

**278<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
322559

**Wednesday, 15 August 2001**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.36 pm on Wednesday, 15 August 2001.

**PRESENT**

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

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

**INDEX TO MINUTES**

<b>Subject</b>	<b>Page No.</b>
Confirmation of Minutes	950
Minute by the Mayor	950
Minutes by the General Manager	951
Questions Without Notice	953
Report of Management Review Committee	961
Report of Finance Committee	962
Report of Community Services Committee	977
Report of Planning and Development Committee	978
Notices of Motion	1004

**GENERAL MANAGER**

**Confirmation of Minutes**

Moved by Councillor Furness, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 1 August 2001, be taken as read and confirmed.

Carried.

**MINUTE BY THE MAYOR**

14 August 2001

**COMMITTEES – CULTURAL ADVISORY COMMITTEE –  
ESTABLISHMENT OF CULTURAL FORUM (C57-00028)**

On 2 August 2001, Program Managers, Deborah Ely and Kym Spinks from The NSW Ministry for the Arts attended Council's Cultural Advisory Committee to discuss the role of the Ministry. Their presentation was focused on the Ministry's Funding program and included discussion on the level of support the Ministry provides to the 36 local, state and national arts and cultural organisations based in South Sydney.

Following this discussion with the Ministry, Cultural Committee recommended that Council form stronger links with these organisations by way of an ongoing forum. This forum would aim to provide regular dialogue between Council and the organisations. Information exchanged in this forum can also assist in the process of identifying ways in which Council can work with these organisations to address the identified needs within our community.

This forum should be separate to the Cultural Advisory Committee. However, information and minutes of this forum will be shared with the Cultural Advisory Committee members.

To begin this process it is proposed to conduct the first Cultural Forum as an introduction and information exchange on 15 October 2001, at 11 am. At this forum the format and regularity of the future forums should then be determined. I will Chair the first forum.

**RECOMMENDATION:**

I recommend that Council's Arts and Cultural Development Coordinator invite the local arts and cultural organisations to this forum and make any other necessary arrangements to facilitate this gathering.

Councillor John Fowler (SGD)

**Mayor**

**GENERAL MANAGER**

Moved by Councillor Lennon, seconded by the Mayor:-

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

Carried.

### **MINUTE BY THE GENERAL MANAGER**

14 August 2001

### **CELEBRATIONS - KINGS CROSS CULTURAL FESTIVAL – VISUAL ARTS EXHIBITION (2020709)**

It has been proposed by Councillor Lennon through a Notice of Motion to Council that a sum of \$2,000 be provided as prize money for the Kings Cross Visual Art Exhibition to be held at the Tapp Gallery in conjunction with the Kings Cross Cultural Festival.

It is proposed Council agree to directly sponsor on a one-off basis the prizes for the visual arts exhibition being \$1,000 for first prize, \$600 for second prize and \$400 for third prize.

#### **RECOMMENDATION:**

That Council agrees to directly sponsor on a one-off basis the three prizes (being \$1,000 for first prize, \$600 for second prize and \$400 for third prize) for the 2001 Kings Cross Visual Arts Exhibition to be held at the Tapp Gallery in conjunction with the Kings Cross Cultural Festival and that funds of \$2,000 be voted to the 2001/2002 Forward Estimates.

J. W. Bourke (SGD)

**General Manager**

Moved by Councillor Lennon, seconded by Councillor Mallard:-

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

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

- (B) That a supplementary report be submitted to the Councillors Information Service on the additional guidelines for the competition.

Carried.

**GENERAL MANAGER**

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

- (C) That Council consider this donation as a one off payment and make the matter a policy reference for the future to be submitted to the Cultural Committee for consideration.

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

At the request of Councillor Mallard, the Mayor requested the Director of Finance to extract from Council's Budget all cultural related events given to the community for a report to the Finance Committee.

### **MINUTE BY THE GENERAL MANAGER**

14 August 2001

#### **CELEBRATIONS - KINGS CROSS CULTURAL FESTIVAL – PROMOTION (2020709)**

Council agreed at its meeting on 1 August 2001 to defer discussion of the "**Community/Promotional Panels – Allocation – JC Decaux**", to the next Council meeting on 15 August 2001, pending "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.

Council has already approved under its Annual Community Grants Program funding of \$5,000 to support the 2001 Kings Cross Cultural Festival. This is the same level of funding provided to each community based festival within South Sydney.

Additionally the Kings Cross Festival has been advised, along with all other community based festivals, that Council is unable to provide any additional funding either by way of cash or kind to support their festival.

Council is however able to allow the Kings Cross Festival to promote its festival by displaying posters and take away hand bills at Council's libraries. This is in line with promotional opportunities available to all other community groups.

#### **RECOMMENDATION:**

That Council agrees to allow the Kings Cross Festival to use Council's Community Libraries to promote the festival by displaying posters and take away hand bills.

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

**GENERAL MANAGER**

Moved by Councillor Lennon, seconded by Councillor Harcourt:-

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

Carried.

### **QUESTIONS WITHOUT NOTICE**

1.

#### **VINCENTIAN VILLAGE – REPRESENTATION FROM ESNA – USE OF OPEN AIR AREA – COUNCIL ASSISTANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020180)**

##### **Question:**

I have received representations from the East Sydney Neighbourhood Association acting on behalf of one of their members in relation to the Vincentian Village. The Centre has an open air area at the top of the building, formerly a kindergarten playground, which I understand it would like to make use of for clients who wish to smoke who currently congregate on the footpath and street outside the building. However, the Centre insists that clients on the roof should be supervised by a suitably trained staff member but don't currently have the available staff to perform this function. Could contact be made with Ms. Sue Chant CEO of the Vincentian Village, to offer Council assistance for her efforts to obtain government or other funding for such a position?

##### **Answer by the Mayor:**

I am happy to get in touch with the CEO of Vincentian Village

2.

#### **COMPLAINTS - FREEDOM OF INFORMATION POLICY AND PROCEDURES – RE -DEVELOPMENT APPLICATIONS -- QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2009111)**

##### **Question:**

I have received a complaint from a resident that a submission objecting to a Development Application which should have remained confidential was placed on file and subsequently read by the applicant. Notification of DA's do state that objectors should indicate their intention to remain confidential if it is their wish to do so. Could you advise if the law permits this confidentiality on the part of objectors, and if so, what system is in place to ensure it. If the law does not permit confidentiality, could that fact be indicated on the DA notifications?

**GENERAL MANAGER**

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

If the submission is on Council file and if a member of the public would like to view that file, the procedure is for that information to be removed, if that did not happen, I will investigate why.

3.

**GRAFTON LANE, CHIPPENDALE – COMPLAINTS REGARDING STATE OF LANE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C56-00015)****Question:**

Several weeks ago, I drove down Grafton Lane, Chippendale with the Waste Services Branch Manager and as it was full of rubbish and waste bins, it was cleaned. Today the lane is looking like a third world slum. Could it be cleaned tomorrow and those businesses responsible for the waste bins be fined?

**Answer by the Mayor:**

I will have the Director of Public Works and Services relate that matter to the Waste Services Manager and also note in the report which will be submitted in the Councillor Information Service the other hot spots which have been attended to fairly well by the Waste Services Manager.

4.

**MANSIONS LANE, KINGS CROSS – COMPLAINTS –RUBBISH – PEST PROBLEMS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023845)****Question:**

Could Council's Ordinance staff do an urgent blitz on Mansions Lane, Kings Cross? I understand that from a local business owner that there is restaurant and hotel rubbish permanently dumped in the Lane. I am confidently informed that the rats are chasing away the cats.

**Answer by the Mayor:**

I will ask The Director of Public Works and Services to relate that to the Waste Services Manager to investigate and prepare a report for the Councillors Information Service.

5.

**ANTISOCIAL ACTIVITIES – ALBION CENTRE NOS. 345-349, CROWN STREET, SURRY HILLS – GRAFFITI REMOVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2015700)**

**Question:**

Could Council write to the Albion Street Centre Nos. 345 –349, Crown Street, Surry Hills and ask them to clean the graffiti from their walls. It might be appropriate to offer Council's assistance as this a large and prominent building owned, I believe by the Health Department and the University of NSW.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate and submit a report through the Councillor Information Services.

