONS – XXI WORLD CONGRESS OF POETS – RECEPTION,
6 OCTOBER 2001 (2012703)**

That the matter be referred to the next Arts and Cultural Committee meeting to be held on 2 August 2001, for consideration.

Carried.

14.

**SPORTS – VICTORIA PARK SWIMMING POOL – CAFÉ LICENCE –
MANAGEMENT (2023691)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That for the reasons set out in the report by the Director of Public Works and Services dated 19 July 2001, and the supplementary report dated 31 July 2001, that was circulated to Councillors prior to the Council Meeting, it be resolved that:-

- (1) Council develop a suitable brief for the invitation of Expressions of Interest from prospective operators for the licencing of the Victoria Park Swimming Pool Café;
- (2) upon completion of the brief, expressions of interest be invited with a view to selective tendering to establish a suitable licensee for the Victoria Park Swimming Pool Café;
- (3) the Plan of Management for Victoria Park be amended to allow for the licencing of the Victoria Park Swimming Pool Café;
- (4) Council seek consent from the NSW Department of Land and Water Conservation, as owners of the land, for the proposed licence.

It was moved by Councillor Furness, seconded by Councillor Shaw, that the matter be deferred for a further report by the Director of Finance on the financial implications of the proposed lease to an outside organisation.

Carried.

15.

**DONATIONS – WOOLLOOMOOLOO COMMUNITY CENTRE - SUSPENSION
(2024425)**

That arising from consideration of a report by the Director of Health and Community Services dated 20 July 2001, Council approve suspending any payments of donations to the Woolloomooloo Community Centre, for the reasons

outlined in the beforementioned report, until these matters are resolved and a further report is submitted to Council.

Carried.

16.

**CONFERENCES – QUEENSLAND UNIVERSITY OF TECHNOLOGY -
SYMPOSIUM ON WORK-RELATED TRAUMA AND FLEET RISK
MANAGEMENT IN AUSTRALIA, BRISBANE 10 AUGUST 2001 –
ATTENDANCE OF COUNCIL REPRESENTATIVES (2022162)**

That approval be given to Manager, Engineering Support Branch, Mr Fayez R Nour to represent Council at the Symposium for work-related road trauma and fleet risk management held by Queensland University of Technology at Brisbane on Friday 10 August 2001 and that the cost incurred of up to \$1,000 for expenses associated with travelling, accommodation of one night's costs only and ancillaries be funded from current Revenue Estimates (1.44.2550.12000 refers).

(DPWS Report 20.7.01)

Carried.

17.

**CLEANING – GARBAGE – INCREASED RANGE OF RECYCLABLE
COLLECTED (2024228)**

That the report by the Director of Public Works and Services dated 20 July 2001, be withdrawn.

Carried.

18.

**FEES AND CHARGES - CLEANING – SOLID WASTE CHARGE - INCREASE
(B53-00008)**

That Council:-

- (1) supports the Local Government and Shires Association in its representations to the Minister of the Environment in this matter;
- (2) deduct \$15 per tonne from the July account and subsequent accounts from Waste Service NSW for the disposal of solid waste until resolution of the dispute regarding the increase is advised to Council by the LGSA;
- (3) advises Waste Service NSW of this decision.

(DPWS Report 20.7.01)

Carried.

19.

FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JUNE 2001 (2024289)

That Council gives confirmatory approval for the schedule of payments accompanying the report of the Director of Finance dated 16 July 2001, details of which are contained in the relevant file.

Carried.

20.

HEALTH - DRUGS – HARM MINIMISATION – REQUEST FOR FUNDING TO ASSIST IN PRODUCING SAFETY INFORMATION CARD – KIRKETON ROAD CENTRE (H51-00084)

That arising from consideration of a report by the Director of Health and Community Services dated 19 July 2001, Council approve a donation of \$8,000 to the Kirketon Road Centre to produce a Community Safety Card, with funds available in the 2001/2002 Section 356 of the Local Government Act, 1993, Budget.

Carried.

21.

CONFERENCES – IWA WORLD WATER CONGRESS - BERLIN, GERMANY, 15 TO 19 OCTOBER 2001 – ATTENDANCE OF COUNCIL REPRESENTATIVE (2017114)

That arising from consideration of a report by the Director of Public Works and Services dated 20th July 2001, approval be given for the attendance of Leanne Dallmer, Environmental Engineering Officer, Public Works & Services Department at the World Water Congress in Berlin, Germany, and exchange with Atelier Dreiseitl from the 15th to the 23rd October 2001, for which funds for the cost of registration fees, accommodation, local travel and expenses (\$5165) are available in the 2001/2002 Traffic and Design Budget 1.43.2405.12105.3.

(DPWS Report 20/07/01)

Carried.

22.

PERSONNEL - GENERAL MANAGER – REPLACEMENT – ENGAGEMENT OF RECRUITMENT AGENCY – ACCEPTANCE OF QUOTATION (2024865)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the quotation submitted by Judith Carpenter & Association in the sum of \$42,180 including GST, for the recruitment of a new General Manager, be approved subject to agreement on the advertising and the amount of \$42,180 be voted in the 2001/2002 Estimates.

(GM Report 23.7.01)

Carried.

23.

STREETS - LARGE SKIP BINS – INSTALLATION OF COVERS – QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S56-00058)

That the report by the Director of Public Works and Services dated 20 July 2001, outlining the current situation regarding placement of waste containers on the public way and the requirement of operators to cover the load during removal operations, be received and noted.

Carried.

24.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 25 JULY 2001 COMMENCING AT 6.14 PM

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 25 July 2001, be approved and adopted.

24.1.

PROPERTIES – LEASING – OXFORD STREET, NO. 66, SUITE 5B, LEVEL 1, DARLINGHURST – LEASE TO GAY AND LESBIAN INSURANCE BROKERS PTY LTD (2014163)

That approval be given to the Gay And Lesbian Insurance Brokers Pty Limited being offered a three (3) year lease with a three (3) year Option of Council owned premises, Suite 5B, Level 1, No. 66 Oxford Street, Darlinghurst, at a rental of \$20,064 per annum gross (\$1,672 per month) plus the lessee is responsible to pay

the Goods and Services Tax, commencing from a date to be determined, subject to the following terms and conditions, namely:-

- (1) That the lessee is to provide a Bank Guarantee equivalent to two (2) month's rental;
- (2) That the lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (3) That the lease is to be reviewed on the 2nd and 3rd terms by the Consumer Price Index (CPI). At the commencement of the Option period the lease is to be reviewed to Market;
- (4) 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 (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
- (5) 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;
- (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, if required;
- (8) That this approval lapses in three (3) months from the date of Council's approval to the granting of this lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents;
- (9) That the lessee is responsible for the payment of the Goods and Services Tax.

Carried.

24.2.

PROPERTIES – ACQUISITIONS AND SALES – ENGAGEMENT OF SPECIALIST REAL ESTATE AGENCY – CALLING OF TENDERS (2019389)

That Council resolves to call a one year tender for a specialist industrial/commercial Real Estate Agency to manage the sale and acquisition of property through Expressions of Interest (EOI) to all agencies for Council's commercial property portfolio and that a review of Council's property assets be conducted.

(A/DCS Report 16.7.01)

Carried.

24.3.

LEASING – HEFFRON HALL, NO. 34 BURTON STREET (DOWNSTAIRS SECTION), DARLINGHURST – RENEWAL OF LEASE TO D4 FAMILY SUPPORT SERVICE (C57-00010)

That approval be given to D4 Family Support Service being offered a month to month lease of Council owned premises, Downstairs Section, Heffron Hall, No. 34 Burton Street, Darlinghurst, at a rental of \$38,997 per annum gross plus the GST component, commencing on 1 July, 2001, subject to the following conditions, namely:-

- (1) That the subsidy of \$37,895 by Council on 4 July, 2001, be applicable to the lease;
- (2) That the requirement to provide a Bank Guarantee and Personal Guarantees is waived in this instance;
- (3) 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 (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during 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 all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (6) That all relevant documents are to be executed by Council's Attorney;
- (7) That the lessee is responsible for the payment of the Goods and Services Tax on the actual rent portion only;
- (8) That this approval lapses in three (3) months from the date of Council's approval to the granting of this lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents.

(A/DCS Report 5.7.01)

Carried.

24.4.

LEASING – HEFFRON HALL, NO. 34 BURTON STREET (UPSTAIRS SECTION), DARLINGHURST – RENEWAL OF LEASE TO THE METROPOLITAN COMMUNITY CHURCH (P56-00383)

That approval be given to The Metropolitan Community Church remaining on a month to month lease of Council owned premises, Upstairs Section, Heffron Hall, No. 34 Burton Street, Darlinghurst, under the same terms and conditions as their existing lease plus the payment of the GST component, until a review of the Church's application for a grant under Council's Subsidised Accommodation Program has been completed.

(A/DCS Report 5.7.01)

Carried.

24.5.

LICENSING – WILLIAM STREET, NOS. 135 – 137, DARLINGHURST (AKA NO. 150 BOURKE STREET) – PROPOSED FOOTWAY LICENCE (2020759)

That the matter be deferred and the Director of Planning and Building submit a report commenting on 24 hour of footway licences in the William Street precinct.

