

279TH Meeting

Erskineville Town Hall
Erskineville
325813

Wednesday, 29 August 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.35 pm on Wednesday, 29 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.

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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 15 August 2001, be taken as read and confirmed.

At the request of Councillor Harcourt, and by consent, the minutes of 15 August 2001, were amended on Page 955 by the deletion of the word "and" where appearing in the 4th line of Question Without Notice No. 5 and the insertion in lieu thereof of the following new word "or".

Minutes, as amended by consent, were then confirmed.

MINUTE BY THE MAYOR

29 August, 2001

**ELECTIONS – MAYOR, DEPUTY MAYOR - SEPTEMBER, 2001
(M5200021)**

It is proposed to set the date for the Mayoral and Deputy Mayoral Elections and the appointment to Committees Elections to be held on Thursday the 20th September, 2001.

This date has been chosen after consulting with a number of Councillors. The date does not conflict with any of the commitments in the Mayor's Office and also that it is after September, 4, when State Parliament will commence its Spring Session. This would allow Councillors to make their decision in the light of any new developments regarding the Sproats' Inquiry into the Eight Local Government Areas of Eastern Sydney. Should the Minister have any announcements to make they should have been outlined in the Governor's address.

The matter is submitted to Council for consideration.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Mallard:-

That 20 September 2001 be the date for the Election of the Mayor and Deputy Mayor.

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

29 August 2001

ELECTIONS - STANDING COMMITTEES AND OUTSIDE COMMITTEE (M53-0000)

It is proposed to set before Councillors a change in the set up of Committees so as to have a resolution on changing to a monthly Council meeting preceded by weekly Committees of the Whole of Council, therefore removing the split between the Planning and Development Committee and other Committees.

The Committee membership would comprise all Councillors and would have full delegation unless it is a matter than can't be delegated under the Act.

The meeting cycles would be as follows :-

- 1st Wednesday - Planning and Development Committee
- 2nd Wednesday - Properties Sub-Committee, followed by Finance Committee, followed by Community Services Committee
- 3rd Wednesday - Planning and Development Committee
- 4th Wednesday - Council meeting.

The quorum for the Committees would need to be set and also a schedule of new Committee and Council meeting times and dates would have to be adopted and advertised.

Also a date for commencement of the new Committee structure and cycles would need to be set.

The matter is submitted to Council for consideration.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by the Mayor:-

That a report be submitted to the Finance Committee Meeting reviewing the structure for the Standing Committees and Outside Committees after the Mayoral Elections have been held.

Negatived on a show of hands 6 to 3.

GENERAL MANAGER

MINUTE BY THE MAYOR

28 August 2001

**CELEBRATIONS - PEOPLESCAPE EXHIBITION:
A FEDERATION EXHIBITION – 18th SEPTEMBER, 2001 (2021177)**

The Peoplescape Exhibition is the finale event for the year long celebrations of the Centenary of Federation.

South Sydney Council has agreed to be the local contact of the Peoplescape exhibition in the South Sydney area.

Peoplescape is one of the largest community art installations undertaken in Australia in which all Australians have the opportunity, using a life-size person-shaped “canvas”, to create a representation of the person they feel who has significantly affected their life, their community or their country.

Thousands of these figures will be installed from 25 November 2001 in Canberra, standing in rows stretching from Old Parliament House, up to Parliament House.

The organisers of Peoplescape have advised Council there are approximately 12 people within the South Sydney area who are making figures for the exhibition. The organisers have also requested councils exhibit the works of all Peoplescape makers in their local government area prior to the work going to Canberra.

It is proposed Council invites all participants in the South Sydney area to exhibit their works in the main window space of Council’s One Stop Shop for a fortnight from Monday, 17 to Friday, 28 September 2001.

Because of the number of works involved, each participant would be expected to personally deliver their Peoplescape figure to Council by Friday, 14 September and have it taken away at the end of the exhibition on Monday, 1 October.

Additionally it is proposed Council further acknowledge the hard work of the participants by hosting a small reception for participants and their friends on Tuesday, 18 September in Council’s One Stop Shop.

RECOMMENDATION:

That Council agrees to invite all participants in the Peoplespace Exhibition in the South Sydney area to exhibit their works in the main window space of Council’s One Stop Shop for a fortnight from Monday, 17 to Friday, 28 September 2001 and additionally Council agrees to host a small reception for participants and their friends on Tuesday, 18 September in Council’s One Stop Shop for which funds have been provided for within the 2001/2002 Estimates.

GENERAL MANAGER

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by the Mayor:-

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

Carried.

MINUTE BY THE MAYOR

28 August 2001

CELEBRATIONS - MR. JOHN BOURKE, GENERAL MANAGER – RETIREMENT DINNER (2025455)

The purpose of the Minute is to bring forward to Council the issue of a farewell for the General Manager, Mr John Bourke.

Mr Bourke, as Councillors will be well aware, has a proud and long career within local government. His reputation is honoured throughout the industry for his great skills of management and financial accountability. His service to South Sydney Municipal Council and Sydney City Council and his profession at large is distinguished.

It has been the tradition at this Council to honour such service by the offer of a formal dinner usually at Paddington Town Hall. This would allow the Council and the local government industry in the wider sense to signify Mr Bourke's retirement from South Sydney Council.

RECOMMENDATION:

It is recommended that a dinner be held on the 17th November, 2001 at Paddington Town Hall and that the expenditure involved be added to the 2001/02 Budget.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

29 August 2001

PERSONNEL - RETIREMENT OF TED MARTIN (D5100061)

Friday August, 31, 2001 will see the retirement of Ted Martin from the Public Works and Services Department after 44 years service. He has devoted his working career to Local Government and serving the community of South Sydney.

Ted commenced employment with the Council on 5 November, 1956 as a messenger and progressed to the plan room in 1981 as Plans Custodian, a position which he has held to this day.

To recognise the dedication of this staff member, I propose to write to thank him for his contribution to the South Sydney Council and to the community of South Sydney.

RECOMMENDATION:

That a letter be forwarded to Ted Martin (44 years Service) congratulating him for his dedicated service to the Council and the community of South Sydney.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

24 August 2001

COMMITTEES - REDFERN-WATERLOO PROJECT (2021972)

In March this year Council employed a project officer to work on issues in the Redfern-Waterloo area. At the same time Council resolved to continue lobbying the State Government to provide additional resources to assist in addressing the issues being experienced in the area. Many of these are long standing and require an intensive and collaborative effort.

GENERAL MANAGER

In response Council has received correspondence from the Premier asking us to be a partner in a joint project for the Redfern-Waterloo area.

The proposal is that the Project would run for two years, and would involve a senior project director plus a senior project officer.

The project would be based in the Redfern-Waterloo area and would be managed by a steering committee, including senior Council representatives. A Community Partners Forum would also be established to enable residents and community groups and organisations to have input in setting the project priorities and in monitoring its progress.

Initially the project would focus on a number of major issues including:

- Reducing crime and safety incidents and perceptions;
- Improving the physical environment;
- Addressing the issues on the Block;
- Improving the responsiveness of State and local funded services;
- Increasing employment, education and economic development opportunities, and
- Generally building a stronger sense of community cohesion and co-operation.

It is proposed that Council approve becoming a partner in the project, and for negotiations in this regard to proceed with the State Government.

It is anticipated that in becoming a joint partner Council would be asked, along with the major State Government agencies, to make a reasonably small (say \$20,000 per year) contribution to the employment of the two officers for the project.

RECOMMENDATION:

I recommend that Council endorses, in principle, becoming a joint partner in the State Government's new Redfern Waterloo Project, and that approval be given for discussions with the Premier's Department to be progressed in this regard.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Pooley:-

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

Carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 31 signatures appended from residents of Wilson Street and surrounding streets of Darlington, objecting to the proposed angle parking in Wilson Street and the proposal of making Ivy Street one-way.

Received.

2. The Mayor tabled a petition with approximately 90 signatures appended from residents of South Dowling Street, between Flinders and Oxford Streets, objecting to the unacceptable traffic flow on that part of South Dowling Street by the creation of a right-hand turn at Taylor Square from Flinders Street.

Received.

3. The Mayor tabled a petition with approximately 76 signatures appended from residents of South Dowling Street, between Flinders and Oxford Streets, requesting that the upper section of South Dowling Street, between Flinders and Oxford Streets, being renamed to distinguish that part of the street.

Received.

QUESTIONS WITHOUT NOTICE

1. **PARKING – RESIDENT SCHEMES – PERMIT RENEWAL NOTIFICATION - POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2004470)**

Question:

I recently received a complaint from a resident about having to pay a \$20 fee for a replacement parking permit following a car accident which resulted in her car being written-off. When seeking the replacement permit at the One-Stop Shop, she presented both the original permit and a certificate from her insurer declaring that the car had been disposed of.

Could a report come to the Finance Committee suggesting an option for waiving this replacement fee under such circumstances?

Answer by the Mayor:

I will refer your question to the Director of Finance for a report to Committee.

2.

HEALTH – LAWSON STREET, NOS. 120 – 122, REDFERN - COMPLIANCE WITH HEALTH ORDER - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2008666)**Question:**

I refer to a minute by the Director of Health and Community Services dated 16 August 2001, regarding Nos. 120 – 122 Lawson Street, Redfern, which was included in Councillors Information Service No. 35. The minute stated that the Department of Health and Community Services would assist the owners of the property to achieve the most productive outcome for themselves and the community and that the owners displayed surprise and concern when informed that their property was being used as a shooting gallery and open air toilet.

Mr. Mayor, this minute was in response to a Question Without Notice asked five months ago in which I sought advice on action available to Council to ensure compliance with environmental health standards. I do not believe the property owner will remedy the situation unless required to do so. Could Council issue an order requiring the owner to secure his property?

Answer by the Mayor:

I will ask the Director of Health and Community Services to report through the Councillors Information Service on the steps taken.

3.

FOOTPATH – LICENSING IN KING STREET, NEWTOWN - MARRICKVILLE & SOUTH SYDNEY COUNCILS -QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2015501)**Question:**

I have received a letter from the owner of Corellis Café Gallery regarding a footway licence on King Street. Currently the Marrickville side of King Street permits this type of trading, where South Sydney does not.

Could I have a report from Council's Officers examining the potential for footway licences in King Street in light of the information gained from Melbourne?

Answer by the Mayor:

I will ask the Director of Public Works and Services to seek policy outline from Marrickville Council and the issue in relation to the licences will come forward in a report.

4.

OXFORD STREET, NO. 82, DARLINGHURST – DISPUTE BETWEEN COUNCIL AND OCCUPANTS OF GOWINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (L52-00112)**Question:**

I understand Council is in dispute with the occupant of the basement area below Gowings on Oxford Street. This issue has been unresolved for a long period, although a Consultant's report has been sought and obtained. This report is now the subject of differing interpretations.

Please may I have a report setting out the issues from Council's perspective?

Answer by the Mayor:

I will ask the Director of Corporate Services to respond through the Councillors Information Service.

5.

TRAFFIC – SPEED REDUCTION – COWPER WHARF ROAD, WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (T02-00178)**Question:**

Mr. Mayor, approximately a month ago I requested a number of traffic issues for Cowper Wharf Road and Bourke Street, Woolloomooloo, be referred to the Traffic Committee which I believe has occurred.

Could you provide for the Councillors Information Service an update on those issues raised?

Further, following a serious motor vehicle accident near Harry Café De Wheels on Cowper Wharf Road, Woolloomooloo, on Friday 24 August 2001 at approximately 10.00 p.m., it appeared from the wreckage that excessive speed may have been involved. Can Officers obtain a copy of the Police Report for the Councillors Information Service?

Answer by the Mayor:

I will have the Police Report forwarded in the Councillors Information Service and for the Director of Public Works and Services to confer with Sydney City Council regarding speed reduction on Cowper Wharf Road.

6.

PUBLIC RELATIONS - MINISTER FOR POLICE – INVITATION TO MEET WITH COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2024052)**Question:**

Could you write to the Minister for Police to lunch with Councillors to discuss matters affecting South Sydney?

Answer by the Mayor:

I will write a letter to the Minister of Police requesting a meeting with all Councillors.

7.

PARKING - RESIDENT PARKING SCHEME – COST OF MAINTAINING SERVICE - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2025447)**Question:**

I have had two recent representations in relation to revenue raised from Council's Parking Permit Scheme. Through you, Mr. Mayor, to Mr. Duffy, I'm wondering is it possible to outline in the Councillors Information Service the current cost of maintaining and revenue raised (including the costs of parking staff, permit reminder letters, printing permits, maintaining signs), from the Parking Permit Scheme?

Answer by the Mayor:

I will ask the Director of Finance for a report on these matters, but it may be difficult as many of these matters come under the control of various Departments.

Comment by Councillor Pooley:

A report on the revenue raised and the cost of the Parking Officers will suffice.

8.

**PARKING - RESIDENT PARKING SCHEME – CENTENNIAL PARK
PRECINCT – REPRESENTATION TO RTA - QUESTION WITHOUT NOTICE
BY COUNCILLOR LENNON (P01-00395)**

Question:

Can Council request that the Roads and Traffic Authority make the residential side of Moore Park Road be changed to resident only when the Special Event Clearway is activated?