6.

**TRAFFIC - SALE OF WADE PLACE, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2024280)**

**Question:**

I note the issue of the sale of Wade Place was before Traffic Committee this morning. Will it be a matter for Council when public submissions are in?

**Answer by the Mayor:**

I will ask the Acting Director of Corporate Services to investigate and report on the matter.

7.

**STREETS – POSITIONING OF J.C DECAUX TOILETS – COMMUNITY AWARENESS - SSSQUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2020709)**

**Question:**

What is the latest information regarding the positioning of J C Decaux toilets? There is still very little awareness in the community of some of the proposals.

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

Council is waiting on advice from the contractors regarding the preferred sites. The advice is expected soon.

8.

**TRAFFIC – RICHARDS AVENUE AND COLLINS STREET, SURRY HILLS –  
RE STREET CLOSURE - QUESTION WITHOUT NOTICE BY COUNCILLOR  
HARCOURT (T2-00215)****Question:**

I may have missed an item in the CIS, but I have not seen the final Traffic Committee decision on Richards Avenue and Collin Street Closure, Surry Hills. Is the Collins Street shared way to be restricted and what is to be done to prevent parking in the shared way?

**Answer by the Mayor:**

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

9.

**GARBAGE – WELLS STREET, REDFERN - BUILD UP OF RUBBISH -  
QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (C56-00032)****Question:**

Wells Street between Renwick Street and Regent Street, regularly has a build-up of rubbish. Council puts in some efforts to keep it clean and I appreciate that, but there is a wire fence around a property on the corner of Wells Street and Regent Street that regularly has a build-up of rubbish behind it.

Could consideration be given to the owners being approached and reminded of their responsibility.

**Answer by the Mayor:**

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

10.

**RELOCATION OF SYDNEY ELECTRICITY – SUB-STATIONS - QUESTION  
WITHOUT NOTICE BY COUNCILLOR BUSH (2025414)****Question:**

Can the Mayor write to Sydney Electricity with regard to the impending power crisis of power delivery to Erskineville businesses and residents?

With the fire sale of sub-stations there has been a reduction of power delivery capabilities to the area of between 40% to 60% output. A power box ( Sub Station ) needs to be located in the local area ( say the Pocket Park).



**Answer by the Mayor:**

I will ask the Director of Public Works and Services to respond in relation to this matter.

11.

**COMMUNITY - AVAILABILITY OF THE WAVERLEY/WOOLLAHRA INCINERATOR FOR SHORT TERM COMMUNITY USE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P58-00278)****Question:**

Can the Mayor write to the Mayor of Woollahra/ Waverley inquiring to the availability of the incinerator building for short term community cultural use?

**Answer by the Mayor:**

I will write to the Mayor of Woolahra/Waverley in relations to this matter.

12.

**CLEANING - REPLACEMENT OF STREET GARBAGE BINS IN SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (C56-00027)****Question:**

Can Council revisit the replacement of street garbage bins in strategic positions?

**Answer by the Mayor:**

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

13.

**TRAFFIC - REPLACEMENT OF BUS TIME TABLES ON J C DECAUX POLES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020709)****Question:**

J. C. Decaux have removed all timetable poles that carry bus information where the placement of the information has interfered with the visual

advertising panels. Can J .C. Decaux be asked to replace or display the running times of buses at bus stops.?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to write to J C Decaux in relation to this matter and a report circulated in the Councillor Information Service.

14.

**VICTORIA PARK – PARKING ARRANGEMENTS FOR POOL STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021594)**

**Question:**

Sydney University Students are abusing the car park in Victoria Park. The pool staff have encountered rage parkers and been threatened. Can solutions to this problem be investigated?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to investigate and respond in relation to this matter.

15.

**BRIEFING OF COUNCILLORS – SMART POLES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2024493)**

**Question:**

Can the relevant Directors organise an urgent briefing on smart poles?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to liaise with Sydney City Council in relation to that matter.

16.

**KIPPAX LAKE, MOORE PARK – CONDITION OF LAKE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P52-00080)**

**Question:**

Could Council write to the Centennial and Moore Park Trust requesting that attention be given to improve the condition of Kippax lake, near the Sydney Cricket Ground, which contains a water sculpture built in 1971 to commemorate women in sport?

**Answer by the Mayor:**

I will have an update circulated in the Councillors Information Service regarding the current work being undertaken.

17.

**BARCOM AVENUE, NO. 16 DARLINGHURST – RE STATE OF THE LANE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2013764)**

**Question:**

The Lane in the vicinity of No. 16 Barcom Avenue is in disarray and needs attention.

**Answer by the Mayor:**

I will refer this matter to the Director of Public Works and Services in regard to Council Officers maintaining the upkeep of the lane.

18.

**VACANT PREMISES – RUSHCUTTERS BAY – USE AS A COMMUNITY FACILITY FOR INNER EAST YOUTH - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025415)**

**Question:**

Could Council meet the Mayor of Woollahra/Waverley regarding a Joint Youth Project arrangement regarding the possibility to make available the recently acquired and vacant premises in Rushcutters Bay for Inner East Youth that currently have limited facilities?

**Answer by the Mayor:**

I will take up the issue with the Mayor of Woollahra/Waverley to investigate the potential of joint usage of the facility.

19.

**REG MURPHY HALL – BLOCKED STORMWATER DRAINS OUTSIDE HALL - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2009339)**

**Question:**

Could the Director of Public Works and Services please investigate the stormwater drain out side the Reg Murphy Hall?

**Answer by the Mayor:**

I will ask the Director of Public Works to investigate and prepare a report on the matter.

20.

**MACLEAY STREET NO. 2, POTTS POINT - DEVELOPMENT APPLICATION – NON COMPLIANCE OF CONSTRUCTION HOURS- QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2020564)**

**Question:**

Could Council Officer liaise with the Planning Department of the Sydney City Council regarding the development application for No. 2 Macleay Street, Potts Point, and remind them that they are in a residential area not the CBD and request they adhere to suitable construction hours?

I am fearing a repeat of Francis Street.

**Answer by the Mayor:**

I will ask the Director of Planning and Building to speak with Sydney City Council.

21.

**ROSLYN STREET AND NO. 11 WARD AVENUE, POTTS POINT – QUESTIONS REGARD USE OF PREMISES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (U01-00625)**

**Question:**

Could Council Officers investigate the following matters relating to Roslyn Street and Ward Avenue:-

- (1) Proposal to use premises as a convenience store.

- (2) Toilets being used as a shooting gallery at No. 11 Ward Avenue.
- (3) Application to use premises as refreshment rooms.

**Answer by the Mayor:**

- (1) The application to use premises as a convenience store will come to Council when the assessment is done
- (2) I will refer the matter of the toilets to the appropriate Council Officer to investigate.
- (3) The matter of the refreshment rooms will be considered under the Development Application assessment.

**REPORT OF THE MANAGEMENT REVIEW COMMITTEE**

7 August 2001

At the commencement of business and at 5:35pm those present were:-

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

Apology: Councillors Bush and Lennon

The Committee recommended the following:-

**MANAGEMENT PLAN 2000/2003 – REPORT FOR TWELVE MONTHS ENDED 30<sup>TH</sup> JUNE 2001 (2021951)**

That:-

- (1) Council receives and notes the report on the Management Plan 2000/2003 for the twelve months ended 30<sup>th</sup> June 2001;  
(GM Minute 1<sup>st</sup> August 2001);
- (2) That the report by the Director of Finance dated 31<sup>st</sup> July 2001, regarding the significant quarterly variances to the Budgets, be received and noted.

The Management Review Committee Meeting terminated at 7:15pm.

**GENERAL MANAGER**

Moved by Councillor Mallard, seconded by Councillor Harcourt

That the recommendation of the Management Review Committee of 7 August 2001, be received and noted.

Carried.