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

That the matter be referred to the Street Prostitution Working Party for comment prior to referral back to Properties Sub- Committee and that a further report by the Director of Planning and Building on the controls for footpath licences within the William Street Precinct be referred to Committee for consideration.

Motion, as amended by consent, carried.

24.6.**PROPERTIES – OXFORD STREET, NO. 120, DARLINGHURST, 1ST AND 2ND FLOORS – LEASE TO THE DEPARTMENT OF HOUSING (DARLINGHURST AREA RENTAL TENANCY) (2005828)**

That approval be given to:-

- (a) reducing the rent paid by Dart Co-Op Limited on the basis of their vacancy rate;
- (b) a further report being produced regarding the use of this building when DART relinquish the property;
- (c) Council's Officers preparing a report using the Port Phillip, Melbourne model (boarding house) in terms of redeveloping this property to provide low cost boarding house accommodation for the South Sydney Community.

(A/DCS Report 2/7/01)

Carried.

24.7.**LEASING – WATKIN LANE, NO. 3, NEWTOWN – LEASE TO THE WOMEN'S LIBRARY INC (2015531)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That Council approve a month to month lease and subsidy to the Women's Library Inc. of premises No. 7 Watkin Lane, Newtown, and that the Women's Library respond to the report by Council Officers dated 25 July 2001 and demonstrate why Council should continue to subsidise the Women's Library, and that a further report based upon their response be brought to Council in six weeks from the date of this resolution.

Carried.

24.8.**LICENSING – ERSKINEVILLE ROAD, NO. 128, ERSKINEVILLE – FOOTWAY LICENCE – RENTAL REBATE (2021569)**

That for the reasons set out in the report by the Director of Public Works and Services dated 16 July 2001, approval be given to a 50% rental abatement i.e. the amount of \$151.30 being given to the licensee of premises No. 128 Erskineville Road, Erskineville (Caffeine Café) James Muir which represents half of the footway licence rental for the period from 15 January to 9 March 2001.

(DPWS Report 16.7.01)

Carried.

24.9.

**LICENSING – STANLEY STREET, NOS. 71 – 73, DARLINGHURST –
PROPOSED FOOTWAY LICENCE (2021559)**

That approval be given to:-

- (1) the termination of the licence agreement dated 4 August 2000 with Lamel Enterprises Pty Ltd to operate a footway licence over an area of 6 square metres of the footway of Stanley Street, adjacent to 'Liago' at Nos. 71-73 Stanley Street, Darlinghurst;
- (2) the granting of a licence to 11 Ten Pty Ltd over an area of 6 square metres of the footway of Stanley Street adjacent to 'Pello' at Nos. 71-73 Stanley Street, Darlinghurst, as shown stippled on Plan No S4-130/743 and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence in (1) above terminating on 14 June 2001 and the licence in (2) commencing on 15 June 2001;
- (4) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (9) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 12/07/01)

Carried.

24.10.**LICENSING – ELIZABETH BAY ROAD, NOS. 43 – 47, ELIZABETH BAY (AKA 45 ELIZABETH BAY ROAD) – PROPOSED FOOTWAY LICENCE (2020992)**

That approval be given to:-

- (1) the termination of the licence agreement dated 30 December 1999 with Rudi Schneider over an area of 3 square metres of the footway of Elizabeth Bay Road, adjacent to the Elizabeth Bay Café at Nos.43-47 Elizabeth Bay Road, Elizabeth Bay;
- (2) the granting of a licence to Gary Mark Green and Pauline Marie Green over an area of 3 square metres of the footway of Elizabeth Bay Road adjacent to Elizabeth Bay Cafe at Nos. 43-47 Elizabeth Bay Road, Elizabeth Bay (aka 45 Elizabeth Bay Road) as shown stippled on Plan No S4-130/741A and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence in (1) above terminating on 1 July 2001 and the licence in (2) commencing on 2 July 2001;
- (4) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement.
- (9) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 12/07/01)

Carried.

24.11.**LICENSING – SWANSON STREET, NO. 108, ERSKINEVILLE – PROPOSED FOOTWAY LICENCE (2017754)**

That approval be given to:-

- (1) the termination of the licence agreement dated 26 February 1999 with Graeme and Kathryn Thompson over an area of 9.3 square metres of the footway of Park Street and Swanson Street adjacent to the Kurrajong Hotel at No. 108 Swanson Street, Erskineville;
- (2) the granting of a licence to Domaperu Pty Ltd over an area of 9.3 square metres of the footway of Park and Swanson Streets adjacent to Kurrajong Hotel at No. 108 Swanson Street, Erskineville, as shown stippled on Plan No S4-130/695D and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence in (1) above terminating on 19 April 2001 and the licence in (2) commencing on the 20 April, 2001;
- (4) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (9) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 16/07/01)

Carried.

24.12.**LIVERPOOL STREET, NO. 270, DARLINGHURST – FIRST CHURCH OF CHRIST SCIENTIST – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2005660)**

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

That the report by the Director of Planning and Building dated 20 July 2001, in respect of property No. 270 Liverpool Street, Darlinghurst, be received and noted.

Carried.

24.13.**LICENSING – WILLIAM STREET, NO. 171, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2024682)**

That the matter be deferred and the Director of Planning and Building submit a report commenting on the 24 hours operation of footway licences in the William Street precinct.

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

That the matter be referred to the Street Prostitution Working Party for comment prior to referral back to Properties Sub- Committee and that a further report by the Director of Planning and Building on the controls for footpath licences within the William Street Precinct be referred to Committee for consideration.

Motion, as amended by consent, carried.

24.14.**STREETS – PORTION OF FRANCIS LANE, DARLINGHURST – PROPOSED CLOSURE AND SALE (2022344)**

That further to resolution of Council dated 8 December 1999, and arising from consideration of a report by the Director of Public Works and Services dated 18 July 2001, approval be given to:-

- (1) the closure under Part 4 Division 1 of the Roads Act 1993 of part of Francis Lane, Darlinghurst as shown stippled on Plan No. S6-280/251B and its subsequent sale to the adjoining owners or their successors in title and subject to the conditions in the schedule accompanying the Director's report;
- (2) the applicants compensating Council in respect of the fee simple of the road area to be closed for the amount of \$40,000 excluding GST;

- (3) all public utility authorities being advised of Council's decision;
- (4) all relevant documents and plans being executed by Council's attorney;
- (5) all adjoining owners being advised of Council's decision.

Carried.

24.15.

PROPERTIES – STIRLING STREET, NOS. 2 – 4, REDFERN – VIABILITY AS A PARK (2022344)

That:-

- (1) the property Lot 10 Stirling Street Redfern (known as No. 4 Stirling Street) be retained by Council as open space using Section 94 Contributions;
- (2) the section of William Street, Redfern between Stirling Street and James Street be referred to the next meeting of the South Sydney Traffic Committee seeking approval in principle for a "shared zone";
- (3) subsequent to a community consultative process, a further report be prepared for the consideration of Council to allocate funds for the construction of the "shared zone" in William Street and/or the embellishment of the open space area known as 2-4 Stirling Street, Redfern.

(DPWS Report 20/7/01)

Carried.

24.16.

LICENSING – VICTORIA STREET, NO.229A, DARLINGHURST (AKA NO. 114 DARLINGHURST ROAD) – PROPOSED FOOTWAY LICENCE (2022735)

That approval be given to:-

- (1) the termination of the licence agreement dated 10 September 2000 with Tami Pty Ltd to operate a footway licence over an area of 7.4 square metres of the footway of Victoria Street, adjacent to 'L'otel' at No. 229A Victoria Street Darlinghurst (aka 114 Darlinghurst Road);
- (2) the granting of a licence to Development.com Pty Ltd over an area of 7.4 square metres of the footway of Victoria Street adjacent to L'otel at No 229A Victoria Street, Darlinghurst (aka 114 Darlinghurst Road) as shown stippled on Plan No S4-130/767C and subject to the conditions in the schedule accompanying the Director's report;

- (3) the licence in (1) above terminating on 31 March 2001 and the licence in (2) commencing on 1 April 2001;
- (4) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (9) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 12/07/01)

Carried.

24.17.

PROPERTIES – ASBESTOS REMOVAL FROM COUNCIL'S PROPERTIES AT NOS. 136 AND 140 JOYNTON AVENUE, ZETLAND – ACCEPTANCE OF TENDER (2022596)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Shaw:-

That the matter be deferred and referred back to the Properties Sub-Committee for a further report in respect of giving greater details of the performance levels of the firms that tendered for the asbestos removal from Council's former Administration Buildings and Nos. 136 and 140 Joynton Avenue, Zetland.

Carried.

The Properties Sub-Committee Meeting terminated at 6.41 p.m.

The Finance Committee Meeting terminated at 7.16 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

25 July 2001

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

At the commencement of business at 7.17 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 25 July 2001, be received and the recommendations set out below for Items 1 and 2, be adopted. The recommendation set out below for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES – MINUTES OF MEETING HELD 12 JUNE 2001 (2017377)

That the report by the Director of Health and Community Services dated 16 July 2001, and the accompanying minutes of the Access Committee for People with Disabilities held on 12 June 2001, be received and noted.