Answer by the Mayor:

The question is the same as the Notice of Motion you have on tonight's Business Paper and I will ask the Director of Public Works and Services to submit a report to Committee.

9.

**PROPERTIES – ACCOMMODATION REQUESTS FOR TEENAGE
ADDICTED YOUTHS – REPORT TO COUNCIL - QUESTION WITHOUT
NOTICE BY COUNCILLOR BUSH (2006575)**

Question:

Could Council provide accommodation and resources to teenage drug addicted youths?

Answer by the Mayor:

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

10.

**DEPARTMENTS – COMMENDATION TO PUBLIC WORKS AND SERVICES
DEPARTMENT - APPRECIATION - QUESTION WITHOUT NOTICE BY
COUNCILLOR BUSH (D51-00061)**

Question:

Can the Mayor take appropriate action to commend Mr. Colin Brown, Ordinance Inspector, for his civic efforts?

Answer by the Mayor:

I will arrange for a letter to be sent to Mr. Brown.

11.

MANAGEMENT – WOOLLOOMOOLOO AREA – ENVIRONMENTAL PROTECTION OFFICERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T02-00178)

Question:

There were four Environmental Protection Authority Officers on duty outside the Kings Cross Railway Station. Could they be instructed to target defective vehicles in Cowper Wharf Road?

Answer by the Mayor:

Council does not have the power to instruct EPO Officers. I will ask the Director of Public Works and Services to investigate the matter and report to you.

REPORT OF THE FINANCE COMMITTEE

22 August 2001

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Peter Furness, Tony Pooley, Gregory Shaw

At the commencement of business at 7.41 pm, those present were -

The Mayor and Councillors – Furness, Mallard, Pooley and Shaw.

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

That the Report of the Finance Committee of its meeting of 22 August 2001, be received and the recommendations set out below for Items 1 to 5 inclusive, 7, 9 to 11 inclusive, 14 to 18 inclusive, 19.2 to 19.7 inclusive, 19.11 and 19.14 to 19.20 inclusive, be adopted. The recommendations for Items 6,8,12,13,19.1,19.8,19.9,19.10, 19.12, 19.13 and 19.21. having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 30 JUNE 2001 (A52-00240)

That the report by the Director of Finance dated 13 August 2001 certifying to the Bank Reconciliation of Council's various Cash Books, be received and noted.

Carried.

2.

DONATIONS – SOUTH SYDNEY SWIMMING CLUB (D53-00196)

That arising from consideration of a report by the Director of Health and Community Services dated 13 August 2001, a donation of \$2,500 be approved for the South Sydney Swimming Club for learn to swim, swim coaching and first aid training, subject to Council receiving a copy of the South Sydney Swimming Club's current insurance policy, for which funds to cover this expenditure are available in the Section 356 Budget.

Carried.

3.

RATES – POSTPONEMENT OF RATES UNDER SECTION 585 OF THE LOCAL GOVERNMENT ACT 1993 – WRITING OFF – YEAR 1996/1997 (2003142)

That arising from consideration of a report by the Director of Finance dated 8 August 2001, approval be given for rates and extra (interest) charges amounting to \$7,191.38, as listed in the schedule accompanying the Director's report, postponed during 1996/97 under the provisions of Section 585 of the Local Government Act 1993, being written out of the Postponed Rates Suspense Account under Sections 585 to 599 of the Local Government Act 1993 as not recoverable at law.

Carried.

4.

PRESENTATION SKILLS FOR COUNCILLORS – ATTENDANCE AT WORKSHOP

That approval be given to interested Councillors attending the Presentation Skills Course for Councillors to be held in Sydney on 14th September, 2001, involving a fee of \$275 per Councillor for which funds are available in the 2001/2002 Budget.

Carried.

5.

VEHICLES – MODIFICATION – ALTERNATIVE FUEL FOR LOCAL GOVERNMENT – COMPRESSED NATURAL GAS (2005195)

- (A) That Council endorses the resolution of the SSROC Transportation Policy Committee meeting on 19 July 2001 to:
- (1) endorse the recommendation of the Public Works Management Group to further investigate the viability of Compressed Natural Gas Vehicles for the region, and for SSROC to exert its influence through bulk purchasing arrangements for vehicles and refuelling infrastructure;
 - (2) seek expert technical advice from individual councils;
 - (3) seek the support of the Local Government Association for the initiative;
 - (4) seek the support of the Australian Local Government Association for the initiative.
- (B) That South Sydney City Council on behalf of the SSROC at the next Local Government & Shires Association Conference, sponsor the following motion:
- That the Local Government Association:
- (a) support the use of Compressed Natural Gas as an alternative fuel for Local Government;
 - (b) assist councils to investigate the use of CNG and encourage councils to purchase gas vehicles and develop refuelling infrastructure, using the SSROC initiative as a possible model.

(DPWS Report 14.8.01)

Carried.

6.

COMMUNITY SERVICES – DONATIONS – GRIFFIN THEATRE COMPANY – NO. 10 NIMROD STREET, DARLINGHURST (2012278)

That the matter be deferred to the next meeting of the Finance Committee to be held on 5 September 2001, and the Director of Health and Community Services be requested to submit a further report detailing whether other Theatre Companies pay rates, ie PACT, Belvoir Theatre.

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

That arising from the report from the Director of Health and Community and Director of Finance dated 15 August 2001, approval be given to the request from the Griffin Theatre to provide a S356 donation of \$3,870.41 to cover the 2001/2002 Council rates.

Motion, as amended by consent, carried.

7.

REVOTE OF INCOMPLETE 2000/2001 WORKS AND PLANT ITEMS TO 2001/2002 (2020958)

That Council revote \$3,825,716 to the 2001/2002 Works Programme and \$1,680,500 to 2001/2002 Plant & Assets Budget as detailed in the report of the Director of Finance dated 17 August 2001.

Carried.

8.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That Council approve the establishment of a One-Stop-Shop at the Kings Cross Centre subject to:

- (1) a new Customer Service Supervisor position, Grade 12, subject to job evaluation, being created and the higher grade for this position being shared between existing suitable Customer Service Officers;
- (2) a Customer Services Officer, stationed at the Kings Cross One-Stop-Shop, position grade 10, being advertised internally (this position will be rotated with the other Customer Services Officers). This addition will compensate for the Customer Services Officers acting as Customer Services Supervisor. They will be replaced by two seconded positions to replace the staff working at the Kings Cross One-Stop-Shop;
- (3) approval being given to go ahead with the fitout and staffing arrangements for the satellite One-Stop-Shop and that \$104,977 being added to the 2001/2002 Budget;
- (4) the Properties Branch submitting a Development Application for the establishment of a One-Stop-Shop.

It was moved as an amendment by Councillor Shaw, seconded by Councillor Pooley, that Council receive and note the reports by the Acting Director of Corporate Services dated 3 and 17 August 2001, and that the question of the establishment of a satellite one stop shop be deferred until a decision is reached in respect of a new Administration Building.

Amendment carried on a show of hands six votes to 3 votes.

Substantive motion carried.

9.

COMMUNITY SERVICES – COMMUNITY BUS SCHEME – QUARTERLY REPORT (M56-00080)

That arising from consideration of a report by the Director of Health and Community Services dated 15 August 2001, confirmatory approval be given to the excess motor vehicles' use costs (\$6,241.40), as listed in Table 1 accompanying the Director's report, being treated as donations and charged against Section 356 of the Local Government Act (1993), for the 2000/2001 budgetary period.

Carried.

10.

BUDGET 2001/2002 – CULTURAL RELATED EXPENDITURE (9020709)

- (A) That the report by the Director of Finance dated 20 August 2001, regarding expenditure for cultural related activities, be received and noted.
- (B) That the Director of Finance be requested to submit a report on all donations for the past 12 months which have cultural related expenses.

Carried.

11.

CONFERENCES – THE AUSTRALIAN INSTITUTE OF ENVIRONMENTAL HEALTH – NATIONAL CONFERENCE – QUESTION OF ATTENDANCE (2022807)

That approval be given to the Director of Health and Community Services, Health Services Manager and any interested Councillor, to attend the Australian Institute of Environmental Health's National Conference, 14-19 October 2001, in Perth, Western Australia, and that the 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 budget.

Carried.

12.

DONATION – WOOLLOOMOOLOO COMMUNITY CENTRE (2024425)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That arising from consideration of a report by the Director of Community Services dated 17 August 2001, Council approves the payment of a donation of \$10,500 to the Woolloomooloo Community Centre, for which funds to cover this expenditure are available in the 2001/2002 Section 356 Budget.

Carried.

13.

CONFERENCES – NATIONAL HOUSING CONFERENCE 2001 – ATTENDANCE OF ASSISTANT SOCIAL PLANNER (HOUSING)

That arising from consideration of a report by the Director of Health and Community Services dated 17 August 2001, Council approve for the Assistant Social Planner (Housing) to attend the National Housing Conference, in Brisbane from 24 – 26 October 2001, with funds available (as outlined in the report above) in the Health and Community Services training budget for this purpose (6905. 12105).

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition of the words “and approval be given to all interested Councillors attending and to the payment of their registration fees, accommodation and out –of pocket expenses for conveyance and subsistence in travelling, for which funds are available in the 2001/2002 Budget.

Motion, as amended by consent, carried.

14.

PARKS – ISABELLA HILLS RESERVE UPGRADE, HAROLD STREET, ERSKINEVILLE – APPROVAL OF FINAL LANDSCAPE PLAN AND TO PROCEED WITH DOCUMENTATION AND CONSTRUCTION (P52-00130)

That approval be given to:-

- (1) the adoption of the Isabella Hills Reserve Masterplan (as per the Isabella Hills Reserve Landscape Plan);
- (2) the adoption of the proposal to relocate the designated Basketball and playground facilities for Isabella Hills Reserve over to Fowler Reserve;

- (3) the finalisation of the documentation for PWS Construction Branch to commence construction of Isabella Hills Reserve for late September 2001 and undertake a community consultation process for the Fowler Reserve playground/basketball proposal. The estimated cost is \$250,000 for which funds are available in the Parks Development 2000/01 Works Program – (Isabella Hills Reserve, 45-008), subject to adoption of the Finance Department's 2000/01 Works Program Revote Report.

(DPWS Report 17.8.01)

Carried.

15.

**PROPERTIES – CORNER ALLEN AND ELIZABETH STREETS,
WATERLOO – SOUTH SYDNEY YOUTH SERVICES – PART WATERLOO
OVAL (2020375)**

That Council grants approval for the voting of additional funds to the 2001-2002 budget in the sum of \$18,000, to the Properties Works Programme for minor upgrading of the building occupied by South Sydney Youth Services (SSYS) at Waterloo Oval, Cnr Allen and Elizabeth Streets, Waterloo.

(A/DCS Report 9.08.01)

Carried.

16.

**PARKS – RESCIND DECISION TO APPOINT SPORTZ LIGHTING FOR THE
SUPPLY AND INSTALLATION OF FLOODLIGHTS TO THE ALAN
DAVIDSON OVAL. (2023105)**

That approval be given to:-

- (1) rescinding the minute to engage Sportz Lighting for the supply and installation of floodlighting to the Alan Davidson Oval , Option 1, \$150,446 (plus GST \$15,044) \$165,490 on the grounds of procedural fairness;
- (2) engaging electrical consultants to review and amend the specification and drawings;
- (3) re-calling the tender for the supply and installation of the floodlights for the Alan Davidson Oval;

-for which funds are available in the 2001/2002 Works Program, Project 21374 (Bud.Ref 45-034), subject to the adoption of Finance Department 2000/01 works program revote report.

(DPWS report 17/8/01)

Carried.

17.

PARKING STUDY AND TRAFFIC FACILITIES SURVEY OF THE SOUTH SYDNEY LOCAL GOVERNMENT AREA – ACCEPTANCE OF TENDER (2024887)

That approval be given to the acceptance of the tender submission of GHD to undertake the Parking Study and Traffic Facilities Survey of the South Sydney Local Government Area at a cost of \$260,655 (plus GST- \$26,066), total amount \$286,721 for which funds of \$260,000 are available in the 2000/2001 Works Program - Traffic & Parking Studies (Budget Ref 43-008). The GST component of \$26,066 is available in separate Finance Department budgets.

(DPWS Report 20.8.01)

Carried.

18.

CELEBRATIONS – CENTENARY OF FEDERATION CRICKET MATCH AND THE WILLIAM REDFERN BICENTENNIAL (2020573)

That approval be given for a:

- (a) Centenary of Federation Cricket Match on Sunday, 21 October 2001 at the Alan Davidson Oval, Sydney Park, from 10.00 a.m. to 4.00 p.m.;
- (b) William Redfern Bicentennial Event and Photographic Exhibition, **CHANGES 1901-2001-South Sydney** Re-visit, on Saturday, 22 September 2001 from 1.30 p.m. to 5.00 p.m. at Redfern Town Hall

-which funds are available in the 2000/2001 Budget Account (1.51.3110.16615.0).

Carried.

19.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 22 AUGUST 2001 COMMENCING AT 6.17 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 22 August 2001, be approved and adopted.

19.1.**LICENSING – WILLIAM STREET, NOS. 230 – 232, POTTS POINT – FOOTWAY LICENCE ABATEMENT (L52-00096)**

That the request for a rental abatement from Solicitors acting for Mr Aldo Furci, for the Footway Licence adjacent to Nos. 230-232 William Street, Potts Point, be refused.