## **REPORT OF THE FINANCE COMMITTEE**

8 August 2001

### **PRESENT**

**Councillor Shayne Mallard (Chairperson)**

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

At the commencement of business at 6.32 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 8 August 2001, be received and the recommendations set out below for Items 1,3,4,6 to 9 inclusive, 12 to 14 .5 inclusive, 14.7 to 14.9 inclusive 14.11 and 14.13 inclusive, be adopted. The recommendations for Items 2,5,10,16.6,14.1- and 14.12 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

#### **COMMUNICATIONS – PROVISION OF AFTER HOURS INQUIRY SERVICE – CONTINUATION OF SERVICE (2011323)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 24 July 2001, Council continue to provide an after hours inquiry service and that the agreement with Links Communication be continued on a month to month arrangement for a period of 12 months involving an approximate expenditure of \$1,135 per month, for which funds are available in the 2001/2002 Budget, and that a further report on the service be submitted to Council after the 12 month period.

Carried.

**GENERAL MANAGER**

2.

**CONFERENCES – INDUSTRIAL RELATIONS SOCIETY OF AUSTRALIA – 2001 NATIONAL CONFERENCE, GOLD COAST, QUEENSLAND, 20-22 SEPTEMBER 2001 – ATTENDANCE OF COUNCIL REPRESENTATIVES (2021567)**

That arising from consideration of a report by the Director of Organisational Development dated 25 July 2001, approval be given to the:-

- (1) Director of Organisational Development and the Industrial Manager attending the Industrial Relations Society of Australia 2001 National Convention to be held in Queensland from Thursday 20<sup>th</sup> to Saturday 22<sup>nd</sup> September 2001;
- (2) associated costs in relation to travel, accommodation, conference fees and reasonable expenses, for an approximate total cost of \$4000, funds for which are available in the 2001-2002 Budget (Industrial 1.56.4320 and Organisational Development 1.56.4105).

At the request of Councillor Bush, and by consent, the motion was amended by the addition of the words "interested Councillors" after the word "Industrial Manager" where appearing in the first line of clause (1) of the recommendation.

Motion, as amended by consent, carried.

3.

**CONFERENCES – NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (2001), CANBERRA, 25-28 NOVEMBER 2001 – ATTENDANCE OF COUNCIL'S REPRESENTATIVES – SUBMISSION OF MOTIONS (2012730)**

That approval be given to:-

- (A) the Mayor, interested Councillors and the General Manager being nominated as Council's representatives to attend the 2001 National General Assembly of Local Government to be held in Canberra from 25<sup>th</sup> to 28<sup>th</sup> November, 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;
- (B) the Mayor or his nominee being the Council's voting delegate at the Assembly;
- (C) the question of submitting motions to the Assembly is submitted for consideration.

(CAM/PO Report 1.8.01)

Carried.

4.

**STREETS – DEVELOPMENT SITE AT NOS. 782 – 822 BOURKE STREET, WATERLOO (FORMER ACI SITE) – PROPOSED STREET AND PARK - NAMING (2023986)**

That for the reasons set out in the report by the Acting Director of Public Works and Services dated 30 July 2001, approval be given to:-

- (1) naming the new streets within the former ACI development site at Nos. 782-822 Bourke Street, Waterloo as shown on Pan No. S6-280/261 as follows:-

**Street Names**

Crystal Street

Potter Street

Broome Street

Danks Street (extension of existing street)

Gadigal Avenue (extension of existing street);

- (2) the proposed naming of parks, AGM Park and Linear Park, be deferred pending further naming investigation by Meriton;
- (3) a letter be forwarded to the author of the submission about the proposed street names informing them of Council's decision;
- (4) advertising and gazetting of the new street names and notification to the relevant authorities made under the policy for naming and renaming of Public Roads as adopted by Council on 14 February 1996.

Carried.

5.

**DONATIONS – CLOVER MOORE MP - PADDINGTON TOWN HALL – REQUEST FOR FREE USE, 21 AUGUST 2001 (D53-00025)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the report by the Acting Director of Corporate Services dated 2 August 2001 and the report dated 15 August 2001, that was circulated to Councillors prior to the meeting commencing, advising that Ms Clover Moore MP had withdrawn the application for free use of Paddington Town Hall on 21 August



2001, for a public meeting in respect of issues relating to Centennial Park, be received and noted.

Following discussion on the matter, it was moved by Councillor Furness, seconded by Councillor Shaw, that the motion be put. Carried.

Motion carried.

6.

**PROPERTIES – ERSKINEVILLE TOWN HALL - REQUEST FOR FREE USE – NSW LOCAL GOVERNMENT ABORIGINAL NETWORK, 11 AUGUST 2001 (P56-00410)**

That the actions of the Finance Committee in approving the NSW Local Government Aboriginal Network the free use of Erskineville Town Hall on 11 August 2001, and under the provisions of Section 356, Council agrees to forgo \$132 in income and \$50 in costs, to allow NSW Local Government Aboriginal Network to conduct an executive meeting, be confirmed.

Carried.

7.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JULY 2001 (2024292)**

That Council gives confirmatory approval for the schedule of payments accompanying the report of the Director of Finance dated 2 August 2001, details of which are contained in the relevant file.

Carried.

8.

**FINANCE – MONTHLY INVESTMENTS REPORT - PERIOD ENDING 31 MAY 2001 (2015594)**

That the Investment Report by the Director of Finance dated 27 July 2001, be received and noted.

Carried.

9.

**FINANCE – MONTHLY INVESTMENTS REPORT – PERIOD ENDING  
30 JUNE 2001 (2015594)**

That the Investment Report by the Director of Finance dated 6 August 2001, be received and noted.

Carried.

10.

**DONATIONS – XXI WORLD CONGRESS OF POETS – PADDINGTON  
TOWN HALL, 11 OCTOBER 2001(2012703)**

That arising from consideration of a report by the Director of Health and Community Services dated 6 August 2001, it be resolved that:-

- (1) Council forego the fees of \$2,850 and absorb costs of \$350 for the free use of Paddington Town Hall on 11 October 2001, and such amount be charged to Section 356 of the Local Government Act, 1993;
- (2) Council donate \$3,000 to the World Congress of Poets for catering expenses for the closing ceremony and such amount be charged to Section 356 of the Local Government Act, 1993;
- (3) Council donate \$1,500 in total to a number of Poets to present their poetry at a local event organised by the Congress organisers and such amount be charged to Section 356 of the Local Government Act, 1993;
- (4) the Conference organisers agree to allow three registrations to be given to local poets to attend the congress;

-for which funds for the above expenditures are available in the 2001/2002 Budget.

It was moved by Councillor Harcourt, seconded by Councillor Lay, that the motion be amended by the deletion of clause (4) of the recommendation and the insertion in lieu thereof of a new clause (4) to the recommendation, namely:-

- (4) That the matter of the three registrations of the Poets to attend the Congress, be deferred for a further report to Committee from Council's Cultural Officer on how the three Poets will be chosen with an explanation of the process.

Motion, as amended by Councillor Harcourt, carried.

11.

**GRANTS – ROADS TO RECOVERY PROGRAMME (2023521)**

- (1) That Council accept the Roads to Recovery Grant as detailed in this report.
- (2) That approval be given to carry out the works listed in this report to a total amount of \$426,678 as part of the Roads to Recovery Programme and that such expenditure be added to the 2001/2002 Budget estimates.

(DPWS Report 6.8.01)

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

- (a) That the matter be deferred for a further report to urgently address the implementation of Council's bike and pedestrian plans;
- (b) That the riding of skateboards and in line skates as a form of transport on public roads be referred to Council's Traffic Committee with a view to having this matter referred to the Local Government Association Conference as a motion to have these forms of transport formally recognised.

Carried.

12.

**ADMINISTRATION – ESTABLISHMENT OF SATELLITE ONE STOP SHOP AT KINGS CROSS (2025293)**

Deferred for the submission of a further report on the alternative design proposal which provides for the Baby Health Clinic to remain in its present location, such report to include a breakdown of costs.

Carried.

13.

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

That the report by the Director of Finance dated 7 August 2001, detailing additions and the revised budget deficit, be received and noted.

Carried.