Carried.

2.

PUBLIC RELATIONS – PUBLIC ART – ART IN SIGHT – VICTORIA PARK POOL, SECOND COMMISSION (2021371)

That the matter be referred to the next Arts and Cultural Committee Meeting to be held on 2 August 2001, for consideration.

Carried.

3.

**PUBLIC RELATIONS – COMMUNITY/PROMOTIONAL PANELS -
ALLOCATION - JC DECAUX (2020709)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Harcourt:-

That the matter be deferred to the next Council meeting to be held on 15 August 2001, for a report promoting the Kings Cross Cultural Festival and more formalised advertising of the Festival that can be done using other sources such as Council's libraries, etc and not the JC Decaux advertising panels.

Carried.

The Community Services Committee Meeting terminated at 7.25 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

25 July 2001

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

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

At the commencement of business at 6.43 pm, those present were:-

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

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

That the Report of the Planning and Development Committee of its meeting of 25 July 2001, be received and the recommendations set out below for Items 2 – 5 inclusive, 7,10,11,15 to 18 inclusive, 20,23 to 25 inclusive, be adopted. The recommendations for Items 1,6,8,9,12 to 14 inclusive, 19,21, and 22 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LIVERPOOL STREET, NOS. 433-437, DARLINGHURST – TO EXPAND CAFÉ FROM 25 TO 46 SEATS – DEVELOPMENT APPLICATION (U01-00208)

That the application submitted by Bronwyn Haddock of Haddock Architectural Drafting with the authority of Glenvine P/L for permission to extend the seating capacity of a café to 46 seats, be deferred to the next Planning and Development Committee to be held on 8 August 2001, so that a further site inspection can take place.

Carried.

2.

PALMER STREET, NOS. 186-186A, DARLINGHURST – USE PREMISES AS REAL ESTATE OFFICE – DEVELOPMENT APPLICATION (U01-00445)

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 25 July 2001.

Carried.

3.

STANLEY STREET, NO. 80, DARLINGHURST – ALTERATIONS TO EXISTING RESTAURANT INCLUDING FIRST FLOOR EXTENSION, ALTERATIONS TO FAÇADE AND EXTENDED HOURS OF OPERATION ON SATURDAY EVENINGS – DEVELOPMENT APPLICATION (U01-00209)

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 July 2001.

Carried.

4.

FRANCIS STREET, NO. 30, DARLINGHURST – FRONT DORMER ON TERRACE HOUSE – DEVELOPMENT APPLICATION (U01-00378)

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 17 July 2001.

Carried.

5.

REGENT STREET, NOS. 147-151, CHIPPENDALE – CONSTRUCT 13 APARTMENTS AND COMMERCIAL SPACE INCORPORATING THE REUSE OF THE FORMER BANK BUILDING – DEVELOPMENT APPLICATION (U00-00405)

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 19 July 2001.

Carried.

6.

MACLEAY STREET, NO.40, UNIT NO. 901, POTTS POINT – ALTERATIONS AND ADDITIONS TO TOP FLOOR UNIT – DEVELOPMENT APPLICATION (U01-00200)

(A) That the Council refuses as the responsible authority refuses to grant its consent to the development application submitted by Dale Jones-Evans Pty Ltd, with the authority of Brent Thomas, for permission to carry out alterations and additions to unit No.901 for the following reasons, namely:-

- (1) That the proposal is inconsistent with Clauses 22(f) of South Sydney Local Environmental Plan 1998 insofar as it detracts from character of the Elizabeth Bay Conservation Area;
- (2) That the proposal is inconsistent with Clause 28(b) of South Sydney Local Environmental Plan 1998 insofar as it does not enhance the streetscape and character of the locality;
- (3) That the proposal does not comply with Clause 2.2 Floor space ratio, Part E: Environmental Design Criteria of South Sydney

Development Control Plan 1997: Urban Design, as it will result in further exceedance of the maximum FSR of 3:1 identified for the site;

- (4) That the proposal does not comply with Clause 2.3: Height and Scale, Part E: Environmental Design Criteria of South Sydney Development Control Plan 1997: Urban Design, as it will result in the further exceedance of the 24m height limit identified for the site;
 - (5) That inadequate information has been submitted to assess whether the proposal will comply with South Sydney Development Control Plan 1997: Urban design, Part E: Environmental design criteria, Clause 5.1: Energy Efficient site layout and building design, in terms of the impact on the solar access available to the roof deck of the adjacent building to the south;
 - (6) That the proposal is inconsistent with South Sydney Development Control Plan 1998: Heritage and Conservation, Section 4.0 Conservation Guidelines and Controls, Clause 4.1.3 Scale, massing, Form and Character of Additions, in so far as the form of the proposed addition is not in character with the form of the existing building or those in the Elizabeth Bay Conservation Area;
 - (7) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

ROSEHILL STREET, NO.32, REDFERN – DEMOLISH WAREHOUSE AND CONSTRUCT MIXED USE DEVELOPMENT – SECTION 96 MODIFICATION (U00-00911)

That the application be deferred for further discussions between the applicant and the Director of Planning and Building.

Carried.

8.

BEACONSFIELD STREET, NOS. 30-32, BEACONSFIELD – USE UNIT 7 FOR TAXI BASE AND MECHANICAL WORKSHOP – DEVELOPMENT APPLICATION (U01-00085)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment, 1979 to the development application submitted by Myros Designs Pty Ltd, with the authority of Angus Property Developments, SHR Pty Ltd and Max Clothing Pty Ltd to use Unit 7 as a taxi base and mechanical workshop, 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 \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the use shall cease after a period of 1 year from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
 - (3) That the hours of operation of the mechanical workshop shall be restricted to between 7.30 am and 5.30 pm Mondays to Fridays and between 7.30 am and 1.00 pm on Saturdays;
 - (4) That no more than 2 workbays shall be permitted within the subject unit;
 - (5) That no more than 11 taxis shall be based at the premises;
 - (6) That at least 80 % of vehicles repaired at the unit shall be either taxi cabs based at the unit or the vehicles of drivers of such taxi cabs;
 - (7) That a minimum of 11 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;
 - (8) That between 6 pm at night and 6 am the following morning (8 pm on Sunday mornings) all vehicles associated with the use shall enter and leave the premises via the gate on the western side of the premises and the gate on the eastern side of the premises shall be kept closed.
 - (9) That between 6pm at night and 6am the following morning (8 pm on Sunday mornings) all vehicles associated with the use shall approach and depart the site via William Street to Collins Street

(thence to O'Riordan Street) and shall not use Beaconsfield Street east of the subject site nor Queen Street or Victoria Street;

- (10) That all taxi cabs based at the site and all drivers personal vehicles shall be parked on site and shall not be parked on street at any time;
- (11) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
 - (b) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (c) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
 - (d) That certification shall be required that the existing hydrant system has been designed and installed to the requirements of Clause E1.3 of the BCA or to the standard to which it was designed;
 - (e) Certification is required that the constructions of the firewalls comply with the requirements of C2.7 of the BCA:
- (12) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (14) All work and storage areas where spillage may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater. All bunded areas shall be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for pump out. Bunded areas shall be suitably treated to prevent the ingress of stormwater;
- (15) That all washing and cleaning of vehicles shall be conducted in a wash bay graded and drained to the services of Sydney Water Corporation under a Trade Waste Agreement;

- (16) The storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (17) 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;
- (18) The business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (19) 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;
- (20) 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 and required mechanical ventilation systems.	Building Code of Australia and AS1668.
(ii)	The garbage room/recyclable materials room.	SSCC Waste Management/Minimisation Fact Sheets.

and the following adopted standard conditions:-

- (22) Office to be ancillary¹¹⁰

- (23) Loading within site³⁰¹⁴
- (24) Loading/parking kept clear³⁰¹⁶
- (25) Vehicles enter/leave in forward direction³⁰²⁰
- (26) Vehicles awaiting repair³⁰²³
- (27) Work on Public Way⁹⁹¹⁵⁴
- (28) Issue of occupation certificate⁹¹⁰¹
- (29) Compliance with BCA⁹¹⁰⁴
- (30) Comply with the WorkCover Authority⁹¹⁰⁵
- (31) Construction hours⁹¹⁵¹
- (32) Building/demolition noise control⁹¹⁵⁶

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 offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to traffic and parking congestion, and would not be in the public interest.

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

Carried.

9.