It was moved as an amendment by Councillor Bush, seconded by Councillor Mallard, that the application for abatement be approved.

Amendment negated.

At the request of Councillor Lay, and by consent, the motion was amended by the addition of the words “that Council Officers be requested to submit a report on the establishment of a policy in relation to the Footway Licences”.

Motion, as amended by consent, carried.

19.2.**PARKS – BOURKE STREET, NO. 231 AND NOS. 237 – 241, EAST SYDNEY – PROPOSED ACQUISITION FROM THE ROADS AND TRAFFIC AUTHORITY (RTA) (S57-00056)**

That the matter be deferred and the Acting Director of Corporate Services be requested to contact the Minister for Transport and the Local Member with a view to negotiate a better purchase price of the land which is to be used for community use.

Carried.

19.3.**LICENSING – BOURKE STREET, NO. 688, REDFERN – PROPOSED FOOTWAY LICENCE (2022598)**

That further to resolution of Council of 2 August 2000, approval be given to the deletion of paragraph (1) and the replacement with the following new paragraph (1):-

- (1) The granting of a licence to John Stavropoulos over an area of 6 square metres of the footway of Bourke Street adjacent to the proposed café at No. 688 Bourke Street, Redfern, as shown stippled on Plan No. S4-130/763C.

(A/DPWS report 31/7/01)

Carried.

19.4.

**PROPERTIES – DOUGLAS STREET, NOS. 32 – 38, REDFERN –
PROPOSED PURCHASE OF VACANT LAND FROM THE CENTRAL
SYDNEY AREA HEALTH SERVICE (CSAHS) (2023037)**

- (A) That approval be given to Council negotiating with the Director of the NSW Department of Health, for the acquisition of vacant land at Nos. 32-38 Douglas Street, Redfern for use as open space.
- (B) That a letter be forwarded to the Director General of the Department of Health thanking him for the time and effort he has put into the matter.

(A/DCS Report 15.8.01)

Carried.

19.5.

**LICENSING – OXFORD STREET, NO. 179, DARLINGHURST – PROPOSED
FOOTWAY LICENCE (2000348)**

- (A) That approval be given to:-
 - (1) the granting of a licence to Battuta Café Restaurant Pty Ltd ABN 76 093 563 207 over an area of 6 square metres of the footway of Oxford Street adjacent to 'Bartuta Café' at No. 179 Oxford Street, Darlinghurst as shown stippled on Plan No. S4-130/516D 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 provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement.
 - (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.
- (B) That the above approval be subject to the outstanding rental being paid up to date.

(DPWS Report 17/8/01)

Carried.

19.6.

**LICENSING – DARLINGHURST ROAD, NOS. 72-80, - AKA No. 8
BAYSWATER ROAD, POTTS POINT – PROPOSED FOOTWAY LICENCE
(2010329)**

- (A) That approval be given to:-
- (1) the granting of a licence to Stivaletta Enterprises Pty Ltd (ABN 56 002 246 924) over an area of 12 square metres of the footway of Bayswater Road adjacent to Kings Cross Cakes and Pies at No 72-80 Darlinghurst Road, Potts Point (aka 8 Bayswater Road), as shown stippled on Plan No S4-130/621 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.
- (B) That the above approval be subject to the outstanding rental being paid up to date.

(DPWS Report 16.08.01)

Carried.

19.7.

LICENSING – CROWN STREET, NO. 253, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2013361)

- (A) That the matter be deferred at the request of the applicant.
- (B) That the Director of Public Works and Services be requested to look at the placement of table and chairs on footways so as to complement any kerb side gardens.

Carried.

19.8.

LICENSING – ELIZABETH BAY ROAD, NO. 1A, ELIZABETH BAY – PROPOSED FOOTWAY LICENCE (L56-00295)

That the matter be deferred pending negotiations on the payment of outstanding rental.

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

That approval be given to:

- (1) the granting of a licence to Sleiman Trading Pty Limited ABN 26376351306 over an area of 151 square metres of the footway of Elizabeth Bay Road and Darlinghurst Road adjacent to The Fountain Café at No. 20 Darlinghurst Road and No. 1A Elizabeth Bay Road, Elizabeth Bay; as shown stippled on Plan No. S4-

130/373C and subject to the conditions in the schedule accompanying the Director's report;

- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, 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 14.8.01)

Motion, as amended by consent, carried.

19.9.

LICENSING – REDFERN STREET, NOS. 129-133, REDFERN – PROPOSED FOOTWAY LICENCE (2024625)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That approval be given to:-

- (1) the granting of a licence to Dianne Psaros (ABN 97 718 636 688) over an area of 4 square metres of the footway of Redfern Street adjacent to Redfern Deli at No 129-133 Redfern Street, Redfern, as shown stippled on Plan No.S4-130/823A 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 metres (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) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Condition 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (6) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (7) waiving Legal fees and security deposit for the footway restaurant licence, in the interests of street revitalisation, to 13 December 2002, whereon policy will be subject to review as approved by Council on 13 December 2000.

(DPWS Report 15/08/01)

Carried.

19.10.

LICENSING – OXFORD SQUARE, DARLINGHURST – PROPOSED MOBILE VENDORS LICENCE (2025087)

- (A) That approval be given to:-
- (1) the granting of a licence to Andy Malouf over an area of 34 square metres of the footway of Oxford Square, Darlinghurst as shown stippled on Plan No. S4-130/828 and subject to the
 - (2) 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;
 - (3) the execution of all relevant documents and plans by Council's Attorney;

- (4) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
 - (5) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, or failed to execute the licence agreement;
 - (6) any rent that falls due as a result of commencing the Footway Licence is paid by the due date;
 - (7) that a further report be submitted to Council after 12 months of operation and if required amendments made to the Licence.
- (B) That the Director of Public Works and Services be requested to submit a report on the relocation of commercial waste bins.

(DPWS Report 15.8.01)

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

- (a) the insertion of the following condition (2) as detailed in the report of the Director of Public Works and Services dated 15 August 2001, namely:-
 - (2) the licence being for a period of 5 years under Section 139A 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 for footway restaurant licences;
- (b) deletion of dot point 15 in condition 2 of the Mobile Vendors Licence Conditions.

Motion, as amended by consent, carried.

19.11.

PROPERTIES – UPGRADING – CORNER CAROLINE, LOUIS AND HUGO STREETS, REDFERN – AKA WILSON BROS SITE – NEW MULTI-PURPOSE COMMUNITY FACILITY (2024878)

That approval be given to:-

- (1) the acceptance of the tender submitted by Michael Davies Associates (MDA) to design a new multipurpose community facility at the corner of Caroline, Hugo and Louis Streets, Redfern, in the amount of \$111,750 (GST exclusive) and provision of \$11,175 (10% of GST exclusive contract value) as a contingency for unforeseen works;

- (2) the calling of tenders for construction of the new multipurpose community facility at completion of the documentation stage;

-funds of \$1,400,000 are currently available in the 2001-2002 Properties Works Programme. (Account Code: 71503.801.16630).

(A/DCS Report 16.8.01)

Carried.

19.12.

PROPERTIES – LEAD PAINT REMOVAL AND PAINTING TO KENSINGTON LANCE FAÇADE – WATERLOO TOWN HALL – NO. 770 ELIZABETH STREET, WATERLOO (201418)

That approval be given to:-

- (1) the voting of additional funds to the 2001/2002 Properties Works Programme Budget in the sum of \$49,656 for the external upgrading of Kensington Lane Facade of Waterloo Town Hall, 770 Elizabeth Street, Waterloo;
- (2) the acceptance of the quotation submitted by Programmed Maintenance Services Ltd to carry out the removal of the lead paint, replace the old damaged gutter and to paint the Kensington Lane Facade of Waterloo Town Hall in the amount of \$42,623 (excluding GST) and the provision of \$6,843 (15% of the contract value) as a contingency for unforeseen works;

-and that the word “asbestos” where appearing on page 1 of the Acting Director of Corporate Services report be deleted and the word “lead” be inserted in lieu thereof.

(A/DCS Report 17.8.01)

At the request of Councillor Lennon, and by consent, the motion was amended by the addition of the words “and that the Acting Director of Corporate Services be requested to submit a report in the Councillors Information Service setting out whether the tenderer has the proper qualifications to deal with the lead and asbestos removal work.

Motion, as amended by consent, carried.

19.13.

LEASING – NO. 108 ERSKINEVILLE ROAD, ERSKINEVILLE – PROPOSED RENEWAL OF LEASE TO PREPOSTEROUS PRODUCTIONS PTY LTD (2005879)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That approval be given to Preposterous Productions Pty Limited being offered a two (2) year lease with a two (2) year option period of Council owned premises, No. 108 Erskineville Road, Erskineville, at a rental of \$18,214 per annum gross inclusive of outgoings plus the Goods and Services Tax \$18,240 commencing on 12 June, 2001, subject to the provisions of their existing lease and the following terms and conditions, namely:-

- (1) That the premises are to be used as a Post Office for the term of the lease and option period;
- (2) The Lessee is responsible for the payment of the Goods and Services Tax;
- (3) The rent is to be reviewed to market at the commencement of the option period if exercised;
- (4) The Lessee is to provide Personal Guarantees for the term of the lease;
- (5) 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;
- (6) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the Lessee;
- (7) That all relevant documents are to be executed by Council's Attorney.

(A/DCS Report 17.8.01)

Carried.

19.14.

PROPERTIES – LEASING – OXFORD STREET, NO. 56, DARLINGHURST – RENEWAL OF LEASE TO STYLSTONE CLOTHING CO. PTY. LTD (L52-00118)

That approval be given to Stylstone Clothing Co Pty Ltd exercising their option for a further five (5) year period of Council owned shopfront premises, 56 Oxford Street, Darlinghurst, at a rental of \$74,742 per annum gross *inclusive* of outgoings (\$6,055.83 per month) *plus* the Goods and Services Tax, commencing on 1 September, 2001, under the same terms and conditions as the existing lease and subject to the following conditions, namely:-

- (1) That the rental be reviewed on the 2nd, 3rd, 4th and 5th terms of the lease by 5%;
- (2) The less 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/DCS Report 14.8.01)

Carried.

19.15.

**PROPERTIES – LEASING – OXFORD STREET, NO. 110, DARLINGHURST
– RENEWAL OF LEASE TO SINGAPORE DEVELOPMENT PTY LTD.
(L52-00139)**

That approval be given to Singapore Developments Pty Ltd exercising their option for a further five (5) year lease of Council owned premises, Shopfront, 110 Oxford Street, Darlinghurst, at a rental of \$81,900 per annum gross *inclusive* of outgoings (\$6,825 per month) *plus* the Goods and Services Tax, commencing on 1 September, 2001, under the same terms and conditions as the existing lease and subject to the following conditions, namely:-

- (1) That the rental be reviewed on the 2nd, 3rd, 4th and 5th terms of the lease by the Consumer Price Index (CPI);
- (2) That 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/DCS Report 14.8.01)

Carried.

19.16.

**LICENSING – CATHEDRAL STREET, NOS. 129 – 129A
WOOLLOOMOOLOO – PROPOSED FOOTWAY LICENCE (2024674)**

That approval be given to:-

- (1) the granting of a licence to Toby's Estate Coffee Pty Ltd ABN 86 084 104 423 over an area of 4 square metres of the footway of Cathedral Street, Woolloomooloo adjacent to Toby's Coffee at No. 129-129A

Cathedral Street, Woolloomooloo as shown stippled on Plan No S4-130/819A 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 Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 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 16/08/01)

Carried.

19.17.

LEASE – ERSKINEVILLE OVAL AND REDFERN OVAL – PROPOSAL BY SOUTH SYDNEY DISTRICT RUGBY LEAGUE FOOTBALL CLUB (5264950)

That the matter be deferred pending:-

- (a) written confirmation being obtained of the verbal lease and architectural upgrading proposals from the South Sydney District Rugby League Football Club and the South Sydney District Junior Rugby League Football Club as joint proponents;
- (b) the submission of a report detailing past resolutions and history relating to the lease of both Erskineville Oval and Redfern Oval by the South Sydney District Rugby League Football Club.

Carried.

19.18.**PROPERTIES – BOURKE ROAD NOS. 956-960, WATERLOO – REPLACEMENT AND SAFETY MODIFICATION AND UNDERGROUND STORAGE TANK REMOVAL (5129744)**

That Council grants approval for the voting of additional funds to the 2001-2002 Properties Works Programme Budget in the sum of \$33,000.00 to complete the remediation works at Council's Trades Depot, 956-960 Bourke Street, Waterloo, following the removal of leaking fuel tanks.

(A/DCS Report 16.8.01)

Carried.

19.19.**PROPERTIES – OXFORD STREET, NO. 225A, PADDINGTON – WALTER READ RESERVE PROJECT – PADDINGTON RESERVOIR ACCEPTANCE OF TENDER FOR STRUCTURAL RECTIFICATION WORKS (2024424)**

That approval be given to accept the tender submitted by Barbro Constructions Pty Ltd to carry out Stages 1 & 2 of the structural rectification works to the Paddington Reservoir in the amount of \$130,843.00 (including GST) and the provision of \$17,842.23 (15% of the contract value) as a contingency for unforeseen works. Funds will be revoted by the Finance Department into the 2001/2002 Strategic Planning Programme 31 – Sustainable Urban Environments (31-018 Walter Read Reserve Project). (Account Code: 51018.801.16630)

Carried.