**14.****REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY,  
8 AUGUST 2001 COMMENCING AT 6.05 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 8 August 2001, be approved and adopted.

**14.1.****PROPERTIES – NO. 173A GEORGE STREET, ERSKINEVILLE –  
TRANSFER TO COUNCIL (2002636)**

That approval be given to:-

- (a) the acceptance of the transfer of the residue of the land in Conveyance Book 4210 No. 200 from K.J. Daly and Redelvo Pty Limited to Council
- (b) the transfer be at a nominal value of \$1;
- (c) the execution of all relevant documents and plans by Council's attorney;
- (d) the land being classified as operational land.

(DPWS Report 25.7.01)

Carried.

**14.2.****LICENSING – ELIZABETH BAY ROAD, SHOP 3, NO.76, ELIZABETH BAY –  
PROPOSED FOOTWAY LICENCE (2016739)**

That approval be given to:-

- (1) the granting of a licence to Ensign International Pty Ltd over an area of 7.5 square metres of the footway of Elizabeth Bay Road adjacent to Lizzie Bay Gourmet at Shop 3, 76 Elizabeth Bay Road, Elizabeth Bay as shown stippled on Plan No S4-130/680D and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence in (1) above commencing from 26 June 2001;
- (3) 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;

- (4) 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;
- (5) the execution of all relevant documents and plans by Council's Attorney;
- (6) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (7) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement.
- (8) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 25/07/01)

Carried

#### **14.3.**

##### **LEASING – KINGS CROSS – FRUIT BARROW NO. 2 – ASSIGNMENT OF LICENCE FROM BASSAM EL- MEL TO AMIN EL-MIR (I56-00146)**

That it be noted that the application to assign lease was withdrawn.

Carried.

#### **14.4.**

##### **LICENSING – MITCHELL ROAD, NO. 52, ALEXANDRIA – PROPOSED FOOTWAY LICENCE (L56-00752)**

That further to resolution of Council of 23 May 2001 and arising from consideration of a report by the Director of Public Works and Services dated 26 July 2001, approval be given to:-

- (1) an additional security deposit equal to 1 years rent be lodged with Council (\$6,604), in lieu of the personal guarantees of the Directors;
- (2) the Footway Licence Agreement being amended to reflect this situation;
- (3) if the annual rental increases by more than 10% from the initial rate at the commencement of the licence a further security deposit amount is required.

Carried.

**14.5.****LICENSING – OXFORD STREET, NO. 137, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2005640)**

That approval be given to:-

- (1) the granting of a licence to Zetetic Enterprises Pty Ltd over an area of 8 square metres of the footway of Oxford Street adjacent to Kink Kafe at No. 137 Oxford street, Darlinghurst as shown stippled on Plan No S4-130/625 and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 26/07/01)

Carried.

**14.6.****PROPERTIES – LEASING – SUITE 7A, LEVEL 2 – NO. 66 OXFORD STREET, DARLINGHURST – RENEWAL OF LEASE – FINE EJ PTY LTD (2011549)**

- (A) That approval be given to Fine EJ Pty Ltd being offered a 12 month lease of Council owned premises, Suite 7A, Level 2, 66 Oxford Street, Darlinghurst, at a rental of \$2,168 per month (\$26,016 per annum) gross *plus* the GST component commencing on the 28<sup>th</sup> July, 2001, subject to the following conditions, namely:-
  - (1) That Council retains the existing Bank Guarantee of \$4,065.00;

**GENERAL MANAGER**

- (2) The lessee is to provide unconditional Personal Guarantees for the term of the lease;
  - (3) 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) 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) All relevant documents are to be executed by Council's Attorney;
  - (7) 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;
  - (8) The Lessee is responsible for the payment of the Goods and Services Tax on the Lease;
- (B) That the Acting Director of Corporate Services be requested to submit a report setting out all details relating to the eviction of the tenant at Burland Hall, King Street, Newtown.

(A/DCS Report 30.7.01)

It was moved by Councillor Mallard, seconded by Councillor Bush, that clause (B) of the recommendation be deleted and a new clause (B) be inserted in lieu thereof, namely:-

- (B) That the matter be deferred to the next Properties Sub-Committee meeting to be held on 22 August 2001, for a further report on resolutions of Council's approved usage of the Burland Hall, King Street, Newtown.

Carried.

**14.7.****LICENSING – VICTORIA STREET, NO. 176, POTTS POINT – PROPOSED FOOTWAY LICENCE (2018946)**

That approval be given to:-

- (1) the granting of a licence to Equitigain Victoria Pty Ltd over an area of 6 square metres of the footway of Victoria Street adjacent to Roys Famous at No 176 Victoria Street, Potts Point as shown stippled on Plan No S4-130/714B and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement.
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 19/07/01)

Carried.

**8.****LICENSING – CHALLIS AVENUE, NOS. 12 – 16, POTTS POINT – PROPOSED FOOTWAY LICENCE (2012196)**

That approval be given to:-

- (1) the granting of a licence to John Paradiso over an area of 6.6 square metres of the footway of Challis Avenue adjacent to Fratelli Paradiso at Shop 1, No. 12-16 Challis Avenue, Potts Point as shown stippled on Plan No S4-130/820 and subject to the conditions in the attached schedule;



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

(DPWS Report 30/07/01)

Carried.

#### **14.9.**

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

That approval be given to:

- (1) the granting of a licence to Rack Pty Ltd ABN 46 095 891 482 over an area of 19 square metres of the footway of Forbes Street adjacent to A2Z Convenience Store at No 171 William Street, Darlinghurst as shown stippled on Plan No S4-130/817B and subject to the conditions in the attached schedule;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 attached, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) The execution of all relevant documents and plans by Council's Attorney;

- (5) The Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) This approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement.
- (7) Any rent that falls due as a result of commencing the footway licence is paid by the due date.
- (8) That if the seating capacity of the café (inside and outside) exceeds 20, then the footway licence may be subject to termination

(DPWS Report 3/8/01)

Carried.

#### 14.10.

##### **PROPERTIES – IMPLEMENTATION OF A RESTRICTED MASTER KEY SYSTEM TO COUNCIL PROPERTIES – ACCEPTANCE OF TENDER (2023690)**

That approval be given to accept the tender submitted by Hildebrandt Locksmiths P/L to carry out the rationalisation and upgrading of the Council's keying system based on rates tendered. Funds are available in the 2001/2002 Property Management Programme (Project No: 71004.801.16630) and individual asset maintenance budgets.

(A/D.C.S. Report of 2.8.2001)

Carried.

#### 14.11.

##### **PROPERTIES – LEASING – OXFORD STREET, NO. 70, DARLINGHURST – PROPOSED LEASE TO INDUSTRIE CLOTHING PTY LIMITED (L52-00120)**

That approval be given to Industrie Clothing Pty Limited being offered a five (5) year lease with a five (5) year Option of Council owned shopfront premises, 70 Oxford Street, Darlinghurst, at a rental of \$7,500.00 per month, (\$90,000 per annum) gross *plus* the Goods and Services Tax component, commencing from a date to be determined subject to the following terms and conditions, namely:-

- (1) That the rental be reviewed on the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> terms of the lease by the Consumer Price Index (CPI). At the commencement of the option period, if exercised, the rental will be reviewed to Market;
- (2) The lessee is to provide a Bank Guarantee or Bond equivalent to three (3) months rental;

- (3) The lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (4) 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) 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) All relevant documents are to be executed by Council's Attorney;
- (8) 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) The lessee is responsible for the payment of the Goods and Services Tax.

(A/D.C.S. Report of 2.8.2001)

Carried.

#### 14.12.

#### **PARKS – FITZROY GARDENS SCULPTURE – PROPOSAL (P52-00189)**

That approval be given to the sculpture being located in Fitzroy Gardens, Kings Cross as detailed in Option (1) of the report of the Acting Director of Public Works and Services dated 11 July 2001, subject to the additional clause (B) as recommended by the Council's Arts and Cultural Committee, namely:-

- (B) That Council accept no liability for the maintenance of, or damage to, the subject sculpture, its plinth and its foundation.