EUSTON ROAD, NO. 171A, ALEXANDRIA – EXTEND OPERATING HOURS OF CONCRETE BATCHING PLANT AND ERECT NOISE CONTROL MEASURES – DEVELOPMENT APPLICATION (U99-00798)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Metromix Pty Ltd, to:
- (i) extending the operating hours of the plant to between 6.00am and 6.00pm Monday to Friday and 6.00am and 3.00pm Saturdays;
 - (ii) receiving raw material deliveries up to 8.00pm on Mondays to Fridays;
 - (iii) operation of the plant between 6.00pm and 6.00am on Mondays to Fridays a maximum of 80 times per year and between 6.00pm on Saturdays and 6.00am on Mondays on a maximum of 10 occasions per year;
 - (iv) to erect noise control measures;
- and subject to the following conditions, namely:-
- (1) That no truck shall arrive or depart the site prior to 6.30 am nor after 6.00 pm Mondays to Fridays (other than raw materials deliveries which are permitted up to 8.00 pm on Mondays to Fridays) , or after 3.00 pm on Saturdays other than in accordance with Condition (8) of this consent;
 - (2) That all raw materials delivery trucks arriving outside of the hours of 7.00 am to 8.00 pm Monday to Friday and 7.00am to 3.00 pm on Saturdays shall within the South Sydney City Council area use only Canal Road, Burrows Road, Campbell Road (between Burrows Road and Euston Road) and Euston Road and within the Marrickville Council areas shall not use any street in contravention of any existing or future light traffic thoroughfare restriction;
 - (3) That the following conditions required by the Environment Protection Authority shall be complied with:-
 - (a) Noise from the premises must not exceed an LAeq (15 minutes) noise emission criterion of 44 dB(A) between the hours of 6pm and 7am;

- (b) Noise from the premises must not exceed an $L_{1A(1 \text{ minute})}$ noise emission criterion of 54 dB(A) between the hours of 10pm and 7am;
 - (c) Compliance with condition (a) above is to be determined at any point within one metre of the boundary of any residential premises or other noise sensitive premises;
 - (d) Compliance with condition (a) above is to be determined at any point within one metre of the facade of any residential premises;
 - (e) The noise emission limits identified (a) and (b) above apply for prevailing meteorological conditions (winds up to 3m/ s), including all temperature inversion condition;
 - (f) The licensee must undertake compliance noise monitoring during night time operations within 7 days of commencement of night time operations;
 - (g) The monitoring required by condition (f) above must be undertaken at a location which:
 - (i) is the most affected residential or noise sensitive premises; and
 - (ii) complies with conditions (c) and (d) above.
 - (h) The licensee must submit a noise compliance report to the EPA within seven days of the completion of the monitoring required by conditions (f). The report must include an assessment of the measured noise levels compared to the noise limits specified by conditions (a) and (b);
- (4) That the premises total weekly production shall not exceed 6,600 cubic metres;
- (5) That the maximum normal hours of operation (ie those not covered by condition (7) below) shall be 6.30am to 6.00pm Monday to Fridays and 6.45am to 3.00pm Saturdays;
- (6) That a construction certificate shall be submitted for the works proposed in the plans submitted on 13 June 2001, and the premises shall not operate the extended hours until such work have been completed an occupation certificate has been issued and the works have been certified by an acoustic consultant;

- (7) That part of the use relating to operating the plant between 6.00pm and 6.30am on Mondays to Fridays a maximum of 80 times per year, and between 6.00pm on Saturdays and 6.30am on Mondays on a maximum of 10 occasions per year shall cease after a period of 5 years from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent for this out of hours operation of the plant;
- (8) That the plant shall operate outside of 6.30am to 6.00pm on Monday to Friday (other than raw materials deliveries up to 8.00pm) on a maximum of 80 occasions per year and between 6.00pm on Saturday and 6.30 on Monday (Public Holidays included) on a maximum of 10 occasions per year;
- (9) That the applicant shall report to Council on a six monthly basis of the operation of the plant during the hours granted in Condition (8) during the previous six monthly period such report to include hours of operation and the destination location(s) of the concrete and monthly production volumes;
- (10) That Metromix shall advise Council in advance (prior to 5.00pm on Thursday) of any proposed operations between 6.00pm Saturday to 6.30am on Mondays;
- (11) That all truck movements between the site and Sydney Airport (and any roadworks adjacent to the airport) shall be via Euston Road, Campbell Road (between Euston and Burrows Roads), Burrows Road, Canal Road, Ricketty Street, Kent Road, Coward Street (west of O'Riordan Street), Bourke Road and O'Riordan Street (south of Coward Street) and shall not pass any existing residential dwellings;
- (12) That during the extended hours allowed under Condition (8) of this consent truck movements other than to the airport and its environs shall use designated arterial roads where ever practicable and in particular shall not use Sydney Park Road, Mitchell Road, Wyndham Street (between Bourke Road and Henderson Road) Campbell Road/Street (west of Euston Road), Barwon Park Road, or Collins Street (between O'Riordan Street and Botany Road)- unless the delivery is to a location in these streets;
- (13) That all company and contract drivers be advised of conditions (11) and (12) of this consent;
- (14) That within six months of the date of this consent a road traffic management protocol shall be developed, submitted to

Council and implemented. Such protocol shall consider the following issues:-

- Limits for noise emission from vehicles (“quiet” trucks and/or trucks using air bag suspension
- Driver education
- Truck routes
- Limiting usage of exhaust brakes
- Speed limits for trucks
- Community liaison methods for monitoring complaints

- (15) That all relevant sections of the BCA shall be complied with;
- (16) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (17) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (18) That the requirements of the Work Cover Authority shall be complied with;
- (19) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council’s approval;
- (20) That the building/demolition work shall comply with Australian Standard 2436-1981 “Guide to Noise Control on Construction, Maintenance and Demolition Sites”;
- (21) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm 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 to 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;

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (22) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (23) That prior to releasing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (24) That after completion of the noise control works but prior to the commencement of the extended hours of operation permitted by condition (8) the applicant shall letterbox drop the nearby residential premises (including Huntley Green, Sydney Park Village, and residences in Barwon Park Road, Campbell Road and the southernmost blocks of Lawrence Street, Belmont Street, Mitchell Road and Euston Road) advising that the works are completed and of the anticipated date of commencement of the extended hours and advising residents of the complaints line contact details.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to traffic and parking congestion, and would not be in the public interest.

- (B) That the persons who made written representations regarding the proposal be advised of Council's decision.
- (C) That the applicant be advised that in the event that the Cross City Tunnel Project proceeds and this plant is a supplier to the project, then trucks be

confined to Euston Road, McEvoy Street, Eastern Distributor to William Street and in the event of any temporary closure of the William Street exit be confined to Euston Road, McEvoy Street, South Dowling Street, Flinders Street, Oxford Street, College Street and William Street.

Carried.

10.

NICHOLS STREET, NO.20, SURRY HILLS – ALTERATIONS AND ADDITIONS TO A TERRACE AND USE AS HOME BUSINESS – DEVELOPMENT APPLICATION (U01-00449)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 17 July 2001.

Carried.

11.

MARY STREET, NO.62, SURRY HILLS – HERBAL MEDICAL CLINIC – DEVELOPMENT APPLICATION (U01-00364)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Ma Hu, with the authority of Frances Jenny Wong Pty Ltd, for submission to the change of use to herbal medical clinic including massage services, for the following reasons, namely:-
- (1) That the proposal does not comply with the Clause 21 of South Sydney Local Environmental Plan 1988 pertaining to the objectives of the Mixed Uses (10) zone.
 - (2) That the proposal does not comply with the requirements of Part D (10) of South Sydney Development Control Plan 1997 with respect to health considerations as part of the Development Assessment Process.
 - (3) That the proposal is considered to a sham application intended to disguise the use of the premises as a brothel through misrepresentation.
 - (4) That the premises, if a brothel, would fail to comply with Council's Sex Industry Policy with regard to its anti-clustering provisions and the requirements in terms of proximity to residences.

- (5) That the development would not be in the public interest.
- (B) That Council advise the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the illegal use of the premises be referred to the appropriate Council Officer for action.

Carried.

12.

ABERCROMBIE STREET, NOS. 116-120, CHIPPENDALE – RELOCATION OF NEWSAGENCY – DEVELOPMENT APPLICATION (U01-00339)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Andrew Packham for relocation of a newsagency to 116 Abercrombie Street, Chippendale subject to the following conditions:
- (1) That the development shall be in accordance with plan labelled by Council DA 01 dated by Council stamp 18 April 2001, except as conditioned elsewhere;
- (2) That the hours of operation shall be restricted to those shown in the table below:

Day	Start time	End time
Monday	6.00 am	7.00 pm
Tuesday	6.00 am	7.00 pm
Wednesday	6.00 am	7.00 pm
Thursday	6.00 am	7.00 pm
Friday	6.00 am	7.00 pm
Saturday	6.00 am	7.00 pm
Sunday	6.00 am	7.00 pm

Please note that the hours of operation are **not** trading hours of the premises but are the times in which the first staff member or employer arrives for work on the premises and the last staff member or employer must leave the premises. This includes all persons contracted to work on the site, such as cleaners;

- (3) That A2 size sign boards on the ground floor level wall of premises, A frames and advertising flags shall not be located on or above the footpath;

- (4) That waste bins shall be stored on-site and bin be picked up from on-site and not left on footpath or roadway;
- (5) That bundling work shall be done in garage on-site of the premises;
- (6) That side shutter windows shall remain open during the business hours and shall not contain additional signage;
- (7) That the applicant shall comply with the following conditions or otherwise provide an alternative solution submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (b) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (8) That all relevant sections of the BCA shall be complied with;
- (9) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (10) 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;
- (11) 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;
- (12) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That the applicant shall enter into a commercial contract for the collection of trade waste;

- (14) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (15) That the use of the premises shall not give rise to:-
- (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
 - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

That the LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

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

- (16) That the garage/bundling area is to be retained for the duration of the newsagency use on the site. Should the garage/bundling area lease lapse, this consent shall also lapse;

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council undertake a review of the effectiveness of the current policy on security devices and carry out a publicity/education programme highlighting the undesirable nature of solid roller shutters.
- (D) That the question of the unauthorised signage (precluded by condition 3) be referred for appropriate action to require their removal.