19.20.**LEASING – BURLAND HALL – KING STREET, NOS. 218 – 222, NEWTOWN – LEASE TO SVI PTY LIMITED (2024867)**

That the Council receives and notes the report of the Acting Director of Corporate Services dated 20th August 2001 concerning community use of Burland Hall, King Street, Newtown.

Carried.

19.21.**LEASING – BURLAND HALL – KING STREET, NOS. 218 – 222, NEWTOWN – LEASE TO SVI PTY LIMITED (2024867)**

That the matter be deferred pending the submission of further information relating to Director's Guarantees, bond and recovery of the bond.

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

That Council receives and notes the report by the Acting Director of Corporate Services dated 29 August 2001, concerning the lease of Nos. 218 —222 King Street, Newtown (former Burland Hall).

Motion, as amended by consent, carried.

The Properties Sub-Committee Meeting terminated at 6.46 p.m.

The Finance Committee Meeting terminated at 8.22 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY, 22 AUGUST 2001 AT 6.47 PM

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

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

Item 1 - Legal Matter concerning litigation.

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

That the Report of the Finance Committee (Confidential Matter) of its meeting of 22 August 2001, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

SYDNEY PARK WETLANDS – DISPUTE RESOLUTION – HASLIN CONSTRUCTIONS (2025033)

That the recommendation of the Finance Committee (Confidential Matter) relating to Sydney Park Wetlands as detailed in the report of the Civic Affairs Manager/Public Officer dated 27 August 2001, be approved and adopted.

At this stage and at 7.55 pm, it was moved by Councillor Lennon, seconded by Councillor Furness:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, as it dealt with a legal matter concerning litigation.

Carried.

Those present at the meeting of the Committee of the Whole being:

The Mayor and Councillors Bush, Furness, Harcourt, Lay, Lennon, Mallard, Pooley and Shaw.

At 8.05 pm the Council Meeting resumed.

The Mayor then asked the Supervising Committee Clerk to read out the recommendation of the Committee of the Whole.

The Supervising Committee Clerk read out the following recommendation, namely:

That the recommendation contained in the report by the Director of Public Works and Services dated 17 August 2001, be approved and adopted.

The recommendation of the Committee of the Whole was then put and carried.

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

REPORT OF THE COMMUNITY SERVICES COMMITTEE

22 August 2001

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

At the commencement of business at 7.06pm those present were -

Councillors Furness, Pooley, Mallard and Shaw.

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

That the Report of the Community Services Committee of its meeting of 5 September 2001, be received and the recommendations set out below for Items 2,3,4 and 7 be adopted. . The recommendations set out below for Items 1, 5 and 6 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-**1.****COMMUNITY SERVICES – COMMITTEES – NEW MEMBERSHIP OF GAY, LESBIAN AND TRANSGENDER ADVISORY COMMITTEE (2017729)**

That arising from consideration of a report by the Director of Health and Community Services dated 16 August 2001, Council approves:

- (a) reactivating the Gay, Lesbian and Transgender Advisory Committee;
- (b) the proposed membership of the Committee as detailed in this report;
- (c) the Gay and Lesbian Liaison Officer being commended for her work in arranging membership of the Committee.

At the request of Councillor Furness and by consent, the motion was amended by the deletion of clauses (a) and (c) and the insertion of the following new clause (c) namely:-

- (c) the Gay and Lesbian Officer being commended for her work in preparing the recommendations for membership of the Committee.

Motion, as amended by consent, carried.

GENERAL MANAGER

2. COMMUNITY SERVICES – HOMELESSNESS SUMMIT

That arising from consideration of a report by the Director of Health and Community Services dated 17 August 2001, Council:

- (a) receive and note the recommendations from the Homelessness Summit
- (b) approve the Community Services Section to investigate the recommendations that relate to local government, and where appropriate, provide further information and recommendations to Council's Homeless, Marginal and Affordable Housing Committee for inclusion in the Affordable Housing Strategy

Carried.

3.**COMMUNITY SERVICES – MINUTES OF CULTURAL COMMITTEE MEETING ON 2 AUGUST 2001 (531635)**

That the report by the Director Health and Community Services dated 29 August 2001, be received noted.

Carried.

4.**PARKS – TAYLOR SQUARE – OXFORD, FLINDERS AND BOURKE STREETS, DARLINGHURST/SURRY HILLS – APPROVAL TO EXHIBIT PROPOSED CONCEPT DESIGN (2023675)**

That approval be given to exhibit the Concept Plan in Council's One Stop Shop and on site for the period from Monday 3rd September 2001 to Friday 28th September 2001, to seek community comment to determine a preferred and final concept design for Taylor Square and a further report be submitted to Council to report on the Exhibition and seek adoption of the Concept Design prior to Construction Documentation.

(DPWS Report 17/8/01)

Carried.

5.**PARKS – OPEN SPACE – BARTLEY ST. CHIPPENDALE – APPROVAL TO ADOPT MASTERPLAN (2024882)**

That approval be given to:-

- (1) adopting the draft Streetscape Masterplan as the Bartley Street Masterplan 2001;
- (2) proceeding with the documentation, call quotations and construct the streetscape upgrade of Bartley Street, Chippendale, as per the Bartley Street Streetscape Plan.

-involving an estimated cost of \$65,000 for which funds are available in the Parks Development 2001/2002 Works Program - (Bartley Street 45-105 - \$25,000, and Chippendale Brewery Park (Balfour) 45-104 - \$300,000).

(DPWS Report 17/8/01)

Carried.

6.

**COMMUNITY SERVICES - ARTS AND CULTURAL DEVELOPMENT -
HOMELESS CHOIR (2024828)**

That the matter be deferred and be referred to the next meeting of the Cultural Committee for consideration.

Carried.

7.

**COMMUNITY SERVICES – COMMUNITY SAFETY COMMITTEE'S
MINUTES OF MEETING OF 21 JUNE 2001 (2024299)**

That the report by the Director of Community Services dated 17 August, 2001 and the accompanying minutes of the Community Safety Committee held on 21 June 2001, be received and noted.

Carried.

The Community Services Committee Meeting terminated at 8.47 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

22 August 2001

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

GENERAL MANAGER

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

At the commencement of business at 6.50 pm, those present were:-

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

Moved by the Mayor, seconded by Councillor Lay:-

That the Report of the Planning and Development Committee of its meeting of 22 August 2001, be received and the recommendations set out below for Items 1 to 3 including 8,11,14,16,19 to 21 inclusive be adopted. The recommendations for 4 to 7 inclusive, 9,10,12,13,15,17, and 18 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

REDFERN STREET, NO. 117(AKA NO. 36 TURNER STREET), REDFERN – ALTERATIONS AND ADDITIONS TO ENLARGE ABORIGINAL MEDICAL CENTRE –DEVELOPMENT APPLICATION (U00-1133)

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

Carried.

2.

DOWLING STREET, NO. 238, WOOLLOOMOOLOO – MODIFY EXISTING TERRACE AND ERECT THREE STOREY DETACHED ADDITION TO CREATE THREE RESIDENTIAL UNITS AND COMMERCIAL OFFICE – DEVELOPMENT APPLICATION (U01-00478)

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 15 August 2001.

Carried.

3.

PALMER STREET, NO. 173, DARLINGHURST – USE PART OF RESIDENTIAL TERRACE AS COMMERCIAL OFFICE – DEVELOPMENT APPLICATION (U01-00434)

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under

delegation for the reasons in the report by the Director of Planning and Building dated 15 August 2001.

Carried.

4.

WILSON STREET, NO. 186, NEWTOWN – ERECT NEW DWELLING AND CONSOLIDATE LOTS – DEVELOPMENT APPLICATION (U00-00441)

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of Planning and Building dated 15 August 2001.

Carried.

5.

CONCORD STREET, NOS. 8-9, ERSKINEVILLE – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO TOWNHOUSES – DEVELOPMENT APPLICATION (U00-00226)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

(A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Patrick Loughnan, with the authority of Patrick Loughnan & Mary Sah Bandar, for the demolition of the existing dwelling and construction of new two townhouses, 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 \$4,455 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$540, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 817	2E97003.BGY0
Open Space: New Parks	\$3,801	2E97009.BGY0
Accessibility And Transport Management	\$ 25	2E97006.BGY0
	<u>\$ 62</u>	2E97007.BGY0
Total	\$4,705	

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

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

where:

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

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

Payment shall be made (before the release of the Construction Certificate / before the use is commenced or the release of the Occupation Certificate whichever occurs first.) (Delete as applicable)

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

Part B

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

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

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

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

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance. Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1,222	2E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the > Quarter 00/01 (Amend as applicable)

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 / before the use is commenced or the release of the Occupation Certificate whichever occurs first.) (Delete as applicable)

- (5) That the development shall be in accordance with plan drawn by Caline Pty Ltd and dated on 25 May 2001 (Revised) Nos. 1 to No.9 and dated by Council stamp 6 June 2001, except as conditioned elsewhere in this consent;
- (6) That proposed glass panels above the carpark lift panel door shall be deleted and replaced with cement rendered brickwork;
- (7) That all relevant sections of the BCA shall be complied with;
- (8) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (9) That the requirements of the Work Cover Authority shall be complied with;
- (10) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;

- (11) That all proposed work shall be wholly within the boundaries of the site;
- (12) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (14) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (15) That the demolition work shall comply with Australian Standard 2601-1991;
- (16) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (17) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished
- (18) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place;
- (19) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of

Australia;

- (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 shall be in materials similar to those existing. Such works shall be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (21) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (22) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then 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;
- (23) 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;
- (24) That the development shall satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;
- (25) That the applicant shall submit a landscape principles plan prepared by a qualified landscape architect or designer indicating hardworks and softworks including pavement treatments, indicative tree, shrub and ground cover species choice (Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and any landscape elements such as retaining walls, drainage, lighting, seating and garden bed edging prior to the Construction Certificate being issued;
- (26) That the street numbers shall be clearly displayed, with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;

- (27) Before erecting any hoarding, an application must be made to the Director of Public Works and Services for Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (28) 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);
- (29) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (30) 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;
- (31) 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;
- (32) 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 certifier prior to the approval of the Construction Certificate;
- (33) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (34) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on

- the land title. The wording of this covenant shall be agreed to by Council. A separate application for works on the public way
- (35) related to the connection shall be made to Council pursuant to section 68 of the Local Government Act, 1993. Approval shall be obtained prior to the issue of the Construction Certificate. The applicant shall be responsible for payment of application fees and the full cost of work, as well as the lodgement of security deposits, public liability insurance and the positive covenant;
 - (36) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;
 - (37) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
 - (38) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
 - (39) 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);
 - (40) That the applicant shall enter into a commercial contract for the daily collection of trade waste
 - (41) That a separate garbage/recycling storage area for commercial use shall be provided, detailed in the application for a construction certificate;
 - (42) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
 - (43) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
 - (44) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";

- (45) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (46) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (47) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;

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

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

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

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

Carried.

6.

MACKEY STREET, NO.48, SURRY HILLS – DEMOLITION OF PART OF DWELLING WITH AN EXTENSION OF THE UPPER LEVEL – SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION (U00-00424)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

- (A) That the Council, as responsible authority, refuses to grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Cracknell & Lonergan Architects, with the authority of R, J.V, R.P and R.A Wimbush, for permission to vary a consent granted to “*Demolish and reconstruct the rear portion of the cottage and add a second storey*” at 48 Mackey Street, Surry Hills, for the following reasons:
- (1) The proposal is inconsistent with clause 12(c) of LEP 1998 and is deemed prohibited because of its failure to ensure that the built form is in character with the locality and does not detract from the existing qualities of the environment.
 - (2) The proposal is inconsistent with the built environmental design principles in clause 28 of LEP 1998 in respect to its failure to reinforce and protect the local setting, streetscape and character of the locality..
 - (3) The application information is deficient as there are alternatives to demolition which have not been explored by the applicant and appointed engineers of the applicant.
 - (4) The proposal fails to satisfy the requirements of Clause 23A of SSCC LEP 1998 (Protection of Heritage Conservation Areas).
 - (5) The proposal fails to satisfy the requirements of Clause 23B of SSCC LEP 1998 (Buildings older than fifty years).
 - (6) The proposal is inconsistent with the heritage provisions of DCP 1998 and Part E of DCP 1997 through its failure to conserve and protect a contributory building in the heritage conservation area.
 - (7) The proposal would set an undesirable precedent.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the application be deferred to next Planning and Development Committee for conditions of approval to be drafted.

Carried.

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

7.