At the request of Councillor Lay and by consent the motion be amended by the addition of the words to clause (B) "and that if the sculpture goes into disrepair that Council liaise with the Bourbon and Beef Steak Management".

Carried.

**14.13.****LEASING – PART DOMAIN CAR PARKING STATION, SIR JOHN YOUNG CRESCENT, WOOLLOOMOOLOO – SUB-LEASE TO KEYSIL PTY LTD (L52-00239)**

That approval be given to the following in connection with Keysil Pty Limited's sub-lease of the Service Station and Car Wash at the Domain Parking Station, Sir John Young Crescent, Woolloomooloo, NSW.namely:-

- (A) Council rescinds the Resolution dated 10 May, 2000, in connection with this matter.
- (B) Keysil Pty Limited by offered a four (4) year sub-lease with a two (2) year option and then a one (1) year option, at a commencement rental of \$75,000 per annum, plus the existing proportion of outgoings and the Goods and Services Tax component, commencing on 1 February, 2001, subject to the following terms and conditions:
  - (1) That the rent is to be reviewed annually in accordance with the Consumer Price Index (All Ordinaries) Sydney.
  - (2) That the rent is to be reviewed to market at the commencement of the option period (if exercised).
  - (3) The sub-lessee is to provide a Bond or Bank Guarantee equivalent to Three (3) months rental.
  - (4) That the sub-lessee is to provide unconditional Personal Guarantees for the term of the sub-lease.
  - (5) The sub-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 sub-lessee against any claims that may arise during the term of the sub-lease.
  - (6) That all legal costs associated with the preparation and execution of the necessary sub-lease documents by Council's Legal Officer, are to be borne by the sub-lessee.
  - (7) All relevant documents are to be executed by Council's Attorney, if required.
  - (8) The sub-lessee is responsible for the payment of the Goods and Services Tax.

(A/D.C.S. Report of 6.8.2001).

The Properties Sub-Committee Meeting terminated at 6.29 p.m.

**GENERAL MANAGER**

The Finance Committee Meeting terminated at 7.15 p.m.

## **REPORT OF THE COMMUNITY SERVICES COMMITTEE**

8 August 2001

### **PRESENT**

**Councillor Peter Furness (Chairperson)**

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

At the commencement of business at 7.16 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw.

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

That the Report of the Community Services Committee of its meeting of 8 August 2001, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

#### **COMMUNITY SERVICES – PROPOSED CLOSURE OF WOOLWORTHS STORE AT WATERLOO – SUBMISSION BY COUNCIL (2024268)**

That arising from consideration of a report by the Director of Health and Community Services dated 20 July, 2001, Council write to both the ACCC and Woolworths to express its concerns about the impact of the possible closure of Waterloo Woolworths upon the local community and request that the ACCC revisit the closure of the store as a matter of urgency.

Carried.

2.

#### **PUBLIC RELATIONS – PUBLIC ART – ART IN SIGHT – VICTORIA PARK POOL SWIMMING COMPLEX (2021371)**

That arising from consideration of a report by the Director of Health and Community Services dated 6 August 2001, the second Art in Sight

**GENERAL MANAGER**

commission occur at Victoria Park Pool, with funds to cover this expenditure in the 2001/2002 Budget 61009.

Carried.

The Community Services Committee Meeting terminated at 7.20 p.m.

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

15 August 2001

### **PRESENT**

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

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

At the commencement of business at 6.35 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 8 August 2001, be received and the recommendations set out below for Items 2,3,5,6 and 11 inclusive, be adopted. The recommendations for Items 1,4,7 to 10 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)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

**GENERAL MANAGER**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Bronwyn Haddock of Haddock Architectural Drafting with the authority of Glenvine P/L, to extend the seating capacity of a café to 46 seats, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans numbered DWG.01 and DWG.02 received on 14 March, 2001 and endorsed by Council and in accordance with the following conditions;
  - (2) That prior to releasing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$330, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the hours of operation shall be restricted to between 7.30am to 5.30pm, Mondays to Saturdays;
  - (4) That work on the premises shall not commence before 7.00am, and staff shall vacate the premises by 7.00pm;
  - (5) That there shall be no live or amplified music on the premises;
  - (6) That the courtyard area shall not be used for dining;
  - (7) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997;
  - (8) That the applicant shall enter into a commercial contract for the daily collection of trade waste (commercial garbage contract);
  - (9) That a separate garbage/recycling storage area for commercial use shall be provided, detailed in the application for a construction certificate (commercial garbage storage);
  - (10) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
  - (11) 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 commencing of any work:

No	Health Aspect	Standard or Requirement
(i)	All proposed and altered mechanical ventilation systems.	Building Code of Australia and AS1668.

- (12) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That all relevant sections of the BCA shall be complied with;
  - (b) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
  - (c) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
  - (d) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
  - (e) That the discharge from exits shall comply with D1.10 of the BCA;
  - (f) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (g) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;
  - (h) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
  - (i) That sanitary facilities shall be provided in accordance with Part F2 of the BCA and AS1668;
  - (j) That ventilation shall be provided in accordance with Part F4.5 of the BCA;



- (k) That structural drawing and certificate from an engineer with Council, certifying that the design is in accordance with the relevant Australian Standards shall be submitted prior to commencement of work;

and the following standard conditions:

- (13) Construction Hours<sup>9151</sup>
- (14) Building/Demolition Noise Control<sup>9156</sup>
- (15) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (16) Works to be Within Allotment Boundaries<sup>9159</sup>
- (17) Demolition to Comply With Aust Standard<sup>9163</sup>
- (18) Obstruction of Public Way<sup>3029</sup>
- (19) Delivery of Construction Materials<sup>3032</sup>
- (20) Refuse Skips<sup>6002</sup>
- (21) Works Within Boundary<sup>9152</sup>
- (22) Work on Public Way<sup>9154</sup>
- (23) Noise<sup>7028</sup>
- (24) That the applicant shall install a cigarette bin on the external wall of the café in the West
- (25) That part of the gate and opening which provides patron and staff access to the toilets shall be modified within 28 days of the date of this consent so that:
  - (i) Its width is reduced by a minimum 50% and
  - (ii) Its minimum height above ground level shall be increased, whilst not increasing the overall height of the gate by more than 150 mm, so that it does not scrape on the ground and cause interference with residential amenity.

NOTE: Your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the act there is an onus of responsibility on both individual and

occupiers of premises to refrain and prevent smoking within defined smoke-free areas. (Some exemptions do apply.)

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 Council advise the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

2.

**STREETS – EASTERN DISTRIBUTOR – COMPLETION – PROPOSED RECLASSIFICATION OF VARIOUS STREETS IN WOOLLOOMOOLOO, DARLINGHURST, SURRY HILLS AND REDFERN (2024456)**

That the Council receive and note the report dated 1 August 2001, by the Acting Director of Public Works and Services in progress with reclassification of various section of road in Woolloomooloo, Darlinghurst, Surry Hills, and Redfern, following opening of the Eastern Distributor.

Carried.

3.

**EPSOM ROAD, NOS. 76 – 82, ZETLAND – USE AS MOTOR SHOWROOM WITH WASHBAY AND DETAILING AREA AND TO CARRY OUT ALTERATIONS – DEVELOPMENT APPLICATION (U01-00230)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Harissa Pty Ltd (owner), for permission to use the premises as a motor vehicle showroom and to carry out associated alterations including the erection of a boundary façade feature, canopies and the refurbishment of the existing building 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 \$1650 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

**GENERAL MANAGER**

- (2) That prior to releasing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the use shall cease after a period of 3 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;
- (4) That the development shall be generally in accordance with Drawing Nos. SK08, 09 & 10 as amended by the conditions of this consent and as marked in red on the plans;
- (5) That the proposed boundary façade structure and the sails attached thereto shall be deleted;
- (6) That the landscaped setback to Epsom Road and Joynton Avenue shall be increased to a minimum of two metres in width and the proposed concrete blocks in the landscaped area shall be deleted;
- (7) That any sail structures or signage shall be subject of a separate development application;
- (8) That the hours of operation shall be restricted to between 7.00am and 7.00pm Monday to Friday, 7.30am and 5.00pm Saturday, 9.00am and 5.00pm Sunday;
- (9) That the proposed site lighting shall be designed such that it does not result in light spill into any existing or future residential premises;
- (10) That the wash bay detailing area shall only be used for vehicles relating to this site or the motor showroom at 146-158 Joynton Avenue and shall not be open to the general public;
- (11) That six customer/staff parking spaces shall be provided on the site;
- (12) That the Epsom Road and Joynton Avenue driveways shall be at 90 degree angles to the boundary and not more than 6.5 metres wide;

- (13) That a clear vehicular driveway of minimum width 4 metres shall be maintained between driveways;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (15) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
- all required mechanical ventilation systems;
- (16) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (17) That 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;
- (18) That motor vehicles shall not be washed on the forecourt other than rinsing with clean water. Any washing of vehicles involving detergent etc shall only occur in the wash bay;
- (19) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the 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;
  - (c) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;

- (d) Access and facilities for people with disabilities shall comply fully with the requirement of Parts D.3 and F.2.4. of the BCA respectively;
- (20) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (21) That should the applicant wish to utilize the public way for any purpose, including 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;
- (22) 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;
- (23) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;
- (24) That all vehicles must enter and exit the driveway in a forward direction at all times. All servicing, loading and unloading of vehicles must be wholly within the site. There shall be no queuing or parking of vehicles encroaching upon any public road;
- (25) That the applicant shall ensure that the customer parking area must be visible and accessible to the users. No stack parking arrangements for staff or customer vehicles are permissible;
- (26) That the applicant shall ensure that the existing driveway at the corner of Joynton Ave & Chester Lane is abolished and the kerb and gutter reinstated for safety reasons;
- (27) That the applicant shall ensure that the driveway at Epsom Road shall be "Entry only", and the applicant shall erect signs within the property boundary to indicate this to motorists;

- (28) That the applicant shall ensure that the existing driveway at Chester Lane shall be "Exit only", the applicant must erect signs within the property boundary to indicate this to the motorists;
- (29) That the applicant shall ensure that a traffic management plan for the construction period shall be submitted prior to the issuing of a construction certificate regarding the movements of vehicles entering and exiting the site and particularly the construction works impact on the slip lane;
- (30) That the applicant shall ensure that the driveway widths shall be less than 6.5 metres wide and that the wings of the driveway must be at least 1.0 metre from the adjoining property boundary;
- (31) That the applicant shall submit a stormwater plan showing the existing drainage system and that the drainage system must comply with Council's Stormwater Code. The stormwater plan must be accompanied with a certificate, which is certified by a Council registered certifier. Please note, Council's Stormwater Code requires that stormwater collected from the parking area must be discharged through a grease arrestor before being connected to Council's drainage system;
- (32) That the applicant shall ensure that delivery truck or commercial vehicles over 3 tonne must use Botany Road, Epsom Road and Joynton Avenue to access the site. Within the Zetland area Elizabeth, Hansard, Portman and Tilford Streets are Light Traffic Thoroughfares (LTT). Therefore, the applicant must erect sign(s) in the customer service area to warn drivers who have heavy vehicles not to use the LTT streets nominated;

and the following standard conditions:

- (33) Display Street Number<sup>124</sup>
- (34) Builders Hoarding Permit<sup>1008</sup>
- (35) Road Opening Permit<sup>3025</sup>
- (36) Obstruction of Public Way<sup>3029</sup>
- (37) Delivery of Construction Materials<sup>3032</sup>
- (38) Clean Water Discharge<sup>4002</sup>
- (39) Connection to Council's Stormwater System<sup>4005</sup>
- (40) Landscape plan<sup>5001</sup>

- (41) Garbage on Public Way<sup>6001</sup>
- (42) Refuse Skips<sup>6002</sup>
- (43) Commercial Garbage Contract<sup>6003</sup>
- (44) Commercial Garbage Storage<sup>6004</sup>
- (45) Garbage/Recyclable Material Room<sup>6010</sup>
- (46) Works Within Boundary<sup>9152</sup>
- (47) Work on Public Way<sup>9154</sup>
- (48) Comply With BCA<sup>9104</sup>
- (49) Construction Certificate Required<sup>9155</sup>
- (50) Comply With the WorkCover Authority<sup>9105</sup>
- (51) Structural Design Certificate<sup>9006</sup>
- (52) Construction Hours<sup>9151</sup>
- (53) Works Within Boundary<sup>9152</sup>
- (54) Building/Demolition Noise Control<sup>9156</sup>
- (55) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (56) Glazing Provisions<sup>9330</sup>
- (57) Demolition to Comply With Aust Standard<sup>9163</sup>
- (58) That all vehicles associated with the motor showroom shall be contained wholly within the site and at no stage shall vehicles be displayed for sale or car washing purposes, on the public way.

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

from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

Carried.

**4.**

**ELIZABETH STREET, NOS. 502 – 514, SURRY HILLS – CONVERSION OF FIRST FLOOR OF RESTAURANT TO HOTEL – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00343)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979, to an application by D. Maksimovich for the use of the upper floor of an existing building as a private hotel and alterations to the ground floor restaurant with entertainment 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 3 months from the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to approval of construction certificate:
    - (a) Submission of an amended plan incorporation the provision of vertically proportioned windows and other architectural treatment consistent with the original period of the building on the ground floor Elizabeth Street elevation;
    - (b) Submission of an amended plan indicating the deletion of the proposed disabled entry in Goodlet Street, and incorporation of a joint disabled and standard access to the restaurant, on the Elizabeth Street corner;
    - (c) Details of the proposed mechanical ventilation of the ground and first floor, if any
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage



deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (3) That prior to issuing the 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 \$190, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$3990	2E97003.BGY0
Open Space: New Parks	\$19075	2E97009.BGY0
Accessibility And Transport	\$119	2E97006.BGY0
Management	\$275	2E97007.BGY0
Total	\$23459	

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 June 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;

- (5) That the development shall be generally in accordance with plans numbered 2015/01 and 02 Issue DA, dated 19 April 2001, except where amended by conditions of consent;
- (6) That all deliveries and unloading to both the restaurant and the hotel shall be carried out using the loading bay in Perry Street;
- (7) That the hotel and restaurant shall be under the same management and if this ceases to be the case or the building is strata subdivided, the loading bay shall be shown as common property and bedroom 17 shall be used only for the storage of linen and similar equipment;
- (8) That the hotel shall not be used or advertised as a backpackers hostel;
- (9) That rooms 1, 2, 3, 4, 5, 6, 10 and 17 in the hotel shall not contain more than one bed and other rooms not more than two beds;
- (10) That accommodation shall be rented by the room and not by the bed;
- (11) That the new doors shown on the plan on Goodlet Street providing main and disabled access to the restaurant shall be deleted and the access to the restaurant shall be through the existing doorway. Any additional entry point to the restaurant shall be from Elizabeth Street;
- (12) That an application shall be lodged for an entertainment license for the ground floor restaurant and the maximum number of patrons and employees in the restaurant, including courtyard shall not exceed 220 persons or the maximum number endorsed on the license, whichever is the lesser;
- (13) That the hours of operation of the restaurant shall be between 7.00 am and midnight on Sundays to Thursdays and from 7.00 am to 3.00 am on Fridays and Saturdays for a period of 12 months from the commencement of trading of the restaurant, and that after that probationary period, the hours of use shall revert to 7.00 am to midnight on all days of the week unless a further development application is lodged and consent granted;
- (14) That notwithstanding condition (12) the use of the rear courtyard shall not extend past 10.00 pm on any day, and the courtyard shall be vacated, the lighting extinguished and the access door

and café bar kept closed after that time or at any time that entertainment is being provided;

- (15) That lighting in the rear courtyard shall be so directed as not to cause a nuisance to nearby residents;
- (16) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (17) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);
- (18) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (19) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (20) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (21) 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);
- (22) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (23) That a separate garbage/recycling storage area for commercial use shall be provided, detailed in the application for a construction certificate;

- (24) That the garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (25) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (26) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.
- (27) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises.
- (28) That adequate provision shall be made for the installation of mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out.
- (29) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
- (30) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets.
- (31) That the development shall accommodate recycling on the site (contact Council's Waste Services Section for details).
- (32) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (33) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
- (34) 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;

- (35) 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:

	Health Aspect	Standard or Requirement
	All proposed mechanical ventilation systems and fire precaution features.	Building Code of Australia and AS1668.
	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
	The recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets.
	The layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas.	National Code for the Construction and Fitout of Food Premises & the Food (General) Regulation, 1997.

- (35) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (36) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (37) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (38) 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;

- (39) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (40) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (41) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.
- (42) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing - /60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (43) That storage of goods on stairs or in stair wells shall not be permitted;
- (44) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (45) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (46) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (47) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (48) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
- (49) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (50) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (51) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;
- (52) That the underside of all floors throughout the building be lined with one of the following materials:

- (a) Plasterboard;
  - (b) Perforated gypsum lath with a normal paper finish;
  - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
  - (d) Fibre-reinforced cement sheeting;
  - (e) Any other material, upon formal application, that is subsequently approved by Council;
- (53) That the exit doors shall swing in the direction of egress complying with the requirements of D2.20 of the BCA. The doors shall be operable by single handed action in accordance with the requirements of D2.21 of the BCA and shall not encroach the street alignment;
- (54) That all walls bounding sole occupancy units shall have a minimum fire resistance level of 60/60/60;
- (55) That penetrations in walls and ceilings of rooms shall be sealed with a material no less fire resistant than the wall or ceiling itself;
- (56) 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;
- (57) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;
- (58) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (59) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (60) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
- (61) a door which can at all times be opened from inside without a key;



- (62) an approved alarm device located outside but controllable only from within the chamber;
- (63) That the door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;
- (64) That a clear 1 metre width of path of travel to exits shall be maintained;
- (65) That access and facilities for people with disabilities shall comply fully with the requirements of Parts D.3 and F.2.4 respectively;
- (66) That the door opening onto Goodlett Street from the hotel reception area shall be redesigned to open into the direction of egress and not encroach upon the public way;
- (67) That the doorway connecting the northern stairway to the restaurant area shall be protected by a self closing -/60/30 fire door;
- (68) That the maximum number of patrons occupying the ground floor restaurant shall be 180 persons;
- (69) That all relevant sections of the BCA shall be complied with;
- (70) 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;
- (71) 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;
- (72) That the requirements of the Work Cover Authority shall be complied with;
- (73) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (74) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;

- (75) 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;
  - (76) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
  - (77) That cooking facilities shall not be permitted in any bedrooms. A designated kitchen area may be provided;
  - (78) That the main electrical switchboard and all electrical sub-boards shall be fully enclosed in construction having a minimum fire resistance level of 60/60/60;
  - (79) That good housekeeping shall be maintained at all times;
  - (80) That egress paths are to be kept free of obstructions/storage at all times;
  - (81) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly;
  - (82) That the gas installation to the whole of the premises shall be inspected by a suitably qualified gas fitter and certified as complying with the relevant safety requirements of AGL Gasfitting Rules Vol 1;
  - (83) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (B) That the persons who made representations with respect to the proposal be advised of Council's decision.

Carried.

5.

**GARDENERS ROAD, NOS. 538 – 544, ALEXANDRIA – ERECT 19 INDUSTRIAL UNITS – SECTION 96 AMENDMENT – DEVELOPMENT APPLICATION (U00-00897)**

That Section 96 modification submitted by Gelder Architects Group, with the authority of Gardener Bourke Pty Ltd, for permission to vary a consent granted to erect 19 two and three level industrial units and to strata subdivide the premises be deferred to the next Planning and Building Committee Meeting to

**GENERAL MANAGER**

be held on 22 August 2001, as requested by applicant in fax dated 8 August 2001.

Carried.

6.

**VICTORIA STREET, NO. 155, POTTS POINT – EXTENSION OF TRADING HOURS TO RESTAURANT – DEVELOPMENT APPLICATION (U01-00464)**

(A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jimmy Tsimikas with the authority of Merivale, to extend the hours of operation for the following reasons, namely:

- (1) That the proposal will compromise the amenity of the surrounding residents by way of noise;
- (2) That the proposal is not consistent with objective (h) of the Mixed use 10 zone as contained within South Sydney Local Environment Plan 1998, having regard to the nuisance generated by non-residential development, such as that related to operating hours, noise, vehicular and pedestrian traffic.
- (3) That the proposal is not consistent with the planning intent of Part F, Clause 4.1 of DCP 1997 relating to the promotion of vibrant non-residential uses that provide a buffer between mixed use and residential areas.
- (4) 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.

**LITTLE STEWART STREET, NO. 3, PADDINGTON – ALTERATIONS AND ADDITIONS TO SINGLE STOREY COTTAGE – DEVELOPMENT APPLICATION (U01-00007)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That the application be approved in accordance with the Officers recommendation contained in the report by the Director of Planning and

Building dated 3 August 2001, subject to the amendment of condition (1)(a) in the following way:

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 12 months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate:
  - (a) That the rear balcony and French doors shall be deleted from the plan and replace with a vertically proportioned window containing a fixed lower pane of opaque glass;

Negatived.

Moved by Councillor Pooley, seconded by Councillor Harcourt:-

That the application be deferred pending the receipt of amended plans reducing the setback of the first floor bathroom to align with the rear wall of the first floor bedroom (This will result in relocation of the bathroom internally within the attic due to the location of the internal stairs)

Carried.

8.

**CROWN STREET, NO. 366, SURRY HILLS – DEMOLISH BUILDING AND CONSTRUCT A BAKERY AND RESIDENCE – DEVELOPMENT APPLICATION (U00-01244)**

This matter was submitted to Council without recommendation.

Moved by Councillor .Mallard, seconded by Councillor Furness:-

That the application be deferred pending the receipt of amended plans detailing the required design changes.

Carried.

9.

**ERSKINEVILLE ROAD, NOS. 54-56, ERSKINEVILLE – CONSTRUCTION OF FOUR TOWN HOUSES OF TWO FLOORS AND ATTIC – DEVELOPMENT APPLICATION (U01-00047)**

This matter was submitted to Council without recommendation.

Moved by Councillor .Mallard, seconded by Councillor Furness:-

That:-

- (1) Council withdraw the Development Application
- (2) a report be prepared for the Planning and Development Committee on a new policy for council for the development of Council properties to ensure that any new development complies with best practice, E.S.D. (including recycling, energy efficiency etc) and incorporating innovative design.
- (3) following the adoption of a new policy a revised brief be prepared for the development of these sites.

Carried.

10.

**BOURKE ROAD, NOS. 2-14, O'RIORDAN STREET, NOS. 1-17,  
ALEXANDRIA – COMMERCIAL /RETAIL – DEVELOPMENT MASTERPLAN  
SUBMISSION. (323284)**

- (A) That Council adopt option Two of the Masterplan, scheme 3b, dated 21/6/01 submitted by CRI Australia Pty Ltd at 2-14 Bourke Road/1-17 O'Riordan Street Alexandria as a framework for future development, subject to comments made in this report, and specifically, subject to the following requirements, namely:-
- (1) The maximum permissible FSR for the site shall not exceed 4.2:1;
  - (2) Achievement of the 4.2:1 FSR on the site is only supported subject to a contribution of a bonus floor space package of \$10,620,630 and renegotiation of the composition of that package, as discussed in this report to better reflect the provision of infrastructure for the site's environs; The bonus floor space package has been costed at \$320 per sqm to an FSR of 3.5:1 over an FSR 2.1 and \$585 per sqm for the floor space above an FSR of 3.5:1. The amount to be paid will be costed at the rate applying at the approval date of a development application. The elements within the floor space package are to be undertaken in the following order of priority:
    - (a) Integrated stormwater management works;
    - (b) Road re-alignment and land dedication;
    - (c) External footpath upgrades and land dedication;
    - (d) Provision for underground connection with Green Square Station;

**GENERAL MANAGER**

- (e) Internal plaza works FS inter ESD initiatives;
- (3) Submission of the following in support of any future development application: -
- That the development comprehensively addresses any potential flood risk to life, health and safety;
  - That the removal of flood storage areas will not lead to a significant increase in flood levels or flood hazard, either at the proposed site or elsewhere;
  - That all reasonable attempts have been made to maximise the retention of on-site flood storage.
  - That the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour;
  - That any portion of the building or structure below the minimum floor level be constructed from flood compatible materials;
  - That any building or structure can withstand the force of design debris and buoyancy forces as appropriate;
  - That permanent, fail-safe measures are incorporated in the development, ensuring the timely, orderly and safe evacuation of people from flood affected areas in the event of a design flood or greater occurring (including an applicable flood warning time);
- (4) In addition to dedicating the land for the O’Riordan/Wyndham Street realignment, the applicant shall also carry out to the satisfaction of the RTA and Council, all necessary investigations, detailed design, approvals and construction of the new alignment in general accordance with the Green Square Structural Masterplan and as further refined in the draft Town Center Masterplan. The general scope of the works will include: -
- Detailed design of works, including long sections for the kerb, gutter and centre line and cross-section details, traffic signal design plans, etc;
  - Provision of all necessary turning lanes, medians, linemarking and signage, pedestrian facilities, bicycle display lanterns and marking, landscaping and street lights of the approaches to the Bourke Road/O’Riordan Street intersection, and any necessary minor road works and matching adjustments;
  - gutter on the Bourke Road and O’Riordan Street frontages, and surrounding the enlarged Green Square station forecourt on the opposite side of O’Riordan Street, and for the latter provision of a temporary 5.0m wide concrete path, street trees at 10m intervals and turf;
  - liaison with key stakeholders who have an interest in the design and construction of this new roadway;
  - Detailed Traffic Management Control Plans for the construction of works including management of pedestrians;

- Adjustments/amplification to all existing services and service pits and provide adequate cover to them as requested by service authorities;
- (5) Further design refinement of the internal plaza design with regard to water features, public art integration, level changes, materials and finishes and its general relationship and access to the immediate environment;
- (6) Further design development of the final configuration of the building footprint and articulation of architectural form, only indicated in conceptual form in the masterplan;
- (7) Further development of the interface of the building to enhance street level activity and its relationship with the public domain overall;
- (8) Further design investigations shall be undertaken, in consultation with Council and all necessary key stakeholders to make provision in the basement plan for an underground pedestrian link with the Green Square Station;
- (9) Bicycle parking shall be designed in accordance with DCP 11: Transport Guidelines for Development and Australian Standards 2890.3. Bicycle parking for employees shall be provided in the form of at least 40 individual lockers (Class 1 facilities of AS2890.3). Bicycle parking for visitors and retail users shall in the form of at least 10 inverted U-stand spaces (Class 3 facilities of AS2890.3). All parking shall be made in safe, convenient, surveillable and clearly signed locations that do not require use of steep car ramps to access;
- (10) That the maximum provision of carparking shall be 464 spaces allocated on the basis of 403 spaces for office uses, 24 spaces for retail uses, 5 spaces for sales/ showroom uses, and 32 spaces for restaurant/Café uses. Such number of parking spaces as is required to implement a future pedestrian tunnel underneath O'Riordan Street connecting Green Square station to the development's forecourt shall be removed at the time of the tunnel's implementation;
- (11) That design of the carpark shall be accordance with AS2890 Parking Facilities - Part 1: Off-Street Car Parking and South Sydney DCP No.11 - Transport Guidelines for Development;
- (12) That the entrances to each commercial premises, circulation spaces and facilities associated with them shall be designed for equitable and dignified use by people with disabilities in accordance with Council's Equitable Access Design Policy;

Note: Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to the Advisory Notes on Access To Premises by the Human Rights and Equal Opportunity Commission (on which Council's Equitable Access Design Policy is based), may be the best defense against potential action until an accepted industry

- (B) That Council resolves to notify an amendment to the Floor Space Ratio map in Development Control Plan 1997 (Amendment 1) Green Square to alter the indicative FSR for 2-14 Bourke Road/1-17 O'Riordan Street, Alexandria to 4.2:1.

Carried.

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

11.

**LIVERPOOL STREET, NO. 270, DARLINGHURST - FIRST CHURCH OF CHRIST SCIENTIST – ALTERATIONS AND ADDITIONS IN ASSOCIATION WITH CHANGE OF USE OF CHURCH TO FORM MIXED USE BUILDING CONTAINING 26 RESIDENTIAL APARTMENTS, 2 COMMERCIAL TENANCIES, CAR PARKING AND RELOCATE CHURCH TO EXISTING EASTERN VESTIBULE – DEVELOPMENT APPLICATION (U00-01414)**

The application was withdrawn as requested by applicant in fax dated 8 August 2001.

Carried.

The Planning and Development Committee Meeting terminated at 7.16. p.m.

#### NOTICES OF MOTION

1.

**CONFERENCES – ANNUAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION OF NSW TO BE HELD IN WOLLONGONG, NSW, FROM 27 TO 31 OCTOBER 2001 – QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVES – NOTICE OF MOTION (2013318)**

By Councillors Bush, Mallard and the Mayor (Councillor Fowler).



That resolution of Council of 1 August 2001 as follows, namely:-

- (a) That Councillors Furness, Harcourt, Lay and Lennon 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 27<sup>th</sup> to 31<sup>st</sup> 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;

- be rescinded.

It was moved by Councillor Mallard, seconded by The Mayor:-

That the Notice of Motion be withdrawn .

Carried.

## 2.

### **GENERAL MANAGER – REPLACEMENT – NOTICE OF MOTION (2024865)**

By Councillors Harcourt, Lay and Shaw.

That resolution of Council of 1 August 2001 as follows, namely:-

That approval be given to the extension of the General Manager's contract until 24 September 2001, prior to the appointment of the new General Manager;

- be rescinded and that the following new motion be adopted:-

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

It was moved by Councillor Harcourt, seconded by Councillor Lay:-

That the Notice of Motion be withdrawn .

Carried.

3.

**CENTENARY OF FEDERATION NAVAL REVIEW – ASSURANCE FROM ROYAL AUSTRALIAN NAVY AND STATE GOVERNMENT THAT NO NUCLEAR POWERED OR NUCLEAR ARMED SHIPS ENTER SYDNEY HARBOUR – NOTICE OF MOTION**

Moved by Councillor Lennon, seconded by Councillor Lay:-

That Council seeks an assurance from the Royal Australian Navy and the State Government that no nuclear powered or nuclear armed ships will be permitted to enter Sydney Harbour for the Centenary of Federation Naval Review to be held from 2 – 8 October 2001, and that Council advises that nuclear powered and nuclear armed ships are not welcome in Sydney Harbour as their presence would compromise public safety and thus be grossly negligent.

At the request of Councillor Harcourt and by consent the motion be amended by the addition of the words “and Federal Government” after the word “State Government” where appearing in the second line of the motion.

Motion, as amended by consent, carried.

4.

**FITZROY GARDENS, KINGS CROSS – PROVISION OF SHADE CLOTH OVER CHILDREN’S PLAYGROUND – NOTICE OF MOTION**

Moved by Councillor Lennon, seconded by Councillor Lay:-

That Council take the necessary steps to have shade cloth installed over the children’s playground at Fitzroy Gardens, Kings Cross, as soon as possible.

It was moved by Councillor Mallard, seconded by Councillor Lennon that the matter be deferred for a report from the Finance Committee reviewing other playground needs with regard to shade structures.

Carried

5.

**KINGS CROSS CULTURAL VISUAL ART EXHIBITION – DONATION – NOTICE OF MOTION**

By Councillor Lennon.

That Council donate to Kings Cross Cultural Visual Art Exhibition the sum of \$2,000 to be used as visual arts prize money in an art competition to be held at the Tapp Gallery in conjunction with the Kings Cross Cultural Festival, with the competition to be judged by two teachers from the National Arts School, East Sydney.

-Councillor Lennon withdrew her notice of motion.

The Council Meeting terminated at 8.20. p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**