It was moved by Councillor Lay, seconded by Councillor Harcourt that the motion be amended by:-

- (1) the addition of the following words after the word "cleaners" in condition (2) of the recommendation

"with the exception that newsagency proprietor or an employee can access the site from 4.30 a.m. for a 12 month trial period after which this exception shall cease to apply. Provided that prior to the expiration of the 12 months an application can be made for these hours to be made permanent";

- (2) the addition of the new conditions (17) and (18) namely:-

(17) That the existing roller shutters shall be removed within one month and the date of this consent;

(18) That one on site car space shall be maintained in the garage and utilised by vehicles associated with the newsagency.

Amendment carried,

Motion as amended by Councillor Lay, carried.

13.

BRANDLING STREET, NOS. 37, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING – DEVELOPMENT APPLICATION (U01-00425)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Chris Palithorpe, to carry out alterations and additions to an existing dwelling house at 37 Brandling Street, Alexandria, 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 \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to releasing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered DA04 and DA06 dated April, 2001, as amended by plans numbered DA07A to DA09A received by Council on 30 July 2001;
 - (4) The proposed masonry wall along the southern boundary adjacent to the internal courtyard between the proposed kitchen and bedroom shall be raised to an overall height of 2200mm above natural ground level of No.39 Brandling Street. The additional wall height shall be submitted to the satisfaction of Council before the issue of a construction certificate;

and the following adopted standard conditions:

- (5) Protection from Termites⁹²⁰⁴
- (6) Protection of External Walls⁹³²³
- (7) Smoke alarms⁹⁵²³

- (8) Stairs and Balustrades⁹⁴¹⁹
- (9) Protection of walls and floors in wet areas⁹⁶⁰²
- (10) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (11) Damp and weather proofing⁹⁶⁰⁵
- (12) Ceiling heights of rooms⁹⁶¹¹
- (13) Natural light and ventilation⁹⁶¹³
- (14) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (15) Construction of External Walls for Dampness⁹⁶²⁴
- (16) Comply With BCA⁹¹⁰⁴
- (17) Construction Certificate Required⁹¹⁵⁵
- (18) Natural Ground Level Details with Construction Certificate⁹⁰⁰³
- (19) Structural Design Certificate⁹⁰⁰⁶
- (20) Comply With the WorkCover Authority⁹¹⁰⁵
- (21) Construction Hours⁹¹⁵¹
- (22) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (23) Excavating Below Base of Footings⁹¹⁵⁸
- (24) Walls Not to be Built as Party Walls Unless Consent Obtained⁹¹⁰⁸
- (25) Wall and Floor Penetration Protection⁹³²⁹
- (26) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (27) Demolition to Comply With Aust Standard⁹¹⁶³
- (28) Commencement of Structural Works⁹²⁰²
- (29) Obstruction of Public Way³⁰²⁹
- (30) Delivery of Construction Materials³⁰³²
- (31) Stormwater Standard⁴⁰⁰¹
- (32) Refuse Skips⁶⁰⁰²

(33) Work on Public Way⁹¹⁵⁴

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

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

Carried.

14.

BAPTIST STREET, NO. 45, REDFERN – ALTERATIONS AND ADDITIONS TO A RESIDENCE – DEVELOPMENT APPLICATION (U00-00825)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by G Howard and P Pezzutti (joint owners), to alterations and additions involving new rear ground floor skillion with internal lightwell, an extension to the first floor level with balcony, front and rear attic dormers, and car space at the rear, 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 \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
- (2) That prior to issuing 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 \$300, 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 accord with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U00-000825:

Drawing Number	Amendments	Date	Drawn by
34100	B (marked by Council)	30 April 2001	R.Raso

- (4) That the rear wall of the ground floor extension shall be no further east than that approved for 47 Baptist Street. Details shall be submitted with the Construction Certificate;
- (5) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) Comply With BCA⁹¹⁰⁴
 - (b) Protection of External Walls⁹³²³
 - (c) Sarking Material Flammability Index⁹³²⁵
 - (d) Protection of Rooflights⁹³²⁶
 - (e) Smoke alarms⁹⁵²³
 - (f) Protection of walls and floors in wet areas⁹⁶⁰²
 - (g) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
 - (h) Damp and weather proofing⁹⁶⁰⁵
 - (i) Sound transmission classes of walls⁹⁶²⁰
 - (j) Construction of External Walls for Dampness⁹⁶²⁴
 - (k) Flashings to Boundary Walls⁹⁶²⁵
 - (l) Stairs and Balustrades⁹⁴¹⁹
- (6) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Council or Sydney Water (call 13 20 92).

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

and the following adopted standard conditions:

- (7) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (8) Survey Certificate at Completion⁹⁰⁰²
- (9) Structural Design Certificate⁹⁰⁰⁶
- (10) Drainage Details with Construction Certificate⁹⁰¹³
- (11) Construction Hours⁹¹⁵¹
- (12) Construction Certificate Required⁹¹⁵⁵
- (13) Building/Demolition Noise Control⁹¹⁵⁶
- (14) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (15) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (16) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (17) Protection from Termites⁹²⁰⁴
- (18) Glazing Provisions⁹³³⁰
- (19) Works on Public Way Cost¹⁰⁰²
- (20) Alignment Levels¹⁰¹⁶
- (21) Cost of Signposting³⁰²⁶
- (22) Consequential Roadworks³⁰²⁷
- (23) Footway Crossing³⁰²⁸
- (24) Obstruction of Public Way³⁰²⁹
- (25) Delivery of Construction Materials³⁰³²
- (26) Stormwater Standard⁴⁰⁰¹

- (27) Refuse Skips⁶⁰⁰²
- (28) Works Within Boundary⁹¹⁵²
- (29) Work on Public Way⁹¹⁵⁴
- (30) Natural light and ventilation⁹⁶¹³
- (31) Soil and Sediment Prosecution Note⁷⁰⁶⁹

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

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

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

Carried.

15.

LAWSON STREET, NO.182, REDFERN – GLENGARRY CASTLE HOTEL – APPLICATION TO PROVIDE ENTERTAINMENT - DEVELOPMENT APPLICATION (U01-00267)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 17 July 2001.

Carried.

16.

PALMER STREET, NOS. 186-186A, DARLINGHURST – USE EXISTING BUILDING FOR THE PURPOSE OF A SWIMWEAR SHOWROOM AND OFFICE – DEVELOPMENT APPLICATION (U00-01019)

That the development application submitted by Tigerlily Swimwear, C/- Gary Shiels and Associates P/L, with the authority of PD and JE Long, to use the existing church for the purpose of a swimwear showroom and office, be deferred to the next Traffic Committee to allow for traffic assessment of the site.

Carried.

17.

PARK STREET, NO.65, ERSKINEVILLE – DWELLING – ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U01-00353)**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 17 July 2001.

Carried.

18.

MEAGHER STREET, NO. 56 AND REGENT STREET, NOS. 111 – 113, CHIPPENDALE – CHANGE OF USE TO BOTTLE SHOP/CONVENIENCE STORE – DEVELOPMENT APPLICATION (U01-00085)**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 19 July 2001.

Carried.

19.

EVE STREET, NOS. 16 – 20, ERSKINEVILLE – MASTERPLAN AND DEVELOPMENT APPLICATION – DEMOLITION OF EXISTING STRUCTURES – CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT CONTAINING 90 UNITS (U99-01310)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council endorses the Masterplan submitted by Sketchshop Architecture Pty Ltd, with the authority of Con and George Kandros, to demolish the existing structures and construct a residential development containing 90 units;
- (B) That the Council grants its deferred commencement consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Sketchshop Architecture Pty Ltd, with the authority of Con and George Kandros, to demolish the existing structures and construct a residential development containing 90 units, subject to the following conditions:

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters which shall be submitted within two months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging a construction certificate:
 - (a) an Energy Performance Report (NatHERS – Nationwide Home Energy Rating Scheme or equivalent) to Council showing that each residential unit within the development has a minimum 3.5 star rating under the NatHERS system;
 - (b) that the applicant shall redesign the ground floor unit, (unit No. C8) at the eastern end of the Coulson Street building so that this unit is extended towards Coulson Street to where the garbage room and electricity room are currently located.

The garbage room and electricity room are to be relocated with the garbage room located behind the active street frontage.

- (2) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government approval;
- (3) That prior to the issue of a construction certificate that an Environmental Site Assessment (Land Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No. 55 (SEPP55). The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. The environmental site assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

NOTE: Where remediation is required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning and Assessment Act, 1979 and SEPP55.