RESERVOIR STREET, NO. 141, SURRY HILLS – ERECTION OF THREE STOREY BUILDING AT REAR OF PROPERTY, CONTAINING GARAGE AND WC AT GROUND LEVEL, LIVING AREA AND KITCHEN AT FIRST FLOOR AND UPPER LEVEL BEDROOM (MULTIPLE DWELLING) – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00468)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Astridge Galvin Architects with the authority of Karen Allen, to erect a new three storey dwelling at the rear of the site at 141 Reservoir Street, Surry Hills, including a single car garage at ground level, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three 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) In order to provide for more perceived surveillance of Mackey Street and to improve the visual appearance of the building, the southern facade of the new dwelling shall incorporate two fixed vertically accentuated and translucent windows in order to reduce the extent of masonry presented to the street;
 - (b) A anthers report shall be submitted to Council demonstrating that the new dwelling is able to achieve a minimum energy efficiency rating of 3.5 stars;
 - (c) The balcony being reduced in size to 3m x 1m;
 - (2) That the development shall be generally in accordance with plans numbered DA06-DA11, inclusive, dated April 2001 and drawn by DA of Astridge Galvin Architects
 - (3) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following

monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category Account	Amount
Multi-Function Administration Centre 2E97008.BGY0	\$437

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the > Quarter 00/01 (Amend as applicable)

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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

(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	\$ 437	2E97003.BGY0
Open Space: New Parks	\$ 293	2E97009.BGY0
Accessibility And Transport	\$ 9	2E97006.BGY0
Management	\$ 22	2E97007.BGY0
Total	<u>\$ 761</u>	

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

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

where:

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

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

Payment shall be made (before the release of the 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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (5) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,570 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;
- (6) 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;
- (7) That during excavation, Council's Heritage Adviser shall be contacted in the event of discovery of any artefact, whether aboriginal or otherwise;
- (8) That the applicant is advised that this application has not been assessed for compliance with the Building Code of Australia;

-and the following standard conditions:-

- (9) Compliance with BCA⁹¹⁰⁴
- (10) Construction Certificate required⁹¹⁵⁵
- (11) Survey certificate at set out stage⁹⁰⁰¹
- (12) Survey certificate at completion⁹⁰⁰²
- (13) Stormwater details⁹⁰⁰³
- (14) Structural Design Certificate⁹⁰⁰⁶
- (15) Construction hours⁹¹⁵¹
- (16) Comply with the WorkCover Authority⁹¹⁰⁵
- (17) Hours of work and use of cranes⁹¹⁵³
- (18) Building/demolition noise control⁹¹⁵⁶
- (19) Works to be within allotment boundaries⁹¹⁵⁸
- (20) Excavations and backfilling⁹¹⁵⁹
- (21) Guarding of excavations⁹¹⁶⁰
- (22) Demolition to comply with Australian standard⁹¹⁶¹
- (23) Support for neighbouring buildings⁹¹⁶³
- (24) Issue of occupation certificate⁹¹⁰¹
- (25) Ventilation and natural light (class 1)⁹⁶¹³

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

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

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

Carried.

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

8.

TURNER STREET, NO.3, REDFERN – CHANGE FRONT WINDOW TO FRENCH DOORS – SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION (U00-00284)

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

Carried.

9.

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

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the 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, by deleting condition (3) and replacing it with the following condition:

- (3) That the development shall be generally in accordance with plans numbered DA02 dated July, 2000 and DA01B & 03A dated 29 January, 2001;

- (B) The applicant is to note that approval of this modification does not include variation to conditions (4) and (6) regarding the provision of on-site car parking.

- (C) That the report by the Director of Planning and Building dated 28 August 2001, be received and noted.

Carried.

10.

KING STREET, NOS. 174-176, NEWTOWN – APPLICATION FOR EXTENDED HOURS TO NEWTOWN HOTEL – DEVELOPMENT APPLICATION (U01-00605)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Mallard:-

- (A) That Council refuse the application to extend the hours of Newtown Hotel for the following reasons, namely:-
- (1) The proposal would generate adverse impacts on the amenity of surrounding residents due to noise;
 - (2) The proposal would generate adverse social impacts on the area;
 - (3) The proposal would generate additional parking impacts on surrounding streets including Watkin Street;
 - (4) Insufficient information has been submitted with respect to the management of the premises and the management of safety and security on and in vicinity of the site;
 - (5) The proposal would set an undesirable precedent and in not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Negatived on the shows of hands 5 votes to 4.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Stessel Pty Ltd, with the authority of Newtown Colonial Hotel Pty Ltd, to "a one year trial to extend the operating hours of the Newtown Hotel to 11:00am to 3:00am (the following day) Mondays to Saturdays and 11:00am to Midnight Sunday", subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be to the satisfaction of, and approved in writing by the Director of Planning and Building:

- (a) That a management plan shall be submitted to Council in accordance with Condition (5) of this consent. This management plan is to address, but not be limited by, the following matters:
- (i) Measures to minimise internal and external noise impacts on adjoining properties;
 - (ii) Waste minimisation, management, storage and collection procedures;
 - (iii) Staffing arrangements, including the number of staff to be employed on the site, including the number of staff on the site at any one time;
 - (iv) Details of how it is proposed to ensure the ongoing workability of emergency systems on the site including lighting and smoke detectors, any sprinkler systems, and air conditioning systems;
 - (v) Details of security arrangements and site management in the evening and early morning;
 - (vi) Details of how it is proposed to manage any crowding in vicinity of the site or on the site, ensuring that persons do not congregate on the footpath and impede access and/or egress from the site or on the footpath;
 - (vii) For licensed premises, details of staff training for the responsible service of alcohol and crowd management;
 - (viii) Confirmation of the capacity of the premises;
 - (ix) Confirmation of the hours of operation; and
 - (x) Servicing of the site, identifying site servicing requirements, and procedures and timing of servicing, including delivery times.
- (b) A development application shall be lodged seeking Council consent to install a closed circuit television system aimed at the exterior of the hotel;
- (2) That the extension of hours shall be restricted to the premises known as the Newtown Hotel at 174-176 King Street, Newtown and registered on the Certificate of Title 56/872481;

- (3) The hours of operation shall be restricted to between the hours listed in the following table:

Day	Start Time	End Time
Monday	11:00am	Midnight
Tuesday	11:00am	Midnight
Wednesday	11:00am	Midnight
Thursday	11:00am	3:00am (following morning)
Friday	11:00am	3:00am (following morning)
Saturday	11:00am	3:00am (following morning)
Sunday	11:00am	Midnight

- (4) That the extension of hours shall be commenced within 9 months of the date of this consent and shall cease after a period of 6 months from the date of commencement. A further development application to continue the hours of operation may be lodged 2 months before the end of the 6 month trial period for Council's consideration. Such consideration will be based on, but not limited by, the performance of the operator in relation to compliance with development consent conditions, any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.
- (5) That a management plan for the premises shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building. The licensee shall sign the management plan and shall ensure compliance with all operational strategies identified in the plan at all times. Council shall be advised in writing of any proposed change to the operational strategies and they are to be approved in writing by the Director of Planning and Building prior to their implementation.
- (6) That the operating hours shall not commence until such time as written evidence of consent from the Licensing Court of NSW is submitted to Council. Details of the Licensing Court's consent shall be included in a Management Plan signed by the licensee of the site and required by Condition (5);
- (7) That no live entertainment shall be provided on the premises after 12-midnight.
- (8) On each night of trading, the operator shall employ at least two security operatives from 9pm until the last person leaves the site. Details shall be included in a Management Plan required by Condition (5);

- (9) A closed circuit television system shall be installed and maintained in constant working order and record the interior of the hotel. All recording from the closed circuit television program are to be kept for a minimum of 1 month. Details shall be included in a Management Plan signed by the licensee and required by Condition (5);
- (10) No spruikers shall be employed in association with the premises and the following standard conditions:
- (11) Noise from Licensed Premises (Amplified Music)⁷⁰¹⁵
- (12) Noise and Vibration⁷⁰²⁸
- (13) Noise⁷⁰³⁰
- (14) Issue of Occupation Certificate⁹¹⁰¹
- (15) That as part of the responsibilities of the Licensee, staff and security is personnel of the hotel shall:
- (i) remind patrons leaving the hotel to keep noise to a minimum, particularly when walking along residential streets; and
 - (ii) report to the Newtown Local Area Command of the NSW Police Service any drug dealing or illegal activities occurring within sight of the premises;
- (16) That the trial hours of operation be restricted to the hotels bar areas and that the dining area be closed off at midnight;
- (17) That at least 3 of the 6 months of the trial must occur during summer months between September and March;

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
- (C) That Council's compliance section of the Planning and building Department investigate the information provided by the applicant in their submission that the licensed premises along King Street are operating outside the approved hours of operation.

Carried.

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

11.

GRANTS – LOCAL GOVERNMENT HOUSING INITIATIVES (LGHIP) – REGIONAL STRATEGY POLICY – SUPPORT FOR SUBMISSION OF EXPRESSION OF INTEREST (2015534)

That arising from the report from the Director of Health and Community Services dated 16 August 2001, it be resolved that Council:-

- (1) endorse the preparation of a joint Expression of Interest for LGHIP funding with the proposed partners of Waverley, Randwick, Botany and Marrickville Councils.
- (2) agree to the requirements of the LGHIP funding, namely:
 - jointly fund one half of the cost of the Regional Housing Coordinator position for a 2 year period;
 - commit an officer to work with the Regional Housing Coordinator on the Strategy;
 - actively participate in identifying and finding solutions to address housing issues;
 - commit assistance in the dissemination of project information/outputs/lessons learned;
 - sign up to a Memorandum of Understanding with the State Government; and
 - sign a Funding Agreement with DUAP indicating the commitment of each Council in the group.

Carried.

12.

PLANNING – GREEN SQUARE – STATE 2 DRAFT LEP AND DCP (2022897)

That:-

- (A) Council resolve to publicly exhibit Draft South Sydney LEP 1998 (Amendment No 11) - Green Square and DCP 1997 : Urban Design - Green Square Amendment Stage 2 for a period of 28 days, and in accordance with the Environmental Planning and Assessment Act 1979.
- (B) Advice be given to the Department of Urban Affairs and Planning of Council's resolution to publicly exhibit the above plans and use delegation given by the Director General of Urban Affairs and Planning

to Council's Director of Planning and Building to issue a section 65 certificate to enable the public exhibition.

- (C) A request be made to the Department of Urban Affairs and Planning for the waiving of the requirement to exhibit draft South Sydney LEP 1998 (Amendment No 11) - Green Square in accordance with the Best Practice Guidelines "*LEPs and Council Land - Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*", on the grounds that rezoning of any Council lands is part of a wide area rezoning.
- (D) The public exhibition of the Stage 2 LEP and DCP include advice to the effect that it is Council's intention to include the Stage 2 lands under an affordable housing scheme that will require land dedication or contributions for such purpose, similar to the provisions applying to Stage 1 lands.

(DPB Report 17.8.01)

It was moved by Councillor Lennon, seconded by Councillor Furness, that the motion be amended in that there be no increased height and floor space restrictions.

Negatived.

Motion, carried.

13.

RICHARDS AVENUE AND COLLINS STREET, SURRY HILLS – ROAD CLOSURES (T52-00223)

- (A) That arising from consideration of a report by the Director of Public Works and Services dated 17 August 2001, that approval be given to the opening of the trial closure of Collin Street, Surry Hills between Crown Street and Richards Lane and the extension of the trial closure of Richards Avenue for a period of 6 months. be received and noted.
- (B) That the Director of Public Works and Services ensure that the temporary road works be moved to be in line with the kerb of Foveaux Street.

At the request of Councillor Harcourt and by consent the motion be amended by the deletion of the words "received and noted" in clause (A) of the recommendation and the insertion in lieu thereof, of the words "approved and adopted"

Motion, as amended by consent, carried.

Carried.

14.

SEMINARS – SMART TARGETS FOR SUSTAINABLE TRANSPORT – TUESDAY 4 SEPTEMBER 2001 (2013513)

That the information on the “SMART Targets for Sustainable Transport” Seminar be received and noted and interested Councillors wishing to attend to contact the Director of Public Works and Services for a co-ordinated registration for the events.

(DPWS Report 20.8.01)

Carried.

15.

WOODBURN STREET, NOS. 6 – 8, REDFERN – SECTION 96 AMENDMENT APPLICATIONS (2) – CONTRIBUTION INCLUDED IN CONSENT (U99-00135)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority refuses to grant its consent to the Section 96 amendment applications submitted on 19 September 2000 and 17 April 2001 seeking permission to amend the consent granted on 23 August 1999 (with commencement approval given on 4 November 1999) in the manner detailed by colour in the plans reference DA02 to DA10 Issue H and in the written attachment, for the following reason, namely:

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

- (B) That the developer/owner be advised that the following unauthorised works may remain subject to the submission of all required certification from relevant accredited certifiers and the specified additional requirements, namely:-

- (1) The ensuite bedrooms in Units 1B, 2F & 3F subject to the bricking up of the windows on the side boundary or their replacement with glass bricks and the provision of mechanical ventilation;
- (2) The front ‘living’ and ‘bedroom’ rooms in Units 1D and 1E respectively;

- (3) The front 'study' and 'living' rooms in Units 3G and 3H respectively, subject to the payment of the following additional Section 94 contributions, payable by cash or by unendorsed bank cheque before the building is occupied, namely:

Contribution Category	Amount	Account
(i) Open Space: LGA Works Programme	\$ 363	2E97003.BGY0
Open Space: New Parks	\$1,690	2E97009.BGY0
Accessibility And Transport Management	\$ 11	2E97006.BGY0
	<u>\$ 28</u>	2E97007.BGY0
Total	\$2,092	
(ii) Multi-function Administration Centre	\$ 543	2E97007.BGY0

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 June 2000/01.