- (4) That the car park shall be ventilated in accordance with AS 1668.1-1998, Section 7 and AS 1668.2-1991, Section 4;
- (5) That the car wash bay shall be graded and drained to the sewer in accordance with the requirements of Sydney Water;
- (6) 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;

- (7) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:
 - (i) all proposed mechanical ventilation systems;
 - (ii) all required mechanical ventilation systems;
 - (iii) the garbage room;
 - (iv) the recycling storage area;
- (8) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997;
- (9) That the development must satisfy the requirements in Council's DCP No.11, Transport Guidelines for Development 1996. In particular the development must have satisfactory;
 - ramp grades and transitions;
 - clearances;
 - aisle widths;
 - width of car parking spaces;
 - width of vehicular entrances.
- (10) That the developer to install (a) speed bumps within the development to slow the speed of vehicles existing the site and (b) external flashing lights, activated by vehicle detectors, so as to warn pedestrians of exiting vehicles;
- (11) That the developer shall provide a system of on site stormwater detention to conform to Sydney Water's conditions and standards. The developer to submit this information with the application for a Construction Certificate;
- (12) That the developer shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedures. The developer shall apply and pay the fees for use to consider these levels. The developer shall adopt the final boundary alignment levels fixed by Council;
- (13) That the developer to reinstate any damaged kerb and gutters in materials similar to those existing;

- (14) That the developer shall prepare a detailed Traffic Management Plan (as per Council's requirements) so that the Traffic Committee can consider the proposed alteration to traffic movements in streets adjacent to the site;
- (15) That the developer shall where necessary, construct or re-construct at the developer's cost, roads and drainage to the satisfaction of the DPWS. Our Manager Traffic and Design will provide our specifications for the construction or re-construction of roads and drainage;
- (16) That the developer shall lodge with Council and from a Bank approved by Council, a guarantee for the estimated construction cost of all works on the adjacent roads, which we require resulting from our development consent conditions for this development.

The developer, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents.

The Bank Guarantee will be for this estimated cost, calculated as a future value, compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.

The developer shall be able to request a decrease in the amount of the original bank Guarantee as sections of work are completed. Council shall consider these request and approve any reductions that are fair and reasonable.

- (17) That the developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;
- (18) That the developer shall provide off street parking for workers constructing the development;
- (19) That the developer shall set the floor level of habitable areas 300mm above the 100 year flood level at the lowest point of the site. The Drainage Consultant for the developer shall certify this level;
- (20) That the applicant be advised to approach Council for their floodway requirements;
- (21) That the underside of the structure is to be 300mm above the 1 in 100 year flood level and no less than 2.2 metres above the existing invert level of the channel. Minimum 600mm clearance must be

maintained between the top of the channel and the underside of the structure;

- (22) That foundation piers should be located outside Sydney Water's easement and be a minimum of 1.00m from the outside face of the existing channel walls (at top). All piers are to extend below the invert of the channel or be located so that building loads are carried below the 'zone of influence' of the channel. When constructing the foundations, consideration should be given to the condition and stability of the channel walls;
- (23) That piercing conditions may change subject to the location of water and/or sewer mains;
- (24) That piers are to be bored (not to be driven). Displacement piers must not be used;
- (25) That the structure and its foundations are to be designed in such a way that no building loads are transmitted to the channel and that the channel can be repaired at any time without affecting the stability of the structure or its foundations;
- (26) That twenty-four (24) hour access for maintenance will be required along the channel up and downstream of the proposed structure;
- (27) That if at the proposed location of the structure, the existing channel invert is in a dilapidated state then the channel invert should be repaired to limit future maintenance demands;
- (28) That structural stabilisation of the earth banks adjacent to the channel is required to reduce the risk of scouring of the banks during intense storms;
- (29) That it will also be necessary for the developer to engage a surveyor to determine the exact location of the drainage assessment and location of channel if required before piercing;
- (30) That all works associated with the proposal are to be completed at the applicant's expense;
- (31) That upon completion of the work an internal inspection of the channel to determine its structural condition must be carried out by Closed Circuit Television (CCTV) by an accredited operator and process (Sewrat) or by accredited dilapidation survey company. The inspection is to ensure that the stability of the stormwater channel is not affected during the construction. These CCTV reports must be forwarded to Sydney Water for review;

- (32) That Council approved building plans, structural drawings showing the structure and foundation details including a locality plan are to be submitted to Urban Development for review;
- (33) That on-Site Detention of stormwater will be required for stormwater connections. A maximum permitted site discharge (PSD) of 212 litres/sec and a minimum on-site storage of 89 cubic metres is required for storage of the excess flow from a 100 year ARI design storm;
- (34) That the connection is to conform with Sydney Water's standard inlet conditions including provision of an appropriate silt arrestor and payment of appropriate inspection fees. Structural drawings showing the connection details should be submitted for comments prior to final approval;
- (35) That hydraulic calculations and plans showing on-site storage are to be submitted for final approval prior to commencement of any drainage works;
- (36) That all costs associated with the proposal are at the applicant's expense;
- (37) That the applicant should approach Council for any additional stormwater requirements;

NOTE: The applicant is to be submit a certified report from an appropriately qualified engineer or registered surveyor indicating that the OSD structure has been installed as per submitted plan;

- (37) That the communal open space area shall include a range of facilities such as seating and a BBQ as outlined in the Masterplan. Details of these facilities are to be provided in the Landscape Plan that shall be submitted to Council prior to release of the Construction Certificate;
- (38) That car parking space number 28 in the northern section of parking shall be increased in width to 3.8 metres instead of 3 metres so as to conform to Council's DCP 11 (dead-end aisle spaces);
- (39) That the car parking space immediately to the north of the lift (ie car space number V3) shall be the second designated disabled parking space;
- (40) That both the disabled car parking spaces shall be increased in width to 3.2 metres instead of 3.1 metres;
- (41) That a 3.05 metre wide strip of land along the Coulson Street frontage shall be dedicated to Council;

- (42) That full reconstruction of the kerb and gutter and footpath pavement along the Coulson Street frontage as 2.0 metre concrete footpath and 2.8 metre turf shall be provided;
- (43) That 100 litre street trees shall be provided at 10 metre intervals along the Eve Street and Coulson Street frontages. The trees are to be specimens nominated within Council's Street Tree Masterplan;
- (44) That the rounded corner splay of Coulson Street and Eve Street shall be dedicated to Council. This area is also to be treated in accordance with the requirements of Council;
- (45) That a 3.7 metre wide strip of land along the Eve Street frontage shall be dedicated to Council;
- (46) That full reconstruction of the kerb and gutter, road and footpath pavement for the 14 metre wide street reserve for Eve Street for the length of the development's frontage (generally as per Council sketch SSCC-U01310/99-2) shall be provided;
- (47) That a section of land on the eastern edge of No. 18 Eve Street measuring approximately 8.7 metres wide on the northern boundary reducing to 3.5 metres on the southern boundary over the site depth of 28.865 metres shall be dedicated to Council;

This area of land, which is part of a future road reserve, shall be treated as turf or low level landscaping. This area may be used as open space by the development's residents on the proviso that it shall be maintained by the Body Corporate. This arrangement shall operate until such time as the adjacent site redevelops and new footpaths and roadway are required. A guarantee of these conditions shall be made by way of a positive covenant on the title;

- (48) That a monetary contribution of the balance of the public domain improvements (approximately \$88,600 - subject to confirmation of the value of some of the works outlined by Council) shall be made to Council for it to implement traffic management and public domain improvements in Bray Street and Concord Street, Erskineville;
- (49) That a Bank Guarantee covering Council's estimated value of the public domain works (excluding the monetary contribution) plus a 20% loading (a total of approx \$420,000) shall be lodged with Council prior to the issue of the Construction Certificate. Upon satisfactory completion of each stage or element of the package, it would be possible for a corresponding proportion of the Bank Guarantee for the total FSR bonus package 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 as surety against defective work;

(50) 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	\$37,398	2E97003.BGY0
Open Space: New Parks	\$176,360	2E97009.BGY0
Accessibility And Transport	\$1,116	2E97006.BGY0
Management	\$2,720	2E97007.BGY0
Total	\$217,594	

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

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

where:

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

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

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

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

Part B

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

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

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

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

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

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

- (51) That 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 AdministrationCentre	\$58,780	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.

- (52) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$315,000 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;
- (53) 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 \$17,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (54) That the development shall be generally in accordance with plans numbered 99/01310, dated 4 July, 2001 except where amended by the conditions of consent. This includes drawing no's 99-190-DA00 through to 99-190-DA09 (inclusive) drawn by AO on November, 1999;
- (55) That a maximum of 85 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 (or 2.5m for disabled spaces) and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

- (56) That the parking spaces shall be allocated on the basis of 75 for residents and 15 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (57) That of the required car parking spaces, at least 2 shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;

and the following adopted standard conditions:

- (58) Comply With BCA⁹¹⁰⁴
- (59) Construction Certificate Required⁹¹⁵⁵
- (60) Building/Demolition Noise Control⁹¹⁵⁶
- (61) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (62) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (63) Excavations and Backfilling⁹¹⁶⁰
- (64) Excavations and Backfilling Safely⁹¹⁶¹
- (65) Guarding of Excavations⁹¹⁶²
- (66) Demolition to Comply With Aust Standard⁹¹⁶³
- (67) Comply With the WorkCover Authority⁹¹⁰⁵
- (68) Construction of Widened Roadway – Costs¹⁰⁰¹
- (69) Works on Public Way Cost¹⁰⁰²
- (70) Paving¹⁰⁰³
- (71) Alteration of Public Services¹⁰⁰⁶
- (72) Builders Hoarding Permit¹⁰⁰⁸
- (73) Resident Parking Access³⁰⁰¹
- (74) Disabled Entry³⁰²⁴
- (75) Cost of Signposting³⁰²⁶
- (76) Consequential Roadworks³⁰²⁷
- (77) Footway Crossing³⁰²⁸

- (78) Obstruction of Public Way³⁰²⁹
- (79) Construction Traffic³⁰³⁰
- (80) Traffic and Pedestrian Management³⁰³¹
- (81) Clean Water Discharge⁴⁰⁰²
- (82) Connection to Council's Stormwater System⁴⁰⁰⁵
- (83) Refuse Skips⁶⁰⁰²
- (84) Drainage Design Certificate⁹⁰¹¹
- (85) Works Within Boundary⁹¹⁵²
- (86) Work on Public Way⁹¹⁵⁴
- (87) Landscape Plan⁵⁰⁰¹
- (88) On Slab Planting⁵⁰¹³
- (89) Maintenance of Landscaping⁵⁰¹⁴
- (90) Final Inspection⁵⁰¹⁵
- (91) Ventilation⁷⁰²³
- (92) Sewer Discharge⁸⁰⁰⁴
- (93) Soil and Sediment Control⁷⁰⁶⁸
- (94) Emissions⁷⁰⁰⁴
- (95) Recycling⁶⁰⁰⁷
- (96) Storage/Garbage⁶⁰⁰⁹
- (97) Construction Noise⁷⁰⁰⁸
- (98) Noise⁷⁰²⁸
- (99) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (100) Water Board Certificate (s73)⁸⁰⁰¹
- (101) Details of Materials¹¹⁶
- (102) Display Street Number¹²⁴

- (103) Resident Parking Areas³⁰⁰¹
- (104) Sign for Visitor Parking³⁰¹⁰
- (105) Compliance with Building Code of Australia⁸⁵⁰¹
- (106) Residential Building Work⁸⁵⁰³
- (107) Support for Neighbouring Buildings⁸⁵⁰⁶
- (108) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (109) Toilet Facilities⁸⁵⁰⁹

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

Carried.

20.

EARL STREET, NO. 10, POTTS POINT – ERECT 29 RESIDENTIAL UNITS AND 2 SHOPS – SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION (U99-01496)

- (A) That the Council as the responsible authority, approves the application submitted by Sargon Towers PTY LTD, to amend Council's consent to the Development Application numbered U99- 01496 and dated 14 March 2001, by:-
 - (1) deleting the description of the development shown on the consent and replacing it with the following new description:

“Erect residential flat building with 25 units, 2 commercial units and 10 car spaces.”
 - (2) deleting conditions (3) and (8) of the existing development consent dated 14 March 2001 and replacing them with the following new conditions:
 - (3) That the development shall be generally in accordance with plans numbered A01-A06A dated May 2001; and
 - (8) That the screening to balconies associated with units 6, 12 and 18 be in accordance with details submitted May 2001.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

21.

WILSON STREET, NO. 492, DARLINGTON – ALTERATIONS AND ADDITIONS TO A DWELLING – DEVELOPMENT APPLICATION (U01-00328)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the Development Application submitted by Skye Stevens (Owner) for permission to make alterations and additions to a dwelling including the creation of a studio/office space; new window openings; installation of air conditioning units at the rear and along a side passageway; and conversion of the attic space, for the following reason, namely:-
- (1) That the works have commenced and/or been completed with Council authorisation or development consent and Council does not have the authority under the Environmental Planning and Assessment Act 1979 and Building Code of Australia to grant retrospective approval for building work.
- (B) That Council advise the applicant, without prejudice, that no legal action will be taken in respect to the unauthorised works, subject to compliance with the following matters:
- (1) That a Survey Certificate shall be submitted to Council within 60 days from the date of this determination, from a Registered Surveyor certifying the location of the building, including the rear roller door and fence, is in the boundary lines of the allotment;
 - (2) That the works shall be in accordance with the Building Code of Australia and that structural drawings and certificate from a Council registered structural engineer, certifying that the design and completed works are in accordance with BCA, the relevant Australian Standards and design codes;
 - (3) That stormwater drawings and a certificate shall be submitted to Council within 60 days from the date of this determination, from an appropriately qualified stormwater engineer certifying that the design and completed works are in accordance with the BCA, relevant Australian Standards and design codes;
 - (4) That the existing palisade fence and fanlight above the French door be retained;
 - (5) That a certificate from a recognised acoustic consultant be submitted to Council demonstrating that the noise generated from air conditioning plant and equipment has been controlled such that it is

not '*offensive noise*' within the meaning of the Protection of the Environment Operations Act, 1997 when assessed at or on adjoining residential premises.

NOTE: The provisions of the Protection of the Environment Operations (Noise) Regulation 1996 impose restrictions on the operation of air conditioning plant and equipment with respect to noise emission.

- (6) That two solid privacy screens to a height of 1.8 metres shall be installed on the eastern and western sides of the roof terrace;
- (7) That the studio at the rear of the dwelling shall not be used as a separate domicile and shall remain a Class 1(a) building as defined by the Building Code of Australia. Separation of studio from the main dwelling or change of use will warrant a new Development Application;
- (8) 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);
- (9) 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);

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

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

It was moved as an amendment by Councillor Lay, seconded by Councillor Harcourt, that the report by the Director of Planning and Building dated 1 August 2001, be adopted which deletes conditions 5(ii) and 5(iii) only, so that condition (5) read as:-

- (5) That the following item be reinstated on the site within 60 days of the date of this determination.
 - (i) the timber double hung Palladian style windows at the front elevation.

Amendment, carried.

Motion as amended by Councillor Lay, carried.

22.

LAWRENCE STREET, NOS. 74 – 86, MCEVOY STREET, NOS. 141 – 167, ALEXANDRIA – MIXED USE DEVELOPMENT – DEVELOPMENT APPLICATIONS (U01-00075, U01-00398)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development applications U01-00075 and U01-000398 submitted by Newtown development Pty Ltd (excluding proposed Unit 6 in U01-00075), subject to the following conditions, namely:-
 - (1) That public domain works are undertaken in accordance with Council's letter dated 3 July, 2001 for Stanisic Associates Architects, to the value of \$414,900;
 - (2) That, in order to qualify for a floor space bonus in accordance with the South Sydney Plan, and in acknowledgment of Council's letter of 3 July 2001 and the agreement to those works as documented by letter from Stanisic Associates dated 20 July 2001, the applicant/developer shall bear the cost of design and construction of public domain improvements as indicated below:

Publicly accessible pocket park at north east corner

The value that will be attributed to this is \$4000 for the park's 200 sq.m area. A detailed landscape plan is to be prepared in consultation with Council, sufficiently detailed to enable accurate bill of quantities and costings to be carried out. Following agreement on this with Council, details of costings are to be prepared by a Quantity Surveyor using unit rates agreed to by Council.

Footpath along McEvoy St and treatment of road widening area.

The footpath in front of the building is to be paved with Type D exposed aggregate unit banding asphalt infill, generally as per the Streetscape Masterplan detail 1-10. Road widening alignment and levels are to be confirmed prior to installation of street trees along the future kerblines and footpath.

The landscaping on the future road widening shall be treated as trees, turf or low level landscaping. As above, detailed landscape plan is to be prepared in consultation with Council. Following agreement on this, details of costings are to be prepared by a Quantity Surveyor using unit rates agreed to by Council.

Stone Wall/Environmental Art

Concurrence of DUAP is required. Council will not be responsible for the maintenance of the structure, and agreement on details of costing is required on consultation with Council.

Site based Water Management

Detail on performance outcomes of the system, preliminary design and costings are required.

Public Transport Programme

A monetary contribution of \$50,000 is sought for Council and Sydney Buses to implement and project manage its Public Transport programme (including subsidisation of extended weekday and weekend bus services in the area);

Area-Wide Works in Alexandria

The composition of streetscape projects to cover the balance of the package is currently being determined as part of the Stage 2 DCP for Green Square and by Council's PDWG. Council's preference is for these to be implemented by the developer with monetary contributions to Council being the fall-back position should installation of those works not be possible at the time of the building's construction.

General Notes

1. The valuation of the works shall be at Council's discretion and endorsed in writing by the Director of Planning and Building. Note that for costing purposes, Council will only accept that 5% of the costs of the bonus works should be attributable to design/consultancy fees, unless greater expense can be verified. Detailed design of works should not be undertaken until an agreement is reached on the detailed make-up of the bonus package.
2. The design and construction of footpath works is to take into account all necessary authority approvals, Roads Act approvals, upgrading of retained vehicle crossings, traffic and pedestrian management planning, and soil and water

management measures, as well as service, level and service pit adjustments, sub-soil drainage lines, and reinstatement of disturbed areas.

3. If for any reason, any of the works do not prove possible or are reduced during the design, QA or approval processes, alternative works of similar value shall be provided in Erskineville/Alexandria at the discretion of the Director of Planning Building.
4. The consent requires that redundant driveways be removed and footpath reinstated as per surrounding treatments and hence these items will not count towards the bonus. Similarly, new driveways do not count towards the bonus.

Approval Procedures and Design Standards

The works will need to be generally in accordance with Council's Streetscape Masterplan. Construction plans and specifications for all works involving public access shall comply with Council's Development Specifications for Civil Works (Design and Construction) which may be purchased from Council's One Stop Shop.

Pursuant to Part 9 Division 3 of the Roads Act 1993, these plans and specifications shall be approved by Council prior to construction regardless of who is nominated as the certifier for on-site work, and the works constructed strictly in accordance with these approved plans.

In-principle endorsement of the developer's contractors to carry out the off-site works is given. As a performance bond, a Bank Guarantee covering Council's estimated value of works plus a 20% loading will need to be lodged with Council prior to the issue of the Construction Certificate. Upon satisfactory completion of each stage or element of the package, it would be possible for a corresponding proportion of the Bank Guarantee for the total FSR bonus package 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 as surety against defective work.

All built works are to be completed prior to the issue of the Occupation Certificate. Evidence of the any dedication of land or positive covenants are to be submitted with the application for subdivision of land. Payment of monetary contributions towards bonus items shall be made by unendorsed Bank Cheque into Council Account RC922SEC prior to the issue of the Construction Certificate.

Construction of the works will be subject to terms negotiated with the Director of Public Works and Services.

- (3) That a double row of screen planting is to be undertaken adjacent to the common boundary with the rear of Nos. 68-72 Lawrence Street to the satisfaction of Council prior to the release of the Occupation Certificate. Vegetation is to have a minimum height of 1.8m at the time of planting;
- (4) 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 \$13,400, 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	\$38,202.00	2E97008.BGY0

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

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

where:

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

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

- (6) 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	\$ 27,366	2E97003.BGY0
Open Space: New Parks	\$129,497	2E97009.BGY0
Accessibility And Transport	\$ 816	2E97006.BGY0
Management	\$ 2104	2E97007.BGY0
Total	\$159783	

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

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

where:

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

- (7) That the development relating to DA U01-00075 shall be generally in accordance with plans numbered DA01-10 (Rev A), dated 26 March 2001, produced by Stanisic Associates Architects;
 - (i) That the development relating to DA U01-00398 shall be generally in accordance with plans numbered DA03B-DA12B (division B), dated 4 May 2001, produced by Stanisic Associates Architects;
- (8) That lots 1 and 2 DP 1013364 are amalgamated prior to the release of an occupation certificate;
- (9) That each lot in Lot 1 DP 1013364 achieves a minimum lot size of 170 square metres;
- (10) That two car park spaces are deleted from the basement parking area in Lot 2 DP101 3364;

- (11) That the applicant shall accept responsibility for all costs associated with the design, construction, alterations, 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;
- (12) 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;
- (13) That should the applicant wish to utilise 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;
- (14) 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;
- (15) That the applicant shall install (a) speed bumps within the development to slow the speed of vehicles exiting the site;
- (16) That the development must satisfy the requirements in Council's DCP No. 11, Transport guidelines for Development 1996. In particular the development must have satisfactory:-
 - * Ramp grades and transitions
 - * Clearance
 - * Aisle widths
 - * Width of car parking spaces
 - * Width of vehicular entrance
- (17) 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;
- (18) That the applicant shall provide a system of on site stormwater detention to conform to Council's code. The developer to submit with the application for a Construction Certificate, the drainage plans

prepared by a drainage consultant certified by Council. The drainage must be discharged to Council's system in accordance with the requirements of our drainage code. The developer must pay Council all fees relating to the discharge of stormwater;

- (19) That the applicant shall provide off street parking for workers constructing the development;
- (20) That the applicant shall lodge with Council and from a Bank approved by Council, a Guarantee for the estimated construction cost of all works on the adjacent roads, which we require resulting from our development consent conditions for this development;
- (21) That the applicant, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents;
- (22) That the Bank Guarantee will be for this estimated cost, calculated as a future value, compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project;
- (23) That the applicant shall be able to request a decrease in the amount of the original bank Guarantee as sections of work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable;
- (24) That the applicant is advised that this application has not been assessed for compliance with the BCA;

and the standard adopted conditions:

- (25) Stormwater Connection Fee⁵
- (26) Consolidate Lots¹²²
- (27) Street Number Application¹²³
- (28) Display Street Number¹²⁴
- (29) Builders Hoarding Permit¹⁰⁰⁸
- (30) Shoring¹⁰¹²
- (31) Disabled Entry³⁰²⁴
- (32) Road Opening Permit³⁰²⁵

- (33) Footway Crossing³⁰²⁸
- (34) Obstruction of Public Way³⁰²⁹
- (35) Construction Traffic³⁰³⁰
- (36) Traffic and Pedestrian Management³⁰³¹
- (37) Delivery of Construction Materials³⁰³²
- (38) Stormwater Standard⁴⁰⁰¹
- (39) Clean Water Discharge⁴⁰⁰²
- (40) Overland Flowpaths⁴⁰⁰⁴
- (41) Connection to Council's Stormwater System⁴⁰⁰⁵
- (42) Landscape Plan⁵⁰⁰¹
- (43) Street Trees⁵⁰⁰⁸
- (44) On Slab Planting⁵⁰¹³
- (45) Maintenance of Landscaping⁵⁰¹⁴
- (46) Final Inspection⁵⁰¹⁵
- (47) Garbage on Public Way⁶⁰⁰¹
- (48) Refuse Skips⁶⁰⁰²
- (49) Stormwater Drainage Easements⁸⁰⁰²
- (50) Drainage Design Certificate⁹⁰¹¹
- (51) Drainage Details with Construction Certificate⁹⁰¹³
- (52) Stormwater Design Certificate⁹⁰¹⁴
- (53) Stormwater Certificate at Completion⁹⁰¹⁶
- (54) Location of Public Services⁹⁰⁵¹
- (55) Works Within Boundary⁹¹⁵²
- (56) Work on Public Way⁹¹⁵⁴
- (57) Construction Certificate Required⁹¹⁵⁵

- (58) Issue of Occupation Certificate⁹¹⁰¹
- (59) Structural Design Certificate⁹⁰⁰⁶
- (60) Excavating Below Base of Footings⁹¹⁵⁸
- (61) Building/Demolition Noise Control⁹¹⁵⁶
- (62) Excavations and Backfilling⁹¹⁶⁰
- (63) Hours of Work and Use of Cranes⁹¹⁵³
- (64) Prior to the issue of a Construction Certificate for above ground works, a Site Audit Statement (SAS) prepared by an EPA accredited site auditor within the meaning of the Contaminated Land Management Act 1998 is to be submitted to Council. The SAS is required to clearly demonstrate that the site is suitable for the intended range of uses under this consent (including public open space). Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

NOTE: Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan – Contaminated Land.

- (65) Prior to the release of a subdivision certificate which results in the dedication of land to council, the proponent to the consent is required to provide a site audit statement (within the meaning of the Contaminated Land Management Act 1998) to council demonstrating that the land in question is suitable for the purposes of open space.

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

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

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

Carried.

23.

LIVERPOOL STREET NO. 270, DARLINGHURST - FIRST CHURCH OF CHRIST SCIENTIST – PURCHASE OF SITE BY COUNCIL - QUESTION WITHOUT NOTICE – COUNCILLOR LENNON – (2005660)

(Also listed as Item No. 24.12, Finance Committee)

That the report of the Director of Planning and Building dated 20 July 2001, regarding the above matter, be received and noted.

Carried.

24.

TRAFFIC – PROPOSED IMPROVEMENTS TO THE INTERSECTION OF ABERCROMBIE, LAWSON AND IVY STREETS, DARLINGTON (t52-00103)

That Council formally adopt the layout for the intersection of Abercrombie, Lawson and Ivy Streets, Darlington, as shown on Sketch 2, retaining the pedestrian crossing across Abercrombie Street between Lawson and Ivy Streets.

(DPWS Report 19/07/01)

Carried.

25.

STREETS – DRAINAGE – STORMWATER QUALITY AND QUANTITY STUDY – USE OF OPEN SPACE FOR STORMWATER DETENTION – FEASIBILITY STUDY FOR NOS. 132-138 AND 140 JOYNTON AVENUE, ZETLAND (2000704)

That Council:-

- (a) endorse the philosophy of the use of areas of public open space in the Green Square area to reduce overland flow and flooding in the Green Square Town Centre and downstream of the Town Centre.
- (b) approve the engagement of a suitable consultant to undertake a feasibility study of 132-138 Joynton Avenue and 140 Joynton Avenue, Zetland to assess the feasibility of the site and provide options for stormwater detention and development at an estimated cost of \$60,000.

(DPWS & DPB Joint Report 23/7/01)

The Planning and Development Committee Meeting terminated at 8.23 p.m.

The Council Meeting terminated at 8.20 p.m.

Confirmed at a meeting of South Sydney City Council
held on2001

CHAIRPERSON

GENERAL MANAGER