- (4) That the loft space is units 3A to 3E inclusive, subject to the removal of the toilet room, the deletion of the pull-down stair and replacement with a man-hole of maximum dimensions of 600mm x 600mm for access, the deletion of the openable windows on the side boundary of each unit and within 3m of the side boundary, the replacement of the square windows at either end of the roof space with a circular decorative air vent or equivalent to the satisfaction of the Director of Planning and Building in each case;
- (5) That the reallocation of the common roof deck on Level 3A to private courtyard space for Units 3F and 3G;
- (6) That the infilling of a void to extend the balcony in Unit 3H;

- (7) That the replacement of fixed planter boxes by rectangular terracotta planter pots, subject to the pots being close spaced along the western parapet in the case of both the common roof deck on Level 3 and the private balconies on Level 3A, and the provision of a fixed guard rail to secure the pots to the satisfaction of the Director of Planning and Building;
 - (8) That the reconfiguration of the bathroom/laundry facilities in Units 1B, 1C, 1D, 1E, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 2I and 2J;
 - (9) That the reconfiguration of the kitchen area in Units 3A to 3E inclusive;
 - (10) That the reconfiguration of the layout of Unit 2B including creation of a separate bedroom;
 - (11) That the reconfiguration of the layout of Units 3F on Level 3A, subject to the new windows closer than 3m from the southern side boundary complying fully with Part C.3 of the BCA or deleted;
 - (12) That the sliding doors at Level 3A in the Woodburn Street elevation, subject to the submission of an acoustic assessment report by an accredited acoustic engineer verifying that the Units 3A to 3E inclusive can comply with the noise attenuation guidelines of the State Rail Authority; the deletion of the privacy screens; and deletion of the external lighting over the openings;
 - (13) That the 'amplimesh' security screening as installed, subject to the replacement of the screen to Unit 1B by alternative security screening, if desired, which maintains the full existing opening width.
- (C) That the developer be advised that Council intends to issue a demolition order in respect of the unauthorised works, other than those listed in Part B and where the developer/owner has complied with the requirements therein.
- (D) That the developer/owner be advised that, in respect of the external treatment of the building, additional work is required and a Construction Certificate shall be submitted for the following:
- (a) light coloured Mini-Orb Colorbond sheeting shall be applied to the east and west elevations of the saw tooth roof of Level 3A extending from the roof capping down to the top of the windows.
- (E) That the persons who made representations in respect of the proposal be advised of Council's decision.

- (F) That the Council prosecute the developer/owner for carrying out the unauthorised work except for the work in Part (B).
- (G) That the applicant be advised that Council would be favourably disposed to receiving a Development Application for the commercial use of the residential tenancies IB – IE.

Carried.

16.

PALMER STREET, NOS. 234 – 236 AND 238, EAST VILLAGE HOTEL – ALTERATIONS AND ADDITIONS INCLUDING RENOVATION OF ROOFTOP TERRACE STRUCTURE AND CREATION OF AN INTERNAL LINKAGE BETWEEN THE MAIN GROUND FLOOR AND ADJOINING COMMERCIAL SPACE FOR ADDITIONAL SEATING – DEVELOPMENT APPLICATION (U01-00336)

That the development application submitted by Emerald Logic Pty Ltd, with the authority of Retemu Pty Ltd to carry out alterations and additions to the existing hotel including the use of the roof top terrace as bar and the erection of associated structures, the extension of the hotel into the ground floor of 238 Palmer Street and its use as a bistro, be deferred to the next Planning and Development Committee to be held on 5 September 2001.

Carried.

17.

OXFORD STREET, NOS. 117 – 123, DARLINGHURST – CONVERTING WESTPAC BANK INTO HOTEL – DEVELOPMENT APPLICATION (U01-00527)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Snell Architects, with the authority of McHugh Holdings Pty Ltd, to carry out internal and external alterations and to use the former bank building as a hotel with a place of public entertainment licence, subject to the following conditions, namely:-
 - (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be to the satisfaction of, and approved in writing by the Director of Planning and Building:

- (a) Details of amended façade design in accordance with condition No. 14;
 - (b) A schedule and sample of the colours and materials including the proposed wall tiles is to be submitted. The facade is to be painted in a colour scheme that is appropriate to the architectural character and style of the building;
 - (c) A detailed acoustical report from a recognised Acoustical Engineer being submitted detailing what measures need to be adopted to ensure compliance with the noise requirements specified under condition (56) and (57);
 - (d) Details of the proposed external signage, including details of the function of the premises – showing that it operates as a bar and a restaurant;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$13,200 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 \$4,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the development shall be generally in accordance with plans numbered DA1101, DA1201, DA1301, DA1302, DA1501 & DA1601 dated 8 June, 2001, except where amended by other conditions in this consent;
- (5) That the hours of operation shall be restricted to between 10.00am to 3.00am the following morning, seven (7) days a week;
- (6) That the Draft Plan of Management shall be finalised and adopted prior to operation of the premises and shall be in accordance with the draft Plan of Management prepared by Design Collaborative Pty Ltd and submitted with the Application.

The plan of management shall be signed by the licensee for the Hotel;

- (7) That compliance with the Plan of Management shall be given at all times;
- (8)
 - (a) closed circuit video surveillance cameras shall be installed both inside and outside the hotel in accordance with plans prepared by Kevin Snell Architects numbered FD06, FD07, FD08, FD09 except where no longer required as a consequence of the deletion of the balconies required by Condition (14);
 - (b) those cameras and associated equipment shall be selected to ensure that the quality of images recorded is satisfactory to Commander of the local Police Patrol;
 - (c) that equipment shall be maintained in working condition with any repairs or maintenance required being carried out quickly as is reasonably possible;
 - (d) the cameras installed outside the premises shall provide coverage of the whole of the footpaths of Oxford and Crown Street upon which the hotel abuts together with, at least, three metres of the width of the adjoining carriageways;
 - (e) video surveillance shall operate at all times the hotel is open for trade and, in the event of its closing, for, at least, 30 minutes after that time;
 - (f) monitors displaying the recordings made of the exterior of the hotel shall be placed where staff of the hotel can easily and frequently observe them;
 - (g) recorded tapes shall be preserved for, at least, days after which they may be re-used or destroyed;
 - (h) recorded tapes shall be made available to Police or Council Officers on receipt of a written request.
- (9) That each evening until the following morning or until the relevant level of the hotel is closed to the public (whichever is the earlier) there shall be, at least, one uniformed security person stationed on each level of the hotel that is open for trade.
- (10) That each evening until next morning, there shall be stationed at each of the three entrances into the hotel, a security person whose duties shall include:-

- (a) Checking the ages of those seeking to enter;
 - (b) Ensuring the persons unduly affected by alcohol or like substances are not permitted to enter;
 - (c) Ensuring maintenance of the hotel's dress code;
 - (d) Monitoring – if required- the numbers present in the hotel; and
 - (e) Monitoring the behaviour of patrons or potential patrons in the vicinity of the hotel;
- (11) That the hotel shall be conducted in a manner that does not impair the amenity of the locality;
- (12) That no spruikers shall be employed in association with the premises;
- (13) That an archival photographic record of the building is to be prepared in accordance with the NSW Heritage Office guidelines. Two copies of the record are to be lodged with Council prior to the commencement of works;
- (14) That the proposed balconies are not supported and shall be deleted. Cantilevered balconies are out of character with Oxford Street. The proposed balconies do not comply with DCP 1998 – Heritage Conservation – Clauses 4.1, 4.1.3 and 4.1.4. Details of the amended façade arising from this condition shall be submitted to Council and shall be to the satisfaction of the Director of Planning & Building;
- (15) That the existing face brickwork is to be restored and is not to be rendered, painted or coated in any way;
- (16) That the main Oxford Street entry foyers including notice board, staircase, handrail, balustrade, wall tiling, lift car, terrazzo flooring, plaster detailing are to be retained and conserved. The existing external granite cladding should be generally cleaned and grouted. Any damaged tiles should be repaired with coloured grout. Missing tiles are to be replaced with render painted in a sympathetic colour where matching tiles are not available;
- (17) Separate application for signs²⁰⁰¹
- (18) Signs/goods on footpath²⁰⁰³
- (19) Structural (C.C. with Council)⁹⁰⁰⁷
- (20) Issue of occupation certificate⁹¹⁰¹
- (21) Commencement of structural works⁹²⁰²

- (22) That no demolition/construction work shall be carried out prior to obtain Construction Certificate from Council;
- (23) Construction hours⁹¹⁵¹
- (24) Construction Certificate required⁹¹⁵⁵
- (25) Building/demolition noise control⁹¹⁵⁶
- (26) Maintain existing building in a stable condition⁹¹⁵⁷
- (27) Display of approval⁹⁷⁰¹
- (28) Occupant capacities⁹⁷⁰³
- (29) Maintenance of premises⁹⁷⁰⁴
- (30) Entertainment certificate required⁹⁷⁰⁶
- (31) That an entertainment application pursuant to Section 68 of Chapter 7 of the Local Government Act 1993 shall be submitted to Council for the entertainment authorisation;
- (32) That an alternative solution to the following conditions would be acceptable to Council if it addresses all of the performance requirements of the BCA:
 - (a) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1 of the BCA;
 - (b) That the services passing through a floor shall be protected in accordance with C3.15 of the BCA;
 - (c) That the passenger lift and the dumb waiter shall be enclosed by construction having a fire resistance level of not less than 60/60/60. All openings thereto shall be fitted with self-closing -/60/- fire doors in accordance with the requirements of clauses c3.10 and C3.13 of the BCA;
 - (d) Material and lining fire hazard properties⁹³²⁷
 - (e) Glazing provisions⁹³²⁹
 - (f) Access to exits⁹⁷¹³
 - (g) That balustrades and handrails shall be provided to all required exits, balcony and the like in accordance with the requirements of Clauses D2.16 and D2.17 of the BCA respectively;

- (h) That the edges of treads of all steps shall be made conspicuous and non-slip throughout;
- (i) Exit doors installed in a path of travel to an exit⁹⁴²¹
- (j) That number of exits required shall be in accordance with the requirements of Clause D1.2 of the BCA;
- (k) That exit travel distances shall be in accordance with the requirements of Clause D1.4 of the BCA;
- (l) That distance between alternative exits shall be in accordance with the requirements of Clause D1.5 of the BCA;
- (m) That all required stairways and steps shall be constructed in accordance with Part D2 of the BCA;
- (n) Width of stairs and vertical clearance⁹⁴¹⁸
- (o) That the existing eastern stairway shall be enclosed for its full height with construction having a fire resistance level of at least 60/60/60 and shall be provided with direct discharge to the public way. (All openings thereto except the final exit door, shall be protected by self-closing - /60/30 fire doors complying with AS1905 (Part 1) opening in the direction of egress);
- (p) Notices outlining the offences relating to fire exits⁹⁴³⁰
- (q) Warning signs in lifts⁹⁵¹⁶
- (r) Height of travel path in exit⁹⁴⁰³
- (s) That the main electrical switchboard and all electrical sub-boards shall be installed in accordance with the requirements of Clauses D2.7, C2.13 and H101.19 of the BCA;
- (t) That all plant rooms shall be separated in accordance with clause C2.12 of the BCA;
- (u) That the openings in the external walls (where applicable) shall be protected in accordance with the requirements of Part C3 of the BCA. Details shall be submitted to Council prior to construction;
- (v) Storage cupboards under stairs⁹⁸⁶⁶

- (w) Protection of openings⁹³⁰⁷
- (x) That materials used in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4 of the BCA;
- (y) Separation of entertainment area⁹⁷²⁶
- (z) Separation of storerooms⁹⁷²⁹
- (aa) Portable fire extinguishers be installed⁹⁵⁰¹
- (bb) Portable fire extinguishers be installed⁹⁵⁰²
- (cc) Fire blanket be installed⁹⁵⁰³
- (dd) Hose reels be installed⁹⁵⁰⁶
- (ee) Hydrants be installed⁹⁵⁰⁷
- (ff) Installation of sprinkler system⁹⁵¹⁰
- (gg) Emergency lighting⁹⁵¹⁸
- (hh) Exit signs⁹⁵¹⁹
- (ii) Directional signs⁹⁵²⁰
- (jj) That rooflights shall be in accordance with the requirements of Specification C1.1 of the BCA;
- (kk) That the maximum authorised capacity shall be calculated in accordance with table D1.13 and Part H of the BCA. Notwithstanding this condition, the maximum capacity of the premises shall be 509 persons minus the number of persons which could have been accommodated on the balconies which are now deleted by condition (14);
- (ll) That all internal areas including toilets for both sexes shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's ventilation Code;
- (mm) That sanitary facilities shall be provided in accordance with the requirements of F2.3 of the BCA;
- (nn) That the floor surfaces of wet areas 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 of the BCA;

- (oo) Sanitary facilities for people with disabilities⁹⁶¹⁰
 - (pp) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA. Attention is directed to the ceiling height of the gaming room and the mezzanine floor;
 - (qq) That access for people with disabilities shall be accordance with Part D3 of the BCA. Details shall be submitted to Council;
 - (rr) That all existing Essential Services shall be maintained and an “Annual Fire Safety Statement” shall be provided to Council under Part 9 Division 5 of the Environmental Planning and Assessment Regulation 2000;
- (33) 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;
- (34) That should application wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (35) 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;
- (36) Display Street Number¹²⁴
- (37) Builders hoarding permit¹⁰⁰⁸
- (38) Obstruction of public way³⁰²⁹
- (39) Delivery of construction materials²⁰³²
- (40) Stormwater standard⁴⁰⁰¹

- (41) Preserve existing trees⁵⁰⁰⁶
- (42) Final inspection⁵⁰¹⁵
- (43) Garbage on public way⁶⁰⁰¹
- (44) Commercial garbage contract⁶⁰⁰³
- (45) Commercial garbage storage⁶⁰⁰⁴
- (46) Garbage room⁶⁰¹⁰
- (47) Work within boundary⁹¹⁵²
- (48) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (49) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
- (50) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668;
- (51) The storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (52) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (53) The garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (54) That the business proprietor shall enter into a contract for the daily removal of trade waste from the premises;
- (55) 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;
- (56) 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;

(57) That noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria:

- The L_{10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- The L_{A10} noise level emitted from the licensed premises shall not exceed the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

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

No.	Health Aspect	Standard or Requirement
(i)	All proposed mechanical ventilation systems and fire precaution features.	Building Code of Australia and AS1668.
(ii)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
(iii)	The recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets.
(iv)	The layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all bars, food preparation and storage areas.	National Code for the Construction and Fitout of Food Premises.

(59) That a further report being submitted from a recognised Acoustical Engineer confirming that the proposed use of the premises complies with the noise requirements specified under condition (56) and (57). This report shall be completed by an independent engineer used in

relation to the condition detailed above and shall be submitted to Council's satisfaction before the issue of an occupation certificate;

- (60) The use of the premises as a hotel shall not obstruct the flow of pedestrian using the footpath in Oxford and Crown Streets, in this regard there shall be no queuing on the public footpath at any time. Adequate waiting areas shall be provided within the building that do not obstruct required exits;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

It was moved by Councillor Bush, seconded by Councillor Mallard, that the motion be amended by the deletion of any conditions relating to balconies being deleted.

Negatived.

Motion carried.

Carried.

18.

VICTORIA STREET, NO. 239, DARLINGHURST – DEMOLITION OF TERRACE HOUSE AND CONSTRUCTION OF MIXED 4 STOREY COMMERCIAL/RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00380)

At the Council Meeting Councillor Mallard declared an interest in the Item in that he knew a minority owner of the premises. Councillor Mallard left the Council Chamber and did not take part in voting or discussions on the matter.

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Isocracy P/L, with the authority of Coogee Squash Courts, to demolish a 2 storey terrace and construct a 4 storey mixed commercial and residential flat building, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be to the satisfaction of and approved in writing by the Director of Planning and Building prior to approval of an application for a Construction certificate:

- (a) Details, including samples of the proposed materials and finishes of the Victoria Street and Hayden Lane elevations.
 - (b) Details of disabled access in accordance with condition (7);
 - (c) Details of garbage storage room in accordance with condition (21);
 - (d) Details of mechanical ventilation system in accordance with condition (26);
 - (e) Details of landscaping in accordance with condition (6);
 - (f) Details of a deed of agreement and bank guarantee for public domain capital improvements works, in accordance with condition (9);
- (2) That the development shall be generally in accordance with plans numbered (DA01 and DA02 dated 3/3/01; DA03, DA04, and A05 dated 18/7/01, as stamped and endorsed by Council, and subject to the amendments outlined below;
- (3) That any mechanical ventilation exhaust outlet on Hayden Lane shall not generate noise beyond ambient background noise;
- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6600 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;
- (5) 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 \$800, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) That the roof landscaping shall include a 2 metre deep landscaped area for the full width of the roof along the Hayden Lane edge, to act as an effective visual privacy screen. The landscaping shall be with in situ planter boxes, and shall be automatically watered and shall be maintained in perpetuity;

- (7) That access for the disabled will be provided to the retail and commercial spaces on the ground floor;
- (8) 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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$981	2E97001.BGY0
Open Space/Townscape/Public Domain	\$4960	2E97002.BGY0
Accessibility And Transport	\$30	2E97006.BGY0
Management	\$73	2E97007.BGY0
Multi function admin centre	\$1620	2E97008.BGY0
Total	\$7671	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest 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 the consent being the June Quarter 00/01.

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.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. 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. To support a 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. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (9) That, in order to qualify for a floorspace bonus of 1.51:1 FSR, and in addition to Section 94 contributions, the developer shall bear the cost of design and construction of public domain improvements on Victoria Street and nearby areas to the value of 79,900, or in a cash contribution to South Sydney Council. This amount shall be indexed as are Section 94 contributions in condition (8).

A performance bond shall cover the full value of works, and shall be lodged with Council in the form of a bank guarantee of \$79,900 and a deed of agreement, prior to the issue of a Construction Certificate. Council shall retain 10% of the value of works for 12 months following the issue of the Occupation Certificate as security against defective work. The Deed of Agreement and Bank Guarantee details shall be prepared in consultation with Council's Department of Public Works and Services and Department of Planning and Building, and shall be to the satisfaction of the Director of Planning and Building;

-and the following standard conditions:

- (10) Resident parking restrictions for new residential flats³¹⁰⁵
- (11) Consolidate Lots¹⁰⁰⁸
- (12) Alignment Levels¹⁰¹⁶
- (13) Consequential Roadworks³⁰²⁷
- (14) Delivery of Construction Materials³⁰³²

- (15) Stormwater Standard ⁴⁰⁰¹
- (16) Refuse Skip ⁶⁰⁰²
- (17) Works to be within allotment boundaries ⁹¹⁵⁸
- (18) Work on public way ⁹¹⁵⁴
- (19) Ventilation ⁷⁰²⁵
- (20) Based on the total area of internal and external seating (36m₂) for the proposed café/restaurant the following sanitary facilities shall be provided in accordance with Part D1.13 and Part F2.3 of the Building Code of Australia:

	Closet Fixture	Wash Hand Basin
Male	1	1
Female	1	1

- (21) Garbage storage area ⁶¹⁰³
- (22) Commercial garbage storage area ⁶¹⁰⁴
- (23) That the proprietor of the proposed café/restaurant shall enter into a commercial contract for the collection of trade waste. A copy of the agreement shall be lodged at Council's One Stop Shop for referral to the Waste Services Manager, prior to the issue of a Construction Certificate;
- (24) Fitout of food premises ⁷⁰²⁰
- (25) Exhaust for food ⁷⁰²¹
- (26) That the mechanical exhaust ventilation system to the ensuites must exhaust at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s from each sanitary fixture;
- (27) Noise and vibration ⁷⁰²⁸
- (28) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

- (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (A) That the persons who made representations in respect of the proposal be advised of Council's decision

Carried.

At this stage Councillor Mallard returned to the Council Meeting.

19.

WALTER STREET, NO. 28, PADDINGTON – INTERNAL ALTERATIONS – SECTION 96 APPLICATION (U00-00756)

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 20 August 2001.

Carried.

20.

COMMONWEALTH STREET, NOS. 106 – 112, SURRY HILLS – USE PREMISES AS RESTAURANT/CAFÉ – DEVELOPMENT APPLICATION (U01-00011)

That the Development Application submitted by Gran Turisimo Restaurant Bar, with the authority of Matthew Lepouris, to Use a portion of the ground floor of 106-112 Commonwealth Street as a café, restaurant and bar with operating hours between 6:30am to 12-midnight Monday to Saturday and 7:30am to 12-midnight Sunday be deferred tot he next Planning and Development Committee meeting to be held on 5 September 2001.

Carried.

21.

SYDNEY PARK ROAD, NOS. 221 – 229, ERSKINEVILLE – DEMOLISH EXISTING BUILDINGS AND ERECT 210 RESIDENTIAL UNITS IN 4-18 STOREY BUILDINGS WITH BASEMENT LEVEL CAR PARKING, STORAGE AREA, ASSOCIATED LANDSCAPING AND PUBLICLY DEDICATED THROUGH SITE LINK – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00441)

(A) That the Council, as the consent authority, grants its deferred commencement consent pursuant to Section 80(3) the Environmental Planning and Assessment Act, 1979, to the development application submitted by Bonus Architects, with the authority of Contases Pty Ltd, for the demolition of existing buildings and the erection of buildings to contain 210 dwelling units, with associated parking and landscaped areas and the dedication of 577m² of publicly accessible land to the eastern side of the site, subject to the following conditions, namely:-

(1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within six 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) A package of public domain improvements to the value of \$719,180 being offered by the applicant and being acceptable to Council which shall include the dedication and improvement of the land identified in conditions (3), (4), (5), (39) and (41) plus such other works acceptable to Council to make up the quantum.

(2) That the development shall be generally in accordance with plans numbered DA111-122 inclusive, all Issue E and dated 11 May, 2001 and DA 131-134 inclusive, all Issue E and dated 11 May, 2001 and drawn by Bonus Architects and works shown in colour on the landscape plan, numbered LA01 A, dated May 2001 and drawn by dm Taylor Landscape Architects, except where varied by any of the following conditions (it should also be noted that where there is any inconsistency between the architectural and landscape plans, the former shall take precedence);

(3) The land proposed to be dedicated to Council along the eastern side of the site, shall be dedicated to Council prior to release of the strata plan for the development. The land must be remediated fit for its intended purpose if any contaminants are present, must not be excavated or filled without Council's consent, must be sewn with a cover crop approved by Council and must be made accessible from Sydney Park Road by a

means approved by the Director of Planning and Building prior to its dedication;

- (4) That the applicant, by way of public benefit and in exchange for bonus floor space within the development, shall dedicate the through-site link as identified on the approved drawings referred to in (2) above, free of charge to Council;
- (5) The developer shall dedicate to Council, free of charge, the land for road widening (new footpath) along Sydney Park Road;
- (6) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$117,904	2E97008.BGY0

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

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the March Quarter 2000/2001.

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

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (7) 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	\$ 78,920	2E97003.BGY0
Open Space: New Parks	\$269,759	2E97009.BGY0
Accessibility And Transport Management	\$ 2,363	2E97006.BGY0
	\$ 5,946	2E97007.BGY0
Total	\$356,988	

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 – March 2000/2001.

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

Payment shall be made before the release of the Construction Certificate.

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

Part B

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

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

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

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

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

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

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (8) That coloured elevations, a schedule of finishes and samples of materials shall be submitted to Council for the approval, in writing, of the Director of Planning and Building, prior to release of the construction certificate;
- (9) That the roof treatment of the tower shall be in consultation with Council's Urban Design Coordinator and all plant equipment and

subsequent design shall be the subject of a further application to Council;

- (10) That the height of the roof (including lift overrun, mechanical services and the like) is not to exceed RL67.68;
- (11) That the floor space ratio of the proposed development shall not exceed 1.763:1, being a floor area of 20,329m², including that area within Basement Level 2 designated as storage. Shaded computer drawings shall be submitted with the construction certificate demonstrating compliance with this condition;
- (12) That the applicant/developer shall undertake the recommendations made in the 6 May, 1998 report prepared by Environmental Management Services in relation to site contamination, in particular:-
 - (a) further testing shall be carried out after demolition of the buildings on the site,
 - (b) long term monitoring for methane emissions,
 - (c) a contamination management plan shall be drawn up to alert future owners of the presence of contamination beneath the cap,
 - (d) a remediation action plan is required detailing procedures to be followed during earthworks,
 - (e) if the underground storage tank cannot be located prior to demolition works, an emergency response plan shall be prepared. The plans should outline precautions to be observed during excavation and a course of action to be taken when the tank is discovered.
- (13) In addition to Condition (14), prior to the issuing of a construction certificate for above ground works, an updated Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act, 1997, is to be submitted to Council clearly demonstrating that the site is suitable for its intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent.

However, in the circumstances where the Site Audit Statement conditions (if applicable) are inconsistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 application pursuant to the Environmental Planning and Assessment Act, 1979, will be required. The report shall be an ancillary report to that dated 6 May, 1998, prepared by Environmental Investigation Services and forming part of the Masterplan consent;

- (14) That the applicant shall demonstrate that the development would comply with the State Rail publication *Rail Related Noise and Vibration - Issues to Consider in Local Environmental Planning - Development Applications and Building Applications* in particular the requirements of Australian Standard 2107;
- (15) That the proposed planting of street trees and replacement of the footway on Sydney Park Road shall be carried out in accordance with specifications endorsed by the Director of Public Works and Services and shall be completed prior to release of the strata plan;
- (16) That at least 21 of the units shall be capable of being adaptable for the purposes of accommodating disabled persons in accordance with Disability Anti-Discrimination requirements;
- (17) That under direct instructions from the Roads and Traffic Authority of NSW, the proposed indented parking bay along Sydney Park Road is not permitted and shall be deleted from the plans;
- (18) That the developer shall meet all costs to construct to Council's minimum standards, all road improvements around the site that are related to the development;
- (19) That all habitable areas of the building and the car park shall be protected against inundation during a 1 in 100 year flood event;
- (20) That all end bay car parking spaces within the basement level car park shall be a minimum of 3 metres wide;
- (21) That the storage area at basement level is to be used for such purposes and not for vehicular parking;
- (22) All power lines adjacent to the boundary in Coulson Street and Sydney Park Road are to be relocated underground at the expense of the applicant;
- (23) That the developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;
- (24) That the communal open space areas within the development shall be equipped with seating, play equipment for children and other facilities such as BBQs and shade structures so as to provide a wide range of outdoor recreation opportunities. Details shall be submitted with the construction certificate;

- (25) 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 to in writing by the Director of Public Works and services;
- (26) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for Council to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (27) That the applicant shall lodge with Council and from a bank approved by Council, a guarantee for the estimated construction cost of all works on the adjacent roads, which Council will require resulting from the development consent conditions for this development.

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

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

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

- (28) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval, all work shall be carried out strictly within the confines of the site;
- (29) That the applicant shall provide a system of on-site stormwater detention to conform to Council's Code. The applicant shall

submit with the application for a construction certificate, the drainage plans prepared by a drainage consultant certified by Council. The drainage must be discharged to Council's system in accordance with the requirements of Council's Drainage Code. The applicant must pay Council all fees relating to the discharge of stormwater;

- (30) 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;
- (31) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (32) That the number of resident spaces provided shall be 158, allocated in proportion to:-
- 0.5 space per unit for one bedroom units, bedsitters and studios;
 - space per two bedroom unit;
 - 1.2 spaces per three bedroom unit;
 - No more than one parking space allocated to each one and two bedroom unit;
- (33) That the number of visitor spaces provided shall total 23. These spaces shall be kept available for the exclusive use of visitors, tradesmen and the like, shall be clearly indicated with appropriate marking and signage, and located on Basement Level 1 immediately inside the roller doors;
- (34) The developer shall meet all costs associated with the design, approval and construction of the driveway, kerb and gutter, intersection treatments and landscaping in the vicinity of the Coulson Street access junction generally as per Council sketch SSCC1 dated 16-8-01. Before construction, approval of the South Sydney Traffic Committee to the intersection treatments shall be obtained. Plans for all works shall be approved by the Director of Public Works and Services before construction commences;
- (35) Bicycle parking for residents shall be provided in the form of at least 54 individual bicycle lockers (Class 1 facilities of AS2890.3) or 9 communal lockers housing no more than 6 bicycles each (Class 2 facilities of AS2890.3) located in convenient, easily accessible locations. Bicycle parking for visitors shall in the form of at least 16 inverted U-stand spaces or similar (Class 3 facilities of AS2890.3)

provided at convenient, surveillable and clearly signed locations within the carpark and ground level common areas;

- (36) That the carpark shall be substantially designed in accordance with AS2890 Parking Facilities – Part 1: Off-Street Car Parking and South Sydney DCP No.11 - Transport Guidelines for Development. In particular, columns shall be set back 0.75m from the face of parking bays. Ends spaces shall be a minimum of 3.0m wide.
- (37) That the disabled parking spaces, entrances and communal 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 defence against potential action until an accepted industry standard is available.

- (38) That to ameliorate the traffic impacts of the development, the applicant/developer shall make a monetary contribution to council of \$24,000 for traffic calming works in Bray and Concord Streets, Erskineville. The contribution shall be paid into account RC922SEC prior to the release of a construction certificate;
- (39) That the owner/developer shall dedicate free of cost to Council, the following land:
 - (a) a 2.0m wide strip along the 82m long site frontage to Sydney Park Road;
 - (b) a 6.0m wide strip along the 83m long eastern frontage of the site;

-the land to be dedicated shall be limited if so desired in height to 5m above or in depth to 2m below the adjacent footpath level and shall be detailed in a plan for consolidation of the land, to be approved by the Director of Public Works and Services, prior to the issuing of an Occupation Certificate.

- (40) That the dedicated land along Sydney Park Road shall be clear of structures such as planter boxes and shall be constructed as footpath in accordance with Council's Streetscape Masterplan (for details contact Public Works Approvals Manager on 9288 5449).
- (41) That the applicant/developer shall make a monetary contribution to Council of \$80,000 for pathway construction and landscaping treatment of the dedicated land on the eastern frontage of the site. These works shall be co-ordinated by Council with the treatment of similar dedications of surrounding sites. The contribution shall be paid into account RC922SEC prior to the release of a construction certificate.
- (42) That the applicant shall ensure that all vehicle access for demolition is off Coulson Street;
- (43) That the applicant shall provide off-street parking for all workers constructing the development;
- (44) That the applicant shall install a speed bump within the site's boundary to slow the speed of vehicles exiting the site;
- (45) The development of the detailed landscaping plan is to be in keeping with the principles and intent documented on Drawing numbered LA01 A, dated May 2001 and drawn by dm Taylor Landscape Architects. Installation of species are to be in keeping with the species, size and quantities listed on the approved landscape drawing;
- (46) That before entering a purchase/lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in prominent places, to Council's satisfaction, such as a directory board or notice board, where it can easily be read and observed by persons entering the buildings;
- (47) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 5 x 1.5m³ bins for domestic refuse and 40 x 240 litre Sulo recycling bins;
- (48) That a representative of the applicant/developer shall meet with Council's Waste Services Operations Manager to discuss general requirements regarding collection services and waste management responsibilities;
- (49) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$79,200 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;

- (50) 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 \$60,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (51) That the development shall be fitted where appropriate with solar water and/or efficient gas water heating in accordance with Council's requirements;
- (52) That the developer shall provide a system of on-site stormwater detention to conform with Council's code. The developer shall submit with the application for a construction certificate, the drainage plans prepared by a drainage consultant certified by Council. The drainage must be discharged to Council's system in accordance with the requirements of the drainage code. The developer must pay Council all fees relating to the discharge of water;
- (53) That the developer shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The developer shall apply and pay fees for Council to consider those levels. The developer shall adopt the final boundary alignment levels fixed by Council;
- (54) That the developer shall reinstate any damaged kerb & gutters in materials similar to those existing;
- (55) That a detailed landscaping plan and specification for the site, prepared by a qualified landscape gardener or designer, shall be submitted with the development application for consideration by Council's Director of Public Works and Services. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details;

- (56) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS 1668, Parts 1 and 2;
- (57) That the carpark shall be ventilated in accordance with AS 1668.1-1991, Section 7 and AS 1668.2-1991, Section 4;
- (58) The storage and handling of garbage and recycling shall comply with the requirements of Council's "Waste Management/ Minimisation Fact Sheets";
- (59) 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;
- (60) That all relevant sections of the Building Code of Australia shall be complied with;
- (61) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of 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 Council;
- (62) That a survey certificate shall be submitted from a registered surveyor to the effect that the approved building has been set out so that the dimensions and location on the site are in accordance with the approved plan, prior to the foundation excavations being commenced;
- (63) That a survey certificate shall be submitted at the completion of the building work from a registered surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (64) 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 the commencement of any work;
- (65) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;

- (66) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (67) That new works, including footings, shall not project beyond the street alignment or boundaries of the allotment;
- (68) That all excavations associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (69) That all demolition work shall comply with Australian Standard 2601-1991;
- (70) If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage;
- (71) That the requirements of the WorkCover Authority shall be complied with;
- (72) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW EPA Environmental Noise Control Manual Chapter 171, that is:-
 - (i) Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.
 - (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

The above noise levels are applicable for the approved hours of construction being:-

- Monday to Friday 7.00am to 5.00pm; and
 - Saturday 7.00am to 3.00pm
 - No construction work outside of these hours is permissible without the prior approval of Council.
- (73) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (74) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (75) That the garbage/recyclable materials room and garbage chutes shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (76) That the breakdown of demolition materials shall not occur on site, except as necessary to remove the materials from the site;
- (77) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (78) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority, pursuant to the provisions of the following:
- Protection of the Environment Operations Act, 1997;
 - Waste Minimisation and Management Act, 1995;
 - New South Wales Occupational Health and Safety Act, 1983;
 - New South Wales Construction safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983);
 - The Occupational Health and Safety (Hazardous Substances) Regulation, 1996;
 - The Occupational Health and Safety (Asbestos Removal Work) Regulation, 1996;
- (79) That the applicant and/or builder shall, prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition.

Measures shall include:-

- Siltation fencing;
 - Protection of the public stormwater system; and
 - Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public open space;
- (80) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free of sediment. Matter is not to be washed down into the drainage system;
- (81) That prior to the commencement of demolition activities, an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not necessarily be limited to, the following measures:-
- (i) measures to control noise emissions from the site;
 - (ii) measures to suppress odours and dust emissions;
 - (iii) soil and sediment control measures;
 - (iv) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (v) community consultation.
- (82) That all car washing bays shall be graded and drained to the sewer in accordance with the requirements of Sydney Water;
- (83) That the use of the premises shall not give rise to "offensive noise" to any place of a different occupancy, and
- Transmission of "offensive noise" to any place of a different occupancy, **and**
 - A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content; **and**
 - A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Industrial Noise Policy;

- (84) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a construction or occupation certificate;

No.	Health Aspect	Standard or Requirement
(i)	All proposed and required mechanical ventilation systems	BCA and AS 1668, Parts 1 and 2
(ii)	Garbage and recycling storage areas	SSCC Waste Management / Minimisation Fact Sheets

and the following standard conditions:

- (85) Support for neighbouring buildings⁹¹⁶³
 (86) Protection of public places⁹¹⁶⁴
 (87) Signs erected on building and demolition sites⁹¹⁶⁵
 (88) Consolidate Lots¹²²
 (89) Display Street Number¹²⁴
 (90) Works on Public Way Cost¹⁰⁰²
 (91) Alteration of Public Services¹⁰⁰⁶
 (92) Builders Hoarding Permit¹⁰⁰⁸
 (93) Shoring¹⁰¹²
 (94) Residential Parking Access³⁰⁰¹
 (95) Disabled entry³⁰²⁴
 (96) Road Opening Permit³⁰²⁵
 (97) Cost of Signposting³⁰²⁶
 (98) Consequential Roadworks³⁰²⁷
 (99) Footway Crossing³⁰²⁸
 (100) Obstruction of Public Way³⁰²⁹
 (101) Construction Traffic³⁰³⁰
 (102) Traffic and Pedestrian Management³⁰³¹
 (103) Delivery of Construction Materials³⁰³²
 (104) Stormwater Standard⁴⁰⁰¹
 (105) Clean Water Discharge⁴⁰⁰²
 (106) Overland Flowpaths⁴⁰⁰⁴
 (107) Connection to Council's Stormwater System⁴⁰⁰⁵
 (108) Landscape Plan⁵⁰⁰¹
 (109) Street Trees⁵⁰⁰⁸
 (110) On Slab Planting⁵⁰¹³
 (111) Maintenance of Landscaping⁵⁰¹⁴
 (112) Final Inspection⁵⁰¹⁵
 (113) Garbage on Public Way⁶⁰⁰¹
 (114) Refuse Skips⁶⁰⁰²
 (115) Construction Noise⁷⁰⁰⁸
 (116) Stormwater drainage easements⁸⁰⁰²
 (117) 8004 Sewer discharge⁸⁰⁰⁴
 (118) Drainage Design Certificate⁹⁹⁰¹¹

- (119) Stormwater Certificate at Completion⁹⁹⁰¹⁶
- (120) Construction hours⁹¹⁵¹
- (121) Works Within Boundary⁹⁹¹⁵²
- (122) Hours of work and use of cranes⁹¹⁵³
- (123) Work on public way⁹¹⁵⁴
- (124) Sewer discharge⁸⁰⁰⁴
- (125) Emissions⁷⁰⁰⁴
- (126) Noise and vibration⁷⁰²⁸
- (127) Compliance with BCA⁹¹⁰⁴
- (128) Construction Certificate required⁹¹⁵⁵
- (129) Soil and sediment prosecution note⁷⁰⁸⁶

NOTE: The applicant is advised that this application has not been assessed for compliance with the Building Code of Australia.

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

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

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

Carried.

Councillor Furness requested that his name be recorded as voting against the foregoing motion.

The Planning and Development Committee Meeting terminated at 8.00 pm.

NOTICES OF MOTION

1.

COUNCIL – EXTRAORDINARY MEETING FOR ELECTION OF MAYOR, ELECTION OF DEPUTY MAYOR AND ELECTION OF MEMBERS AND CHAIRS OF STANDING COMMITTEES, SPECIAL COMMITTEES AND OUTSIDE COMMITTEES – NOTICE OF MOTION

By Councillor Furness.

That an Extraordinary Meeting of Council be held on Monday, 3 September 2001 at 6.30 p.m. at Erskineville Town Hall to conduct the following items of business:

- Election of the Mayor
- Election of the Deputy Mayor
- Election of Members and Chairs of Standing Committees, Special Committees and Outside Committees

-Councillor Furness withdrew his Notice of Motion.

2.

MOORE PARK ROAD – RESIDENTS PARKING ONLY WHEN SPECIAL EVENTS CLEARWAY IS ACTIVATED – NOTICE OF MOTION

By Councillor Lennon.

That when the Special Events Clearway is activated on Moore Park, that the opposite side of Moore Park Road be Resident Parking only.

-Councillor Lennon withdrew her Notice of Motion as this matter was dealt with as a Question Without Notice.

The Council Meeting terminated at 8.53 p.m.

Confirmed at a meeting of South Sydney City Council

held on.....2001

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER