

**285<sup>TH</sup> Meeting**

**Erskineville Town Hall  
Erskineville  
344337**

**Wednesday, 14 November 2001**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.36 pm on Wednesday, 14 November 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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**ACTING GENERAL MANAGER**

### **Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Lennon:-

That the minutes of the Ordinary Meeting of Council of 24 October 2001, be taken as read and confirmed.

At the request of Councillor Furness and by consent, the minutes of 24 October 2001, were amended on Page 1289 by the deletion of the word "advise" where appearing twice in Clause (3) being the amendment by Councillor Furness of Item No.5, Community Services Committee and the insertion in lieu thereof of the following new word "advice"

At the request of the Mayor, and by consent the minutes of 24 October 2001 were amended on page 1267 by the deletion of the words "Answer by the Mayor" where appearing on the top of the page and the insertion in lieu thereof of the words "Answer by the Director of Organisational Development".

Minutes, as amended by consent, were then confirmed.

### **MINUTE BY THE MAYOR**

12 November, 2001

#### **PERSONNEL - WILLIAM RAYMOND ANDREW 40 YEARS SERVICE (5241740)**

It is with pleasure that I announce that William Andrew, one of Council's long standing employees, has attained 40 years service on 6<sup>th</sup> November, 2001.

Bill commenced duties as a junior messenger boy aged 16 years at Sydney City Council in the Town Clerk's Department. In 1962 he was appointed Clerk in that Department which later was known as the Administration Department. In 1976 he was appointed as Assistant Committee Clerk followed by Committee Clerk in 1983, and Administrative Officer Grade 4, Senior Committee and Relief Clerk in 1984.

From 1984 Bill acted in the position of Chief Clerk, Secretariat on numerous occasions and in 1989 he was appointed Administration Officer/ Finance & Administration Department in the newly formed South Sydney Council.

Bill has been a loyal servant to Council attending numerous Council meetings whilst in the Committee Clerk section, catering to the needs of a number of the different Councillors and Mayors, and more lately in his role as Civic Affairs Manager/Public Officer of Secretariat, Special Events and Council's Telephone System. During this

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time, he also maintained an excellent service record with only one blemish, where he was fined 25 cents in 1966 for arriving a few minutes late for work.

I would like now to present a plaque and cheque to Mr Bill Andrew for his 40 years service to Council.

**John W. Fowler (SGD)**  
**MAYOR**

Moved by Councillor Furness, seconded by Councillor Bush:-

That the Minute by the Mayor, be received and noted.

Carried.

### **MINUTE BY THE MAYOR**

8 November 2001

#### **PUBLIC RELATIONS – DULWICH HIGH SCHOOL – SUPPORT FROM SOUTH SYDNEY COUNCIL TO KEEP SCHOOL OPEN (2025651)**

I have received a letter dated 7<sup>th</sup> November, 2001 from Ms Guri MacKinnon on behalf of the Save Dulwich High School Steering Committee advising that Dulwich High School is currently being considered for closure by the Department of Education and Training.

Their present school population is 450 students and if they were to be closed it would make them the most populous school to be closed in the history of the State.

The proposed closure has sparked street demonstrations and a great deal of media interest. The Federal Member for Grayndler, Anthony Albanese has stated his disquiet about the proposed closure, which has also been opposed by Marrickville Council, the Greens and the State Liberal Party.

A counter proposal has been put to the Department of Education by the school suggesting that the school be made a junior high school in a collegiate relationship with Marrickville High, with both schools to have a selective stream.

The School recognise that Dulwich High School is not in the South Sydney Council area but there are students from the South Sydney Council area who attend Dulwich High School and may also wish to do so in the future.

The Steering Committee has asked if Council could take the following action :-

**ACTING GENERAL MANAGER**

1. That South Sydney Council consider passing a resolution in support of keeping Dulwich High School open.
2. Also, that South Sydney Council write to the Minister for Education, the Hon. John Aquilina communicating its support for Dulwich High School and opposing its closure.
3. That South Sydney Council send copies of the letter to the Premier and the local State Member of Parliament.
4. That a press release to this effect be issued to the local media.

As you are aware Council strongly opposed the closure of Erskineville, Waterloo and Redfern Public Schools within the South Sydney Council area. This is just another one of many schools being unnecessarily closed by the State Government without proper consultation or consideration to the community. As students from the South Sydney area attend Dulwich High School, I support the request from the Steering Committee.

**RECOMMENDATION:**

That Council support the action requested by the Save Dulwich High School Steering Committee as detailed in this mayoral minute.

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

Moved by Councillor Furness, seconded by Councillor Mallard:-

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

It was moved by Councillor Pooley, seconded by Councillor Shaw that the motion be amended by the addition of the words to the recommendation "and that the amount of \$200 be forwarded to Dulwich High School Parent and Citizen Committee".

Motion, as amended, carried.

**MINUTE BY THE MAYOR**

9 November 2001

**PUBLIC RELATIONS – MAYOR’S LAWN BOWLS CHALLENGE  
SHIELD 2001 – ALEXANDRIA/ERSKINEVILLE BOWLING CLUB (2016529)**

On Sunday, 9 December 2001, the Annual Mayoral Bowls Challenge will be held at the Alexandria/Erskineville Bowling Club.

**ACTING GENERAL MANAGER**

South Sydney Council has participated in the event for the last four years and the competition this year involves a team event comprising of approximately 40 players from both sides.

The cost for the competition is \$1,200 which includes a BBQ and refreshments for all players and supporters during the day, for which funds can be made available from Council's Budget 2001/2002 Estimates.

**RECOMMENDATION:**

That approval be given to South Sydney Council entering a team in the Mayor's Lawn Bowls Competition to be held on Sunday, 9 December 2001, and the amount of \$1,200 be allocated for the event, for which funds can be made available from Council's Budget 2001/2002 Estimates.

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

Moved by Councillor Pooley, seconded by Councillor Mallard:-

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

Carried.

**MINUTE BY THE MAYOR**

14 November 2001

**PUBLIC RELATIONS - ANNUAL RAPI AWARDS –  
SUCCESS OF SOUTH SYDNEY COUNCIL (5264617)**

On Thursday 8 November 2001, South Sydney City Council was awarded two prizes for Excellence in Planning by the Royal Australian Planning Institute under the category of Urban Planning Achievement.

1. Council's Sex Industry Policy 2000 was presented with the annual Award for Urban Planning Achievement for outstanding contribution to current urban planning practices. The Award was given on the basis of the Policy being regarded as world's best practice in planning for the sex industry, and particularly because it:
  - Recognises the range of sex industry premises that exist in South Sydney,
  - Introduces specific planning and health controls for each type of premises,
  - Implements detailed locational, anti-clustering and design requirements,
  - Provides a mechanism for operational reporting via plans of management, and

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- Clarifies the roles and responsibilities of state regulatory bodies.
2. Council's Streetscape Masterplan 2000 was also presented with a commendation for Urban Planning Achievement. This project was commended on the basis that it:
- Establishes a single, comprehensive manual for improving the public domain in South Sydney,
  - Costs civic improvement works under Section 94 of the Environmental Planning & Assessment Act 1979 and for negotiating with developers,
  - Establishes urban design guidelines for the development and implementation of Local Area Traffic Management Plans, and
  - Sets priorities for improving the public domain on special sites.
3. It is also noteworthy that the South Sydney Development Corporation was also the recipient of two prizes for excellence in planning for *Everyone Knew Everyone*, the Oral History of Green Square and the Alexandra Canal Masterplan. Further Landcom was awarded a prize for their redevelopment of the Victoria Park Precinct.

All of these achievements in the South Sydney area bring great credit to this Council and my congratulations go to the officers, consultants and other state government agencies involved in their preparation.

**RECOMMENDATION:**

That Council formally recognises those officers involved in the preparation of these significant projects, and that they are issued with letters of congratulations under the signature of the Mayor.

Councillor John W. Fowler (SGD)

**Mayor**

Moved by Councillor Shaw, seconded by Councillor Lay:-

That the minute by the Mayor, be approved and adopted, subject to the addition of a Clause (B) and (C) to the recommendation, namely:-

- (B) That Council staff that received awards be the subject of a article by the Media Section in the next issue of the Inner City News.
- (C) That a letter of congratulations be also forwarded under the signature of the Mayor to the South Sydney Development Corporation and Landcom recognising their achievements towards the awards.

Carried.

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**MINUTE BY THE ACTING GENERAL MANAGER**

14 November 2001

**FINANCE – PRESENTATION OF COUNCIL’S AUDITED FINANCIAL REPORTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2001 (2019711)**

On 24 October 2001 Council formally adopted the audited Financial Reports and the Auditor’s Reports for the year ended 30 June 2001.

At that meeting Council also gave notice that it would present these reports to the Public, as required under Section 419(1) of the *Local Government Act 1993*, at its Council meeting of 14 November 2001.

The required 7 days public notice of this meeting has been given, as required under Section 418 of the *Local Government Act 1993*.

The public notice flier and the Financial Statement Summary, as required under Section 418(3)(b) of the *Local Government Act 1993*, has been placed on display at all Council Libraries, Town Halls and One-Stop-Shop. A full set of the audited Financial Reports and Auditors Reports was also made available at each of these locations.

The public notice also advises that any person may make submissions to Council with respect to the audited Financial Reports or to the Auditor’s Report. Any submission must be made in writing and lodged with Council by 21 November 2001.

**RECOMMENDATION:**

- (1) Council, in accordance with Section 419(1) of the *Local Government Act 1993*, presents its Financial and Auditor’s Reports for the year ended 30 June 2001 , and
- (2) Council advises that as per Section 420(1) and (2) of the *Local Government Act 1993*, any person’s wishing to make submissions in respect of these reports may do so, but submissions must be made in writing and lodged with Council by 21 November 2001.

P. Chaffe (SGD)  
**Acting General Manager**

Moved by Councillor Mallard, seconded by Councillor Pooley:-

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

Carried.

**ACTING GENERAL MANAGER**

**MINUTE BY THE ACTING GENERAL MANAGER**

14 November 2001

**COUNCILLORS - MEDIA TRAINING FOR ELECTED MEMBERS (2001916)**

It has been Council's objective to maintain a skilled and competitive workforce, inclusive of its elected members in regards to presentation / media training.

In the past senior management of Council have attended similar courses which have received positive feedback and it is now proposed to extend this training to the current elected members.

The benefits of this training include:-

- Improved leadership, development and management skills.
- Increased personal and professional effectiveness.
- Improved presentation skills

Accordingly it is proposed to source appropriate training and offer it to all interested Councillors with a view to improving their presentation skills.

**RECOMMENDATION:**

That arising from a minute by the Acting General Manager dated 14 November 2001, approval be granted to:-

- (1) Sourcing appropriate communication/presentation training and offering such training to all interested Councillors.
- (2) Payment for the abovementioned training being made available from the General Managers Unit's budget estimates of 2001/02 of which funds are available from (1.51.3210.012105.0).

P. Chaffe (SGD)

**Acting General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minute by the Acting General Manager, be approved and adopted, subject to the deletion of Clause (1) of the recommendation and the insertion in lieu thereof, of the following new Clause (1) namely:-

- (1) The Acting General Manager make available in the CIS any courses relevant to Councillors and that a report be submitted to

**ACTING GENERAL MANAGER**

the Finance Committee on the attendance by Councillors.

Carried.

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

14 November 2001

### **GRANTS - ABORIGINAL EMPLOYMENT PROGRAM EXTENSION – PUBLIC WORKS AND SERVICES DEPARTMENT (534156)**

#### **Purpose of Report**

To gain Council approval and funding for the extension of the Aboriginal Employment Program for 5 participants in the Public Works and Services Department.

#### **Corporate Relevance – Management Plan 2001**

The proposal aims to meet the objective of Program 24 Community Support Services which is to “work with selected community networks to develop and implement Community Development Projects related to priorities identified in Council’s target Group Issue Paper on the Aboriginal Community.”

#### **Background**

On the 28 March 2001 Council approved the establishment of an Aboriginal Employment Program for a period of 6 months for 6 participants to work in Council’s Construction and Parks Branches. This program was part-funded under the Indigenous Employment Program by the Commonwealth Government Department of Employment, Workplace Relations and Small Business. The 6 participants commenced work with Council in May this year carrying out duties such as mowing, park cleaning, tree planting, garden bed preparation, concreting, asphaltting, traffic control among others. Of the 6 participants recruited, 5 have completed the 6 months’ program and have gained not only valuable experience but also licenses to operate passenger vehicles, trucks and forklifts.

The participants have performed well above expectation and developed a strong work ethic in their respective branches. They are well regarded by their peers and their supervisors, who have requested the opportunity extend their employment.

#### **Extension of Program**

It is proposed to extend the employment of the 5 participants for a further 6 months with a view to filling permanent positions as they become vacant. The participants are currently remunerated at the level of Council Worker Grade 1 and a 6 months extension would cost \$69,810.00.

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Funds are available for this purpose from savings achieved to date in the current labour budget of the Public Works and Services Department. It is proposed to transfer the required funds from the Ordinary Labour Account to the Temporary Contract Labour Account.

**RECOMMENDATION:**

That Council:-

- (1) approve the extension of the Aboriginal Employment Program for 5 participants for a period of six months at a maximum cost of \$69,810.00 for which funds are available from savings achieved in the Public Works and Services Department's Ordinary Labour Account. (with a view to absorbing the participants within the workforce as vacancies arise).
- (2) approve the transfer of \$69,810.00 from the Public Works and Services Department's Ordinary Labour Account (A/c No. 11105) to the Labour Temporary Contracts Account (A/c No. 11120).

P. Chaffe (SGD)  
**Acting General Manager**

Moved by Councillor Furness, seconded by Councillor Harcourt:-

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

Carried.

**PETITIONS**

1. The Mayor tabled a petition received by the Acting General Manager with approximately 144 signatures appended from residents of streets in proximity of the Newtown Hotel, King Street, Newtown, requesting that Council rescind its decision to allow a trial of extended operating hours for the hotel.

Received.

2. The Mayor tabled a petition received by the Acting General Manager with approximately 327 signatures appended from residents of various streets in Erskineville and Newtown, objecting to the proposed development at Nos. 35 – 37 Erskineville Road, Erskineville, and also for instalment of the proposed

**ACTING GENERAL MANAGER**

upgrades and reinforcement of the one-way system for Union Street, Erskineville.

Received.

3.

The Mayor tabled a petition received at the Community Services Committee Meeting held on 7 November 2001, in respect of Item No. 4 on the Agenda with approximately 114 signatures appended from residents of New South Wales requesting Council to take a precautionary stand against companies involved in woodchipping of native forests.

Received.

4.

The Mayor tabled a petition received by the Acting General Manager with approximately 250 signatures appended from residents of Rosebery, opposing and offering alternative solutions to the State Transit's "Better Buses Eastern Suburbs" proposal.

Received.

5.

Councillor Mallard tabled a petition with approximately 200 signatures appended from Moore Park Road residents requesting that Option (3) of the Taylor Square proposal be implemented being a right turn from Flinders Street in Oxford Street, Darlinghurst.

Received.

#### **QUESTIONS WITHOUT NOTICE**

1.

**BEACONSFIELD PARK – REQUEST FOR MAINTENANCE AND SHELTERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (5264895)**

**Question:**

Could Council please investigate the provision of shelters over the tables of Beaconsfield Park?

**Answer by the Mayor:**

I will have a response prepared for distribution through Councillor Information Service from the Director of Public Works and Services.

**ACTING GENERAL MANAGER**

2.

**ROAD WORKS – COMMONWEALTH BANK, BOTANY ROAD,  
BEACONSFIELD – FOOTPATH MAINTENANCE - QUESTION WITHOUT  
NOTICE BY COUNCILLOR LAY (S56-02188)**

**Question:**

The area outside the Commonwealth Bank, Botany Road, Beaconsfield is proving a trip point for residents. Could Council staff please investigate and rectify any difference in grade?

**Answer by the Mayor:**

I will have the Director of Public Works and Services to report.

3.

**DONATIONS - GRANTS PROGRAM (POLICY) - COMMUNICATION TO  
SCHOOLS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY  
(2015191)**

**Question:**

Could Council please develop a policy on grants and donations to school and have this communication to all schools?

**Answer by the Mayor:**

I will have the Director of Health and Community Services respond via the Committee Papers.

4.

**DEVELOPMENT – TRADING – NAME OF BUSINESSES – NOTIFICATION  
OF DEVELOPMENT APPLICATIONS TO RESIDENTS - QUESTION  
WITHOUT NOTICE BY COUNCILLOR FURNESS (D52-00159)**

**Question:**

Notification of Development Applications relating to businesses and hotels are still being sent to residents without the business's trading name included. I understand it is Council's policy to include the trading name. Can this policy be put into practice?

**Answer by the Mayor:**

I will have the Acting Director of Planning and Building respond through the Councillor Information Service.

5.

**LAWSON SQUARE, REDFERN, TNT TOWER,- QUESTION OF PURCHASE. - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON(200250)**

**Question:**

Can the Mayor and Acting General Manager investigate the possibility of buying the TNT towers in Redfern?

**Answer by the Mayor:**

I will ask the Acting General Manager to investigate the possibility.

6.

**NOISE – CASINO SHUTTLE BUS AND PUBTREK BUS- POTTS POINT AND KINGS CROSS AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON(2016736)**

**Question:**

There is a bus called Pubtrek, that has started coming into Kings Cross at 3.00 a.m. in the morning. Could we find out where else the bus is coming from and what legislation there is to do anything about it?

**Answer by the Mayor:**

I will have the Director of Public Works and Services investigate the matter.

7.

**BACKPACKER ESTABLISHMENTS – SOUTH SYDNEY AREA – DCP CONTROLS- QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON(P54-00063)**

**Question:**

What policies do we have regarding Backpackers in Kings Cross?

Earlier this year we amended DCP 1997 to have specific controls for backpackers throughout the Council area including Kings Cross?

**Answer by the Mayor:**

I will supply the DCP in the Councillor Information Service.

**8. GARBAGE – RENWICK STREET, REDFERN – COMPLAINT RE BINS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (C56-00032)**

**Question:**

Would Officers investigate the dumping of domestic rubbish in Renwick Street, Redfern adjacent to the gates giving access behind Redfern street shops. It appears there may be residents above the shops who do not have garbage bins, or know the correct days and method of rubbish collection?

**Answer by the Mayor:**

Mr. Wilcoxon and Mr. Watcher have been working on a lot of these issues.

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

We have an Officer who is working on a project in the multiple occupancy dwellings and he would be the appropriate officer and will have been talk to the people in the area.

**9. SHANNON RESERVE, SURRY HILLS – UPGRADE – INSTALLATION OF FLAG POLES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT(2002577)**

**Question:**

I have received a copy of an e-mail sent to the Mayor from Surry Hills Neighbourhood Centre regarding the installation of flag poles in Shanon Reserve. Has this question been responded to? If so what was the answer?

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

I think something has been done in the Councillors Information Service about it, I will get the information together and re-print it.

**10. ERSKINEVILLE FESTIVAL – NOISE COMPLAINT – 3 NOVEMBER 2001 - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT(U01-00893)**

**Question:**

I have received a complaint from a resident of Erskineville about the levels of music at the Festival in Erskineville Oval on 3<sup>rd</sup> November. I understand the

Police were called to the Festival and Council Compliance Officers reported they had no prior knowledge of the Festival. If this event was approved by council why were appropriate conditions not applied to sound levels and then monitored by Council staff?

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

There was a DA approved for the use. There had been previous festival approved by Council however, we have received those complaints also and I have asked our complaint section to investigate that further. There were conditions placed on the consent however, the ability to take action now that the event is over is problematic, if any similar projects come to use in the form of a DA we will be mindful of the previous history.

11.

**HEALTH – NEEDLES AND SYRINGES DISPOSAL - COLLECTION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS(H51-00084)**

**Question:**

I have been advised there is a possibility that collection of syringes currently done by ACON. Could the Director of Public Works and Services see if that is the case, and report back through the Councillor Information Service?

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

I will have the matter investigated.

12.

**HEALTH – NEEDLES AND SYRINGES - DISPOSAL - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (H51-00084)**

**Question:**

The existing Syringe Bins that are in the North Ward, could we have them checked and assessed and perhaps we could look at the system used by Port Phillip Council?

**Answer by the Mayor:**

I think given the issue and its changing nature I think the matter should come to Committee. However, I will ask Mr. Wilcoxon to investigate.

**Answer by Director of Health and Community Services:**

We are in a situation now, where apparently drugs aren't as freely available as they used to be, and what has happened is that a lot of the bins have been broken into, to such an extent that we can't repair them so we are in the process of trying to import some new ones.

13.

**PARKING – DARLINGHURST ROAD, KINGS CROSS – REVIEW OF TRAFFIC LANES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2001304)**

**Question:**

My question is directed to the Director of Public Works and Services. Recently Council Contractors re-surfaced Darlinghurst Road, Kings Cross between Liverpool and William Streets. Subsequently new dotted white lines have been painted down the exact corner of the road. However with no allowance for parallel parking on the RHS. The new lines have created disorder in the traffic lanes. The right lane with cars parked only allows for about 1.5-2 metres, whilst the left lane is full 4 or so metres.

Can Council staff take a look at this, and answer the question why weren't the lanes adjusted to allow for the parking lane?

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

That work is usually directed by the RTA. Although under our direction, perhaps we resurfaced the road. I would like to point out that is probably not our Council's issue but certainly an issue we could take up.

14.

**BOURKE STREET, NO.231 DARLINGHURST – PURCHASE OF LAND FOR OPEN SPACE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2022060)**

**Question:**

Can Council's Property Department contribute negotiations with the RTA for a suitable price to purchase the block of land on the corner of Stanley Street and Bourke street, East Sydney for the purpose of inclusion to the existing open space and creating a meaningful park.

Can Council have a report back on the best price negotiated?

**Answer by the Mayor:**

I will have the Acting Director of Corporate Services and the Acting General Manager to liaise in preparing a report.

15.

**BROTHELs - APPLICATIONS APPROVED SINCE 1995 - REPORT TO COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2022780)**

**Question:**

Could Council's Planning staff prepare a report detailing the number of brothels and restricted premises approved by this Council since 1995, with a year by year and ward based reference?

**Answer by the Mayor:**

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

16.

**PUBLIC RELATIONS – CONGRATULATIONS TO PRIME MINISTER – FEDERAL ELECTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023643)**

**Question:**

Could the Mayor write to the Prime Minister and congratulate him on his election victory last weekend?

**Answer by the Mayor:**

I can.

17.

**ELECTIONS – NOMINATION OF CANDIDATES – DEMOCRAT PARTY JUNE 2000 - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (E52-00017)**

**Question:**

This question is to Councillor Peter Furness. In June 2000 you ran a team of three Democrat candidates to the South Ward of South Sydney Council. Your number two candidate was a person we all know and who registered to the AEC as Theo Philip. In the recent Federal election campaign a brochure was distributed that included the Democrat we know as Theo under the name of Shan of Darlinghurst. My question is your democrat running mate:-

Shan of Darlinghurst

Theo of Darlinghurst  
Sham of Darlinghurst

Or as we all suspect Lady McBeth of Chippendale?

**Answer by the Councillor Furness:**

There must have been a printing error. I personally had nothing to do with the production of that leaflet and there is no correlation between that name and the face immediately over and above it.

18.

**REDFERN PARK – UPGRADING – MANAGEMENT PLAN . - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2013593)**

**Question:**

At the Sports Committee there was a call for a Masterplan for the Redfern Oval and Park Site, bounded I think by Elizabeth, Phillip, Douglas and Redfern streets.

This apparently reflects a conversation you had with George Piggins, Paul Dunn and others. Could the appropriate steps be taken to commence this process?

**Answer by the Mayor:**

Councillor as you know from the briefing held tonight there are a substantial analyses of these lands which are held by the Department of Housing, which contain housing and the PCYC and a possible re-opening and refurbishment in development of Redfern Oval. This was discussed with Mr. Piggins and Mr. Wilcoxon at lunch at the invitation of Mr. Piggins. No commitments were given as we pointed out to him and my discussion with a Member of Heffron and with Officers from Department of Housing. There maybe some potential involvement of Council in the master planning process.

19.

**FEDERAL ELECTION – POLLING PLACES - ARRANGEMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (E52-00009)**

**Question:**

I wonder whether you Mr. Mayor and Councillor Bush as the only two alleged Independents on Council, felt able to hand out, how to vote leaflets for any political party at the Federal election last Saturday. If so, which party was that?

**Answer by the Mayor:**

Can't answer for Councillor Bush, but I did not hand out for anybody.

**Answer by Councillor Bush:**

That particular booth that I attended I believe there was the Democrat Party, Greens, Liberals and Labor, the only one I didn't hand out for on the day was Labor.

20.

**SYDNEY PARK – MANAGEMENT PLAN – EXPRESSION OF INTERESTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2014535)**

**Question:**

The Plan of Management for Sydney Park outlines the readaptive use of the brick pit area. This may include cafes, toilets facilities etc...

Can the Director of Public Works and Services report on the methodology of an expression of interest to advance this section of the Plan of Management?

**Answer by the Mayor:**

I will have that matter come to Committee in order for the Director to prepare a report for further Council action.

**REPORT OF THE MANAGEMENT REVIEW COMMITTEE**

5 November 2001

Business commenced at 5:35pm. Those present were:-

The Mayor, Councillor John Fowler and Councillors John Bush, Peter Furness, Christine Harcourt, Jill Lay, and Tony Pooley.

Apology: Councillors Lennon, Mallard and Shaw.

The Committee recommended the following:-

**ACTING GENERAL MANAGER**

**MANAGEMENT PLAN 2001/2004 – REPORT FOR THREE MONTHS ENDED  
30 SEPTEMBER 2001 (2023518)**

That:-

- (1) Council receives and notes the report on the Management Plan 2001/2004 for the three months ended 30 September 2001;  
  
(A/GM Minute 1.11.01);
- (2) That the report by the Director of Finance dated 26 October 2001, regarding the significant quarterly variances to the Budgets, be received and noted.

The Management Review Committee Meeting terminated at 6.50 pm.

Moved by Councillor Furness, seconded by Councillor Pooley, that the recommendation of the Management Review Committee Meeting be received and noted.

Carried.

**REPORT OF THE FINANCE COMMITTEE**

7 November 2001

**PRESENT**

**Councillor Shayne Mallard (Chairperson)**

**The Mayor, Councillor John Fowler and Councillors, Jill Lay, Gregory Shaw..**

At the commencement of business at 6.52 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw.

Moved by the Chairperson (Councillor Mallard), seconded by Councillor Bush.

That the Report of the Finance Committee of its meeting of 7 November 2001 be received and the recommendations set out below for Items 1 to 9 inclusive, 11 to 18 inclusive, 20 to 26 , 29 to 30.6 and 30.9 to 30.11 inclusive, 30.13 and 30.14 be adopted. The recommendations for Items 10,27,28,30.7, 30.8 and 30.11 having been dealt with as shown immediately following such Items.

Carried.

**ACTING GENERAL MANAGER**

The Committee **recommended** the following:-

1.

**COMMUNITY FACILITIES – WOOLLOOMOOLOO HEALTH AND FITNESS CENTRE, CORNER NICHOLSON STREET AND DOWLING STREET, WOOLLOOMOOLOO - INSTALLATION OF AIR CONDITIONING AT (2014508)**

- (1) That arising from consideration of a report by the Acting Director of Health & Community Services dated 17 October 2001 that Council approve the installation of surplus cooling units at the Juanita Nielsen Centre, at a cost of \$20,000, to be funded by the reallocation of \$16,000 (from budget code 6231-105 and 6232-104) and an additional allocation of \$4,000.
- (2) That the Director of Health and Community Services investigate and report on shading from the sun of the air conditioning units where appropriate to make them more efficient.

Carried.

2.

**FINANCE –GAY AND LESBIAN LIAISON OFFICER POSITION - OPERATIONAL BUDGET (2020961)**

That the matter be deferred to the next meeting of the Finance Committee to be held on 21 November 2001, for a further report on the breakdown of the sundries miscellaneous figures consultancy fees and Gay and Lesbian Liaison Officer (G.L.L.O.), Sex Industry Liaison Officer (S.I.L.O.), Aboriginal Development Liaison Officer (A.D.L.O.) and Multi-Cultural Liaison Officer (M.C.L.O.)

Carried.

3.

**MEMBERSHIPS – SYDNEY COASTAL COUNCILS – CONTRIBUTION FOR FINANCIAL YEAR 2001/2002 (2024238)**

That Council maintains its membership of the Sydney Coastal Councils Group and approves payment of the annual membership contribution, including GST, for 2001/2002 in the amount of \$8899.00 for which non-specific funds are available in the 2001/2002 Budget Estimates (account No. 1.51.3220.16655.0).

(DPWS Report 19/10/01).

Carried.

4.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – SEPTEMBER 2001 (2024289)**

That arising from a report by the Director of Finance dated 15 October 2001, approval be given to the confirmation of the payment of the accounts totalling \$43,327,246.82, as detailed in the Summary of Warrants for the Month of September accompanying the report.

Carried.

5.

**DEVELOPMENT APPLICATION – ST MARGARETS RE DEVELOPMENT – NOS. 417-455 BOURKE STREET, SURRY HILLS INSTALLATION OF NEW LIBRARY FACILITY (U01-00489)**

That arising from consideration of a report by the Director of Health and Community Services dated 26 October, 2001 Council approve:-

- (1) The utilisation of the 900sqm set aside for a community facility included within the St Margarets site as a new library facility; and
- (2) \$50,000 being added to the 2001/2002 Health and Community Services Budget to engage a consultant to develop a plan for the new library facility, based on consultations with the local community and a survey of state of the art library facilities being provided elsewhere.

Carried.

6.

**FINANCE – OUTSTANDING SUNDRY DEBTORS - 30 SEPTEMBER 2001 (2025725)**

That the report by the Director of Finance dated 24 October 2001, relating the outstanding sundry debtors as at 30 September 2001, be received and noted.

Carried.

7.

**DONATIONS – NORTH NEWTOWN P AND C ASSOCIATION – REQUEST FOR SUPPORT FOR ART SHOW (2012703)**

That Council produce and hang a banner promoting the North Newtown P & C Associations Art Show in Victoria Park, Camperdown, 24-25 November 2001, for two weeks prior to the Show and that the banner be made in such a way

that it can be recycled for use by the organisation for future events.

Carried.

8.

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

That arising from consideration of a report by the Acting Director of Corporate Services dated 24 October 2001, it be resolved that:-

- (A) Council confirms the establishment of an Alcohol-Free Zone in Forbes Street Darlinghurst between Bourke Street and Burton Street. This zone will cover both eastern and western footpaths and the roadway of Forbes Street.

Any future or existing footpath area licensed by this Council for the purpose of food or alcohol consumption that may fall within this zone is excluded from the provisions of the zone.

- (B) The Alcohol-Free Zone will exist for a period of three (3) years from seven (7) days after publishing an advertisement in a paper circulating in the area giving notification of the zone's imminent establishment.
- (C) Notification of Council's decision be forwarded to the applicant and to Kings Cross Police Patrol.
- (D) Council advertises its provisional intention to establish an Alcohol-Free Zone in Bourke Street Darlinghurst between Foley Street and Burton Street and Foley Street between Palmer Street and Bourke Street. This proposed zone will cover all footpaths and roadway within the affected area. Any future or existing footpath area licensed by this Council for the purpose of food or alcohol consumption that may fall within this zone will be excluded from the provisions of the zone.
- (E) Notification of Council's decision be forwarded to all relevant persons and bodies allowing those persons and bodies the statutory period in which to lodge representations and objections.
- (F) The proposed Bourke Street and Foley Street Alcohol-Free Zone, should it be implemented, exist for a period of up to three (3) years.

Carried.

9.

**INSURANCES - PUBLIC LIABILITY CLAIMS – MAINTENANCE OF ROADS, FOOTPATHS AND NATURE STRIPS – ABOLITION OF LOCAL GOVERNMENT “NON-FEASANCE” IMMUNITY (2010711)**

That the report by the Acting Director of Corporate Services dated 22 October 2001, on the implications for Council in the High Court’s abolition of the “non-feasance” immunity, be received and noted.

Carried.

10.

**COUNCILLORS ENTITLEMENTS– COUNCILLOR LENNON – QUESTION OF PROVISION OF SECRETARIAL SERVICES**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lennon.

That approval be given to:-

- (a) Councillor Lennon being provided with Secretarial Service for upto to 12 hours per week, involving an approximate expenditure for \$360 per week and that such expenditure be added to the 2001/2002 Revenue Estimates.
- (b) the room on the ground floor of Council’s Administration building allocated to Councillors be also used by the word processing operator as and when required.

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

Motion negatived.

11.

**FINANCE – BUDGETS – SUMMARY OF ADDITIONS TO THE ADOPTED BUDGET 2001/2002 (2021566)**

That the report by the director of Finance dated 29 October 2001, detailing additions and revised budget deficit, be received and noted.

Carried

12.

**FINANCE – SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993,  
DONATIONS REPORT – 3 MONTHS TO 30 SEPTEMBER 2001 (2024098)**

That the report by the Director of Finance dated 31 October 2001, detailing the status of donations under Section 356 of the Local government Act 1993, be received and noted.

Carried.

13.

**LEASING – REG MURPHY HALL, POTTS POINT UPSTAIRS SECTION -  
LEASE TO DARLINGHURST THEATRE LTD – RENTAL ABATEMENT  
(2021160)**

That for the reasons set out in the report by the Acting Director of Corporate Services dated 31 October 2001, approval be given to Darlinghurst theatre Ltd., being offered a further rent free period of three (3) months in connection with their lease of the upstairs section, Reg. Murphy Hall, Potts Point.

Carried.

14.

**ADMINISTRATION – DELEGATIONS REGISTER REVIEW (2020963)**

That the matter be deferred to the next meeting of the Finance Committee to be held on 21 November 2001.

Carried.

15.

**PARKS – GOWRIE STREET RESERVE UPGRADE, LOTS 119, 121 AND  
123 GOWRIE STREET – APPROVAL OF FINAL LANDSCAPE PLAN AND  
TO PROCEED WITH DOCUMENTATION, TENDER AND CONSTRUCTION  
(2024881)**

That approval be given to:-

- (1) adopt the Gowrie Street Reserve Masterplan (as per the Attachment , accompanying the Director's report : Gowrie Street Reserve Landscape Concept);
- (2) proceed with the documentation, call tenders and construct Gowrie Street Reserve Landscape upgrade as per Appendix A accompanying the Director's report – Gowrie Street Reserve Landscape Concept. The estimated cost is \$300,000 for which funds are available in the Parks

Development 2000/01 – Gowrie Street Reserve (Project No 22005; Bud. Ref 45-102).

(DPW&S Report 31 October 2001).

Carried.

16.

**CONFERENCES – AUSTRALASIAN URBAN AND REGIONAL INFORMATION SYSTEMS – ASSOCIATION (AURISA), MELBOURNE, VICTORIA, 19-23 NOVEMBER 2001 – ATTENDANCE OF COUNCIL REPRESENTATIVES (2016500)**

That further the Resolution Council dated 26 September 2001 and for the reasons set out in the report by the Acting Director of Public Works and Services dated 1 November 2001, approval be given to:-

- (a) Mr Nigel Alsdorf attending the Informaster Conference on 19-20 November 2001 in lieu of Mr Bill Eberhart;
- (b) Mr Con Liaros attending the Informaster Conference on 19-20 November 2001 to deliver a paper on the development of Council's Web Mapping property enquiry Intranet solution.

-for which funds, including out of pocket expenses, are available in the 2001-2002 Revenue Estimates Account Code 1.44.2620.12105.0.

Carried.

17.

**SWIMMING - VICTORIA PARK POOL COMPLEX– FEASIBILITY STUDY FOR NEW OPERATIONAL PLANTROOM AND EQUIPMENT – APPROVAL TO CALL TENDERS FOR DESIGN AND CONSTRUCTION DOCUMENTATION (2023337)**

That approval be given to:-

- (a) construction works proposed for the Victoria Park Pool being carried out in appropriate stages;
  - Stage 1 - being the urgent replacement of plant and equipment and construction of a new plant room;
  - Stage 2 - being the refurbishment of the basement and re-tile and 'wet-deck' the pool;
- (b) call Tenders for the design and documentation services for the construction of Stage 1 works as listed in the Director's report, including an investigation and report into the siting of the plant room, for an

estimated amount of \$150,000 (GST exclusive) for which funds are available in the 2001/2002 Works Programme; Victoria Park Pool Aquatic Centre Plant Room; Project Reference 22010 / Budget Reference 45-107 (\$500,000);

- (c) a further report being submitted to Council recommending the siting of the plant room following the investigation in (b) and prior to the lodgement of the Development Application.

(DPWS Report 29.10.2001)

Carried.

18.

**PUBLIC RELATIONS - ANSETT AIRLINE – QUESTION OF BEING PREFERRED FLYER FOR TRAVEL (2019355)**

That as was the past practise, it be left to individual Councillors to choose the airline they would prefer to fly with, when travelling intra-state or interstate.

(CAMPO Report 2.11.01)

Carried

It was moved as an amendment by Councillor Furness that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof namely:-

That Council appoints Ansett and its subsidiaries as its preferred airlines for all domestic travel as requested by the Municipal Employees Union for 12 months and that a further report be prepared for Council on this matter at the end of that period.

Amendment lapsed through want of a seconder.

Motion carried.

19.

**PROPERTIES – POLICY – USE BY POLITICAL PARTIES/GROUPS OR POLITICIANS (P56-00126)**

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 1 November 2001, be approved, subject to the deletion of clause (A) of the recommendation and the insertion in lieu thereof of a new clause (A), namely:-

- (A) Council adopts a policy which requires Political Parties/Groups or politicians to make full payment of the prescribed hire fee, as indicated in the Fees and Charges Schedule, for use of Council facilities for the

purposes of holding a public meeting unless convened by a sitting Local Member of Parliament and they can cite extenuating circumstances or provide clearly defined benefits for the community to substantiate free or discounted use being granted by Council.

At the request of Councillor Furness, and by consent, the motion was amended by the deletion of the words "sitting Local" where appearing in the 5<sup>th</sup> line of the motion between the words "a" and "member"

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

- (C) That a further report be submitted in respect of the free use of Council's hall by Community Groups.

Motion, as amended by Councillors Lennon and Furness, carried.

20.

**PROPERTIES – REQUEST FOR FREE USE OF REDFERN TOWN HALL – SYDNEY 2002 GAY GAMES (P56-00416)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 31 October 2001, approval be given to Sydney 2002 Gay Games for the free use of Redfern Town Hall on 24 November 2001, and under the provisions of Section 356 of the Local Government Act 1993, Council agrees to forgo \$280 in income and \$170 in costs to allow Sydney 2002 Gay Games to conduct a public forum.

Carried.

21.

**WELFARE – INTERNATIONAL YEAR OF VOLUNTEERS - RECOGNITION BREAKFAST – 5 SEPTEMBER 2001(W53-00047)**

That for the reasons set out in the report by the Director of Health and Community Services dated 2 November 2001, Council grant its approval to support an event which recognises the contribution of the one hundred volunteers registered with Council's Meals-on-Wheels service and that \$6,000 be made available, funds which could be added to the 2001/2002 Budget.

Carried.

22.

**COMPUTERISATION – E-MAIL SERVICES – PROVISION (2020739)**

That the matter be deferred and the Acting Director of Corporate Services submit a report on cost comparison of outsourcing Councillors' E-mail system as against keeping the E-mail system in house.

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

- A.(1) Information Technology investigate the benefits and cost of connecting the Councillors to the Internet and e-mail services by an external service provider via cable connection in addition to the existing dial up facility whilst they are away from their own residence.
- (2) Information Technology proceed with the exchange server replacement including software upgrades based upon a failure minimisation approach estimated at \$140,000 funded from the current 2001/2002 Information Technology budget.
- B. That the Acting Director of Corporate Services submit a report on cost comparison of outsourcing Councillors' e-mail system as against keeping the E-mail system in house.

Carried.

23.

**PROPERTIES – REDFERN TOWN HALL - REQUEST FOR FREE USE – AUSTRALIAN AIDS MEMORIAL QUILT PROJECT – 5 SEPTEMBER 2001 (P56-00416)**

That arising from consideration of a the report by the Director of Health and Community Services dated 2 November 2001, Council approve the free use of the Redfern Town Hall on 5 December 2001, by the AIDS Memorial Quilt Project and that under the provision of Section 356 of the Local government Act 1993, Council agrees to forgo income and cost totalling approximately \$385.

Carried.

24.

**GRANTS – ROADS TO RECOVERY PROGRAMME – ALLOCATION OF FUNDS (2023521)**

That approval be given to:-

- (a) Council writing to the Minister for Police and the Minister for Transport and Minister for Roads asking that they investigate whether skateboards and in-line skates and rollerblades could be recognised as a mode of transport and under what circumstance they could be used;
- (b) carry out the works listed on Schedule I to a total amount of \$371,678 as part of the Roads to Recovery Programme and that such expenditure be added to the 2001/2002 Budget Estimates.
- (c) Allocate the following consultancy amounts from the current Roads to Recovery Programme funds.
  - (1) \$15,000 to a review of the adopted South Sydney bicycle plan;
  - (2) \$40,000 to the design and implementation of the Pedestrian and Aged Mobility (PAMP). Scheme.

Both to incorporate the changes brought about by the implementation of the Eastern Distributor LAIP and imminent adoption of the Streetscape Master Plan and that the above expenditure be added to the 2001/2002 Budget Estimates.

- (d) a further report (following the completion of (c), being submitted assessing the reviewed bicycle plan and the PAMP scheme with the view to allocating the remaining Roads to recovery Programme funds to the implementation of the revised plan.
- (e) the Director of Public Works and Services include in the Consultancy for the Bike Plan Review an investigation of implementation of green lanes and funding opportunities thereof.

(DPWS Report 24.10.2001)

Carried.

**25.**

**STREETS – ROAD WORKS - 2001/2002 PUBLIC WORKS AND SERVICES, ENGINEERING WORKS PROGRAMME – (202381)**

That approval be given to carry out the proposed works as detailed in each of the following programmes:-

(A)	Grind and Resheet Programme (41.005)	\$1087,000
(B)	Local Roads Programme (41.015)	\$ 202,000
(C)	Preventative Maintenance Programme (41.018)	\$ 200,000
(D)	Regional Roads Repair Program (41.020)	\$ 260,000

(E) Regional Roads Block Grants (RTA) (41.021) \$ 179,000

-funds are available from the relevant section of the 2001/2002 Engineering Works Programme

(DPW&S Report 2 11 2001).

Carried.

26.

**FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 31 OCTOBER 2001 (2025602)**

That the report by the Director of Finance dated 2 November 2001, certifying completion of the Bank reconciliation for the period ending 31 October 2001, be received and noted.

Carried.

27.

**CONFERENCES - CULTURAL ACTION COMMUNITY HEALTH CONFERENCE – NORTH MELBOURNE, VICTORIA, 13-14 DECEMBER 2001 - ATTENDANCE OF COUNCIL REPRESENTATIVES (2016186)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Mallard:-

That approval be given to interested Councillors and the Social Planner Housing Health & Community Services Department, attending the Cultural Action for Community Health Conference to be held in North Melbourne on 13<sup>th</sup> and 14<sup>th</sup> December, 2001, and that any registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling, be borne by the Council, for which funds are available in the 2001/2002 Revenue Estimates.

It was moved as an amendment by Councillor Pooley, seconded by Councillor Shaw that the words “interested Councillors” where appearing in the first line of the motion be deleted.

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

Carried.

Show of hands was requested in respect of voting on the matter.

Amendment negatived, 5 votes to 4.

Motion carried.

28.

**DONATIONS – REQUESTS FROM SYDNEY MARDI GRAS FOR SPONSORSHIP OF 2002-2004 SEASONS (2014734)**

That arising from consideration of a report by the Director of Health and Community Services dated 2 November, 2001, Council determines a two year funding commitment for Sydney Gay & Lesbian Mardi Gras incorporating the following recommendations, totalling either \$190,000 or \$250,000 for the 2002-2003 Mardi Gras Festival seasons:-

- (a) That Council provides waste services for the Sydney Gay & Lesbian Mardi Gras Parades, at an estimated value of \$80,000 for two years;
- (b) That Council offers the following alternatives for the 2002-2003 parades:-
  - that Council will pay half of the total barricade cost at a value of \$30,000  
OR
  - that Council will pay the full barricade cost at a value of \$60,000;
- (c) That Council approves the free use of Victoria Park (excluding the pool) for Sydney Gay & Lesbian Mardi Gras Fair Day at an estimated cost of \$10,000, including the waiving of park hiring fees, and waste removals services only;
- (d) That Council notes its offer of a Launch/Fair Day package involving Victoria and Sydney Parks respectively, available for negotiation subsequent to the 2002 season;
- (e) That Council approves in principle, the use of Green Park for “Occupied” art installation, subject to further discussions on the site plans submitted;
- (f) That Council notes the withdrawal of the request for “Sequined Soapbox”;
- (g) That Council notes that discussions on broadcast arrangements and associated Taylor Square activities should commence forthwith, due to the imminent construction occurring in Taylor Square;
- (h) That Council regards its *Cuisine on the Green* event as part of the sponsorship package, agreed as it has been in conjunction with the Festival Director.

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

That the matter be deferred for a meeting to be organised between Mardi Gras Management and Board Representative and the Acting General Manager, Mayor and Finance Director to establish the current financial status and future financial projections for the Mardi Gras organisation

Motion, as amended by Councillor Mallard, carried.

29.

**CONFERENCES - 2001 AUSTRALIAN TECHNOLOGY PARK, REDFERN, SYDNEY 16-17 NOVEMBER 2001 - SUSTAINABLE SYDNEY CONFERENCE – ATTENDANCE OF COUNCILLORS (**

That the actions of the Finance Committee approving interested Councillors attending the 2001 Sustainable Sydney Conference to be held at the Australian Technology Park, Redfern, Sydney on 16<sup>th</sup> and 17<sup>th</sup> November, 2001, and that the registration fee of \$160.00 be borne by the Council for which funds are available in the 2001/02 Budget, be confirmed.

Carried.

30.

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 7 NOVEMBER 2001 COMMENCING AT 6.00 PM**

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 7 November 2001, be approved and adopted.

30.1.

**COMMITTEES – COUNCIL'S ADMINISTRATION BUILDING, NO. 280 ELIZABETH STREET, SURRY HILLS – CHANGES FOR USE (2008384)**

That the report by the Acting Director of Corporate services dated 16 October 2001, in respect of the charge to Council for the square metre price and car parking details for Council's present administration Building at No.280 Elizabeth Street, Surry Hills, be received and noted.

Carried.

**30.2.**

**LEASING – NO. 1A CLARA STREET (CNR ADA STREET), ERSKINEVILLE – TOM BASS SCULPTURE SCHOOL (2002007)**

That consent be given to a month to month lease of the premises to Mr Bass up until 30 June 2002, and the Acting Director of Corporate Services liaise with the Arts and Cultural Officer in the Health and Community Services Department to examine the possibility of other funding or another suitable site.

Carried.

**30.3.**

**LEASING – OXFORD STREET, NO. 68, DARLINGHURST – LEASE TO CLAITRACK PTY LTD (2025061)**

That the matter be deferred for a further report which contains legal advice on the Council's ability to withdraw from the lease and retrieve the G.S.T. if Council was to pay same.

Carried,

**30.4.**

**LEASING – DARLINGHURST ROAD, ADJACENT TO NOS. 248 AND 248A WILLIAM STREET, POTTS POINT – PROPOSED LEASE OF PART (2025638)**

That the application for a lease of part of Darlinghurst Road adjacent to Nos. 248 and 248A William Street, Potts Point, be refused.

Carried.

**30.5.**

**LICENSING – STANLEY STREET, NO. 70, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2001385)**

That approval be given to:-

- (1) the granting of a licence to Enjoy Pty Ltd over an area of 6 square metres of the footway of Stanley Street adjacent to Café Divino at No. 70 Stanley Street, Darlinghurst as shown stippled on Plan No S4-130/522A and subject to the conditions in the schedule, accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly

in advance) set by the annual Scale of Fees and Charges adopted by Council;

- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule, accompanying the Director's report; the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule, accompanying the Director's report or failed to execute the licence agreement.
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(A/DPW&S report 19/10/01)

Carried.

**30.6.**

**LEASING – WILLIAM STREET, NOS. 101 – 111, EAST SYDNEY – PROPOSED SUB-LEASE BY YORK MOTORS TO MARKETING ELEMENTS PTY LTD (L52-00197)**

That approval be given for the consent to sub lease of Suite 1 Level 1 101-111 William Street, East Sydney by York Motors (Sales) Pty Limited to Marketing Elements Pty Limited commencing on 1 January 2001 and expiring concurrently with the head lease subject to the following conditions:

- (1) Any proposed alterations to the leased premises including refurbishment, fit out etc by the sub-lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submissions of plans etc. to Council's Planning and Building Department for Statutory approvals.
- (2) All legal costs associated with the preparation and execution of the necessary sub lease documents by Council's Legal Officer are to be borne by the sub lessee.
- (3) All relevant documents are to be executed by Council's Attorney, if required.

(A/D.C.S. Report of 1 11 2001)

Carried.

**30.7.**

**LEASING – WILLIAM STREET, NOS. 73 – 75, EAST SYDNEY – RENEWAL OF LEASE – EAST SYDNEY COMMUNITY BASED HIGH SCHOOL (L02-00149)**

That the matter be deferred for a further report in respect of:-

- (1) what work has been done on refurbishment of the building by the school;
- (2) what work needs to be done on the building;
- (3) the school exploring alternative funding arrangements.

(A/D.C.S. Report of 1.11.2001).

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

- (1) That the matter be deferred for a site inspection and that a further report be submitted in respect of this inspection of what work has been done and what work needs to be done to bring the building up to the Building Code of Australian Standards.
- (2) That Council write to the Minister for Education requesting him to look at an alternative accommodation for the school.

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

Motion, as amended, carried.

**30.8.**

**LICENSING – SOUTH DOWLING STREET, NO. 377, DARLINGHURST – PROPOSED FOOTWAY LICENCE (L56-00761)**

That approval be given to:-

- (1) the granting of a Licence to Empark Pty Ltd over an area of 3.6 square metres of the footway of South Dowling Street adjacent to 'South Dowling Sandwiches' at No. 377 South Dowling Street, Darlinghurst as shown stippled on Plan No. S4-130/675B and subject to the conditions in the schedule accompanying the Director's report;

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

(A/DPW&S Report 1/11/01)

Carried.

**30.9.**

**LEASING – NORMAN STREET, NO. 13, DARLINGHURST – LEASE TO MR LESLIE JOHNSON (L52-00010)**

- (A) That Council receives and notes the report by Acting Director of Corporate Services dated 26<sup>th</sup> October 2001, concerning subsidised and protected tenants within Council premises;
- (B) Council adopts the Acting Director of Corporate Services report dated 20<sup>th</sup> September 2001, as follows:-
  - (1) Relocate Mr Leslie Johnson from Nos.113-115 William Street East Sydney to Council's residential premises, 13 Norman Street, Darlinghurst, and a new lease be drawn under the same terms and conditions as the existing week to week lease at \$40.60 per week until the next Council rental review.
  - (2) That the relocation of Mr. Mark Cook not be approved and the Acting Director of Corporate Services provide a further report following the assessment of the subsidised tenants by the

**ACTING GENERAL MANAGER**

Department of Housing in terms of their criteria for public housing.

Carried.

**30.10.**

**LICENSING – PROPOSED LICENCE OF FRUIT KIOSK NO. 1 OUTSIDE NO. 67 DARLINGHURST ROAD, KINGS CROSS – PROPOSED LICENCE TO AMER WARWAR (L56-00147)**

That the matter be deferred and an appropriate process of advertising be instituted in respect of the lease of the fruit kiosk.

Carried.

**30.11.**

**LICENSING – PROPOSED LICENCE OF FRUIT KIOSK NO. 2 OUTSIDE NO. 44 DARLINGHURST ROAD, KINGS CROSS – PROPOSED LICENCE TO AMER WARWAR (L56-00146)**

That the matter be deferred and an appropriate process of advertising be instituted in respect of the lease of the fruit kiosk.

Carried.

**30.12.**

**LEASING – OXFORD STREET, NOS. 114 – 120, DARLINGHURST – RETAINING FOR LOW-COST HOUSING – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2005828)**

That approval be given to Council premises 1<sup>st</sup> and 2<sup>nd</sup> floors, Nos.116-122, Oxford Street, Darlinghurst, being refurbished for use as commercial office space at a cost of \$1,100,000 of which funds for the consultancy services of \$100,000 be transferred from Project 46-006-71008 (\*Nos. 54-56 Erskineville Road). The construction will be included in the 2001/2003 Budget Estimates.

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

That the rooms at No.116-122, Oxford Street, Darlinghurst be repaired as low cost accommodation, possibly managed by a recognised social housing provider such as ARCH until such time as Council has a joint venture for low cost housing in place.

Motion as amended by Councillor Harcourt, carried.

**30.13.**

**PROPERTIES – KING STREET, NOS. 218 – 222, NEWTOWN (BURLAND HALL) (2019359, 2024887)**

That the report by the Acting Director of Corporate Services dated 2 November 2001, detailing the present position in respect of premises No. 218-222, King Street, Newtown (Burland Hall) be received and noted.

It was moved by Councillor Harcourt, that the matter be deferred until the report regarding Facility and Needs Community Study is submitted to Council and that Burland Hall be included.

Negatived.

Substantive Motion, carried.

**30.14.**

**LEASING – BROADWAY, NOS. 129 – 135, ULTIMO – LEASE TO WINDARU PTY LTD – APPLICATION TO SUB-LEASE (2019943)**

That approval be given to granting consent to the sub-lease of Council premises Nos.129-133 Broadway, Ultimo, by the current lessee Windaru Pty Ltd subject to the following conditions, namely:-

- (1) That any costs associated with the preparation of a “Consent to Sub-Lease” form by Council’s Legal Officer to be borne by the Lessee, if applicable;
- (2) That any relevant documents to be executed under the Common Seal of Council, or by Council’s Attorney;
- (3) That the Sub-Lessee is to be included on the Head Lessee’s Public Liability Insurance Policy to meet Council’s insurance requirements.

(ADCS Report 31.10.01)

Carried.

The Properties Sub- Committee Meeting terminated at 6.51 p.m.

The Finance Committee Meeting terminated at 7.37 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

7 November 2001

**PRESENT**

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

**Councillors – Jill Lay, Shayne Mallard, Gregory Shaw**

At the commencement of business at 7.40 pm those present were -

The Mayor and Councillors:- Lay, Mallard and Shaw.

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

That the Report of the Community Services Committee of its meeting of 7 November 2001, be received and the recommendations set out below for Items 1 and 3 to 9, inclusive, be adopted. The recommendation set out below for Item 2 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**COMMITTEES – GAY, LESBIAN AND TRANSGENDER ADVISORY COMMITTEE (1) TERMS OF REFERENCE – (2) AMENDMENT MINUTES OF MEETING 2 OCTOBER 2001 (2017729)**

That arising from consideration of a report by the Director of Health and Community Services dated 25 October 2001, it be resolved that Council:-

- (1) approves the Terms of Reference of the Gay, Lesbian and Transgender Advisory Committee;
- (2) approves the use of Erskineville Town Hall for the bi-monthly Committee meetings;
- (3) receives and notes the minutes from the inaugural Gay, Lesbian and Transgender Advisory Committee meeting accompanying the beforementioned Director's report, held on 2 October 2001, at Council's Administration Building, No. 280 Elizabeth Street, Surry Hills.

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- (4) That the words “and advertise for non-community representatives” after the word “Committees” where appearing under the heading “Permanent Committee Representatives” in the Terms of Reference document accompanying the Director’s report.

Carried.

2.

**COMMITTEES – COMMUNITY SAFETY COMMITTEE – CRIME AND SAFETY – OXFORD STREET (2024229)**

That for the reasons set out in the report by the Director of Health and Community Services dated 30 October 2001, it be resolved that Council:-

- (1) lobby the Minister for Police for improved community policing in the Oxford Street area, and other identified ‘hotspots’;
- (2) approve the development of a Community Safety Plan for South Sydney which would develop strategies to address issues around crime and safety ‘hotspots’;
- (3) establish a Business Watch by providing appropriate seeding funding which can be done under the next round of community grants;
- (4) write to the local Police Commanders asking for them to provide a representative on Council’s Community Safety Committee so that work can commence on joint initiatives to address the crime and safety concerns in ‘hotspots’ of reported violent incidents in the LGA.

At the request of Councillor Mallard, and by consent, the motion be amended by the deletion of all the words after the word “funding” where appearing in clause (3) of the recommendation.

Motion, as amended by consent, carried.

3.

**COMMITTEES – MULTILINGUAL ELECTRONIC COMMUNITY NOTICE BOARD (MULTILINGUAL TALKING WINDOW) – SURRY HILLS SHOPPING CENTRE - REMOVAL (2017309)**

That for the reasons set out in the report by the Director of Health and Community Services dated 24 October 2001, Council approve the removal of the Multilingual Talking Window (MTW) from Surry Hills Shopping Centre.

Carried.

4.

**PUBLIC RELATIONS - WOODCHIPPING – PURCHASING - ETHICAL PROCUREMENT PROVISIONS (2022320)**

That for the reasons set out in the joint report by the Director of Health and Community Services and Acting Director of Corporate Services dated 31 October, 2001 it be resolved that:-

- (1) the Draft Ethical Procurement Provisions accompanying the beforementioned Director's report be adopted as an addendum to Councils existing purchasing procedures;
- (2) Councils Purchasing Manager be instructed to implement the Ethical Procurement Provisions as an adopted Council policy;
- (3) correspondence be issued to SSROC and IMROC advising of the adoption of the Council policy and inviting both organisations to adopt a similar stance.

Carried.

(A petition was received at the Community Services Committee Meeting with approximately 114 signatures appended from residents of New South Wales requesting Council to take a precautionary stand against companies involved in woodchipping of native forests.)

5.

**TREES – STREET TREE MASTER PLAN – ADOPTION (T53-00743)**

That further to resolution of Council dated the 4 July 2001 and arising from consideration of a report by the Director of Public Works and Services dated 22 October 2001, it be resolved that Council:-

- (a) adopt the adjusted Tree Master plan dated October 2001.
- (b) review the Street tree Master plan at five year intervals to keep up to date with advances in Urban Tree Management, and/or to change species selected that might fall in the harsh Urban environment.

Carried.

6.

**COMMITTEE – HEALTHY OLDER PEOPLE PROGRAM (HOPP) – MINUTES OF MEETING – 9 OCTOBER 2001 (2018510)**

That the report by the Director of Health and Community Services dated 21 November 2001 and the accompanying minutes of the Healthy Older

People Program Committee held on 9 October 2001, be received and noted.

Carried.

7.

**COMMITTEE – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES – MINUTES OF MEETING HELD 9 OCTOBER 2001 (2017377)**

That the report by the Director of Health and Community Services dated 2 November 2001 and the accompanying minutes of the Access Committee for People with Disabilities and Healthy Older People Program held on 9 October 2001, be received and that the undermentioned recommendation of the Committee be adopted, namely:-

That Council's Access Committee requests Council to review its Sex Industry Policy, with a view to strengthen access requirements.

Carried.

8.

**COMMUNITY FACILITIES – CHILDREN'S SERVICES – FUTURE OF REDFERN OCCASIONAL CHILD CARE CENTRE, NO.55 PITT STREET REDFERN – MANAGEMENT BY COUNCIL (C59-00099)**

- (1) That arising from consideration of a report by the Director of Health and Community Services dated 2 November, 2001, Council approval be given to take over the management of Redfern Occasional Child Care, subject to the approval at the general meeting of the association in December, 2001.
- (2) That a report be prepared on the establishment costs and ongoing costs for the centre.

Carried.

9.

**COMMITTEES – ARTS AND CULTURAL COMMITTEE – MINUTES OF MEETING HELD ON 10 SEPTEMBER 2001 (531635)**

That the report by the Director Health and Community Services, dated 5 November 2001 and the accompanying minutes of the Arts and Cultural Committee Meeting held on 10 September 2001, be received and noted.

Carried.

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

**ACTING GENERAL MANAGER**

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

7 November 2001

**PRESENT**

**Councillor John Bush (Chairperson)**

**Councillors – Peter Furness, Christine Harcourt, Amanda Lennon and Tony Pooley**

At the commencement of business at 6.13 pm, those present were -

Councillors – Bush, Furness, Harcourt, Lennon and Pooley.

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

That the Report of the Planning and Development Committee of its meeting of 7 November 2001, be received and the recommendations set out below for Items 1,5,7,10 to 11 and 13 to 16 inclusive and 19,21,22, 27 and 28 inclusive, be adopted. The recommendations for Items 2 to 4 inclusive 6,8,9,12,17,18,20,23 to 26 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**STANLEY STREET, NO.64, DARLINGHURST – ELEVATED DECK  
ERECTED OVER FOOTPATH FOR OUTDOOR SEATING AND PROVISION  
OF ENTRANCE DOORWAY – DEVELOPMENT APPLICATION (U01-00690)**

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mrs Susan Cameron with the authority of John Francis Jones, to create a wall opening for the purpose of an external door in the western elevation of the Lord Roberts Hotel at 64 Stanley Street, East Sydney, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans stamped and endorsed by Council dated March 2001, subject to compliance with the conditions below;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage

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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 before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (4) That the applicant shall apply to the Director of Public Works and Services under section 125 of the Roads Act, 1993 for a licence to operate a restaurant on the footway of Riley Street at 64 Stanley Street;
- (5) That the elevated timber deck shall be deleted as shown on the Council endorsed plans;
- (6) That the whole approved doorway opening shall be lowered by 0.5m and the top of the opening shall be no more than 2.8m above the existing footpath level (measured from the southern side of the opening), as shown on the Council endorsed plans;
- (7) That notwithstanding conditions (5) and (6), no stairs shall project beyond the property boundary;
- (8) That no animals be allowed on the premises, including the licensed footway area;
- (9) That all outdoor furniture, other facilities and the pavement shall be kept at all times clean and free of food scraps;
- (10) That waste matter shall not be permitted to be washed, fall or descend into Council's stormwater system;
- (11) That the use of the public area shall not give rise to a nuisance to adjoining properties, the public area, or an offensive noise as defined in the Protection of the Environment Operations Act, 1997. No loudspeakers shall transmit recorded music from within or near the area;
- (12) That this consent does not approve use of the footpath for outdoor tables or seating, and application shall be made to Council's Director of Public Works and Services for a Footway Licence;

and the following adopted standard conditions:

- (13) Obstruction of the public way<sup>3101</sup>
  - (14) Work zones<sup>3102</sup>
  - (15) Delivery of construction materials<sup>3104</sup>
  - (16) Pedestrian safety<sup>3110</sup>
  - (17) Associated roadway costs<sup>3111</sup>
  - (18) Garbage on the public way<sup>6101</sup>
  - (19) Refuse skips<sup>6102</sup>
  - (20) Construction noise<sup>7008</sup>
  - (21) Soil and sediment prosecution note<sup>7086</sup>
  - (22) Compliance with building code of Australia<sup>8501</sup>
  - (23) Protection of public places<sup>8507</sup>
  - (24) Structural Design Certificate<sup>9006</sup>
  - (25) Compliance with BCA<sup>9104</sup>
  - (26) Construction hours<sup>9151</sup>
  - (27) Construction Certificate required<sup>9155</sup>
- (B) That the Director of Public Works and Services shall be advised that if the footpath licence is approved, the hours of usage should be restricted to between 8.00am and 9.00pm, 7 days.
- (C) That persons who made representations with respect to the proposal be advised of Council's decision.

Carried.

**2.**

**DARLINGHURST ROAD, NOS. 39-43, POTTS POINT – EXTEND TRADING HOURS OF EXISTING NIGHT CLUBS TO 12.00 P.M. (MIDDAY) TO 6.00 AM MONDAY TO SUNDAY – DEVELOPMENT APPLICATION (U01-00386)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Pooley:-

(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 Callandale Pty Limited, with the authority of Vendomatic Pty Limited, to an extension to the hours of operation of the venue 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 (6) 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 at all times;
    - (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) 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.
- (2) That the development shall be generally in accordance with plans stamped 2 May and endorsed by Council, subject to compliance with the conditions below;
- (3) That the extension of hours shall be restricted to the premises at the basement level of 39-43 Darlinghurst Road, Potts Point as shown on the plans stamped and endorsed by Council;
- (4) That the hours of operation shall be restricted to between the hours listed in the following table:

<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	6:00pm	6:00am (following morning)
Tuesday	6:00pm	6:00am (following morning)
Wednesday	6:00pm	6:00am (following morning)
Thursday	6:00pm	6:00am (following morning)
Friday	6:00pm	6:00am (following morning)
Saturday	6:00pm	6:00am (following morning)
Sunday	6:00pm	6:00am (following morning)

- (5) That the extension of hours shall be commenced within 6 months of the date of this consent and shall cease after a period of 12 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 12 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 the development consent conditions, and 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;
- (6) 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;
- (7) 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 (6);

- (8) That on each night and early morning of trading, the operator shall employ at least two security operatives from 9pm until the last person leaves the site. The security operatives are to be positioned within and surrounding the premises to ensure that patrons do not loiter in the vicinity of the nightclub upon their departure. Security shall remain until such time as previous patrons of the nightclub have departed the vicinity of the nightclub. In this regard, no fewer than two security officers shall be present in the vicinity of the doorways of the nightclub for the extended period of trade. Details shall be included in a Management Plan required by Condition (6);
- (9) That a closed circuit television system shall be installed and maintained in constant working order and record the interior of the nightclub. 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 (6);
- (10) That no spruikers shall be employed in association with the premises;
- (11) That the licensee shall ensure that the approved capacity of the nightclub is not breached at any time and that no persons be permitted to queue, drink or loiter outside the premises at any time. In this regard, the security personnel shall be responsible for 'keeping count' and enforcement;
- (12) That all reasonable steps shall be undertaken to ensure that the following occurs:
  - (a) promotion of the responsible sale, supply and service of alcohol;
  - (b) all reasonable steps are taken to ensure that no patrons are intoxicated on the premises;
- (13) That notwithstanding compliance with the following noise conditions, the noise from the licensed premises shall not be audible within any habitable room in any residential premises near the site;
- (14) That other than in respect of the hours of operation, the development shall comply with all other requirements of the Liquor License applying to the premises;

- (15) That where the conditions of this consent contradict or conflict with a condition of the licensee's Liquor License (other than in terms of the temporary extended hours), the more stringent of the conditions shall apply;
- (16) That the doors onto Earl Place are not to be used at any time other than to permit wheel chair access by prior arrangement and in emergencies, with signage to be attached to the doors facing Earl Place with the words "No Entry" and with signage to be attached to the doors facing indoors with the words "Emergency Exit Only". Details shall be included the plan of management required in condition (6);
- (17) That sound limits installed to the sound systems with the settings being in accordance with those established during the site visit by Steve Cooper Acoustics Pty. Ltd, the sound limits being provided with a lockable cover and being calibrated on an annual basis;
- (18) That no additional speakers be added to the sound system not the speaker layout changed;
- (19) That the  $L_{A90}$  noise level emitted from the licensed premises shall not exceed 5dB above the background ( $L_{A90}$ ) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.  
That the  $L_{A10}$  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 of 12.00 midnight to 7.00am.  
NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing court the more stringent condition will prevail.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration,

overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council advise Senior Constable Rohen Hull-Moody in the Licensing Section of the Kings Cross Local Area Command Police Service of it's decision;

Negatived.

It was moved by Councillor Pooley, seconded by Councillor Harcourt that the hours of operation be amended to allow for the business to operate from 12.00 p.m. to 3.00 am, Mondays to Sundays.

Negatived.

It was moved by the Mayor, seconded by Councillor Harcourt that the matter be deferred for conditions of refusal to be drafted and that legal advice being obtained.

It was moved as a further amendment by Councillor Harcourt and by consent that the report to be submitted by the Planning Department include looking at the entrance at the rear of the premises.

Motion, as moved by the Mayor and amended by Councillor Harcourt, carried.

3.

**ASHMORE STREET, NO.6, ERSKINEVILLE – GROUND AND FIRST FLOOR ALTERATIONS AND ADDITIONS TO REAR OF DWELLING – DEVELOPMENT APPLICATION (U01-00167)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Kiem Ong, with the authority of Mr K. & Mrs C. Ong, to carry out ground and first floor alterations and additions to dwelling, subject to the following conditions, namely:-
  - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1650 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this

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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 \$200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with the plans numbered DA01/C dated February 2001 and the fax dated 24 October 2001 in relation to the first floor awning windows except where amended by conditions of consent;
- (4) That horizontal timber slat privacy screens shall be erected on the eastern and western boundaries above the proposed rear brick boundary walls as shown on the Council endorsed plans. The screens shall extend 1m from the rear wall of the living/dining room and extend 1m in height above the brick wall. The slats shall have a maximum gap of 20mm between them unless written agreement to have a larger gap is reached with the neighbours and provided to the principal certifying authority. Details of the privacy screens are to be provided with the construction certificate;
- (5) That the proposed rear brick fence on the eastern, southern and western boundaries shall be constructed entirely within the boundaries of the site unless written approval from adjoining properties owners is obtained and submitted with the construction certificate application;
- (6) That a minimum of 50% of the landscaped area is to be soft/porous landscaping and details are to be provided with the application for a construction certificate;
- (7) That the proposed brick boundary fence at the rear shall have pier or bridge footings to minimise damage to the root system of the existing Nettle tree (*Celtis occidentalis*) in the adjacent property to the south, details to be provided with the application for a construction certificate;
- (8) That the first floor bathroom window on the northern elevation shall have frosted or translucent glass;

- (9) That if a new hot water system is required with the work it shall have a minimum 3.5 star rating and details are to be provided with the application for a construction certificate;
- (10) That approval is granted to remove the Citrus tree on the site;
- (11) 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;
- (12) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
  - (c) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
  - (d) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
  - (e) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
  - (f) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
  - (g) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;

- (h) 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;
- (i) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (j) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (k) Balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;

and the following adopted standard conditions:

- (13) Comply With BCA<sup>99104</sup>
- (14) Construction Certificate Required<sup>99155</sup>
- (15) Survey Certificate at Set Out Stage<sup>99001</sup>
- (16) Survey Certificate at Completion<sup>99002</sup>
- (17) Structural Design Certificate<sup>99006</sup>
- (18) Drainage Details with Construction Certificate<sup>99013</sup>
- (19) Timber Framing to Comply With Aust Standard or Certified<sup>99201</sup>
- (20) Construction Hours<sup>99151</sup>
- (21) Comply With the WorkCover Authority<sup>99105</sup>
- (22) Works Within Boundary<sup>99152</sup>
- (23) Building/Demolition Noise Control<sup>99156</sup>
- (24) Maintain Existing Building in a Stable Condition<sup>99157</sup>
- (25) Protection from Termites<sup>99203</sup>
- (26) Commencement of Structural Works<sup>99202</sup>
- (27) Glazing Provisions<sup>99330</sup>
- (28) Obstruction of Public Way<sup>93029</sup>

- (29) Delivery of Construction Materials<sup>93032</sup>
- (30) Work on Public Way<sup>99154</sup>
- (31) Stormwater Standard<sup>4001</sup>
- (32) Clean Water Discharge<sup>4002</sup>
- (33) Connection to Council's Stormwater System<sup>4005</sup>
- (34) Landscape Plan<sup>5001</sup>
- (35) Final Inspection<sup>5015</sup>
- (36) Garbage on Public Way<sup>6001</sup>
- (37) Refuse Skips<sup>6002</sup>
- (38) Work on Public Way<sup>99154</sup>

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

Carried.

**4.**

**JOYNTON AVENUE NOS. 132-138 & 140 ZETLAND – DEMOLITION OF EXISTING BUILDING – DEVELOPMENT APPLICATION (U01-0665)**

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by South Sydney City Council for permission to demolish the existing buildings at Nos. 136 and No. 140 Joynton Avenue, Zetland, for the following reasons, namely:-

- (1) That in respect of clauses 22(l) and 23A(3) of South Sydney Local Environmental Plan 1998 the development application in its present form does not provide sufficient supporting information to substantiate the proposed extent of demolition of the buildings;
  - (2) That in the absence of the information referred to in (1) demolition of the facades and front sections of the buildings (to a depth of one structural bay) would be:
    - (i) contrary to the heritage aims referred to in clause 22(e), (f) (h) and (j) of South Sydney Local Environmental Plan 1998;
    - (ii) inconsistent with the built environment design principles referred to in clause 28(1)(b) and (h) of that LEP;
  - (3) That as the existing buildings make a positive contribution to the Joynton Street Heritage Streetscape Area the demolition referred to in (2) would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Acting Director of Planning and Building be requested to write to the South Eastern Area Health Service, Landcom and South Sydney Development Corporation seeking a comment regarding Council lodging a Masterplan for its property in Joynton Avenue, Zetland.

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

That Council defer its determination of the development application so as to approach the NSW Minister for Health and the South Eastern Sydney Area Health Service concerning the possibility of a joint Masterplan/Joint Venture. In any event that Council call for expressions of interest, agenda and details to Masterplan, Council owned property at Nos. 132 – 140 Joynton Avenue. This may include Royal South Sydney Hospital site.

Motion, as amended by consent, carried.

5.

**BELMONT STREET, NO.254, ALEXANDRIA - DEMOLISH EXISTING CARPORT AND ERECT A TWO STOREY BRICK OUTBUILDING CONTAINING A GARAGE AND STUDIO (U01-00560)**

That the development application submitted by David & Jillian Douglas, to demolish an existing carport and erect a two storey outbuilding containing a garage and studio, be deferred to the next Planning and Development Committee Meeting to be held on 21 November 2001.

Carried.

6.

**DARLINGHURST ROAD, NOS. 67-73, KINGS CROSS – EXTEND HOURS OF OPERATION AND USE REAR DOORS FOR ACCESS TO PREMISES – DEVELOPMENT APPLICATION (U00-01356)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Pooley:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted Robert Braid, with the authority of Intelech Marketing Pty Ltd, to extend the hours of operation of the subject premises to 23 hours per day seven days per week, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 99/011/A1, dated June 1999 and the Plan of Management for the premises dated May 2000; subject to compliance with the following conditions,
  - (2) That the hours of operation shall be restricted to between 9.00am and 8.00am Monday to Sunday,
  - (3) That the rear door to Earl Place shall only be used as an emergency exit and at no time shall be used as a customer or staff exit or access point. Within 14 days of this Notice of Determination, the emergency exit doors shall be alarmed so that they emit an audible noise, in the event that they are opened. This alarm system shall be to the satisfaction of the Director of Planning and Building and shall be maintained in good order in perpetuity;
  - (4) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;

- (5) That all other conditions set out under DA U99-00765 (ie from condition no. 4 onwards) are to be fully complied with;
- (6) That all painted wall signage on the Earl Place façade of the premises shall be removed within 14 days of this Notice of Determination to the Director of Planning and Building's satisfaction.

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, overshadowing, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council advise the Kings Cross Local Area Command of the NSW Police of Council's decision.

Negatived.

It was moved by Councillor Mallard, seconded by Councillor Harcourt, that the application be deferred to allow for reasons for refusal to be drafted.

Carried.

7.

**FOVEAUX STREET, NO. 212, SURRY HILLS – REFURBISHMENT OF EXISTING BUILDING, INTERNAL WORKS, ADDITION OF NEW FLOOR ABOVE EXISTING ROOF – DEVELOPMENT APPLICATION (U01-00403)**

That the development application submitted by Noosphere Ideas Pty Ltd, with the authority of Matthew Lepouris Pty Ltd, to, inter alia, add a new floor to the existing building, refurbish an existing part 7/part 8 storeys building and reconfigure the existing car parking layout at 2-12 Foveaux Street, Surry Hills, be deferred to the next Planning and Development Committee Meeting to be held on 21 November 2001, as requested by the applicant in fax dated 6 November 2001.

Carried.

8.

**OXFORD STREET, NO.189, DARLINGHURST – CARRY OUT EXTERNAL ALTERATIONS TO THE COURTHOUSE HOTEL TO PROVIDE AN OUTDOOR DINING AREA ABOVE THE FOOTPATH AWNING – DEVELOPMENT APPLICATION (U01-00559)**

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Crosslake Pty Ltd to carry out external alterations to the Courthouse Hotel, for the following reasons, namely:-
- (1) That the proposal will have an adverse heritage impact upon the building, which is listed as a Heritage Item, and the proposal is inconsistent with Clauses 22, 23 and 23A of Local Environmental Plan 1998, Part E Section 3 of Development Control Plan 1997 (Urban Design) and Clauses 4.1, 4.1.3 and 4.1.4 of DCP 1998 (Heritage Conservation);
  - (2) That the proposal is inconsistent with the objectives of the Business 3 zone applying to the land and Clause 28 of Local Environmental Plan 1998;
  - (3) That the proposal will be likely to adversely affect public safety and amenity with objects being accidentally dropped or deliberately thrown by patrons standing or sitting on the balcony and is inconsistent with Part E Section 4.2 of DCP 1997 (Urban Design);
  - (4) That the proposal does not comply with Clause D1.6 of the Building Code of Australia, which requires an unobstructed height not less than 2 metres, and unobstructed width of path of travel to an exit of not less than 1 metre;
  - (5) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the question of outdoor dining areas above footpath awnings be referred to the Oxford Street Reference Group.

Carried.

9.

**EGAN STREET, NOS.23-25, NEWTOWN – ALTERATIONS AND ADDITIONS TO INDUSTRIAL BUILDING TO CONVERT TO MIXED USES BUILDING (3X1 BEDROOM UNIT AND 1 X COMMERCIAL STUDIO UNIT) – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00921)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jason Peter Veale, for alterations and additions to a single storey industrial building and conversion to a mixed uses building comprising 3 x 1 bedroom units and 1 x commercial studio unit at 23-25 Egan Street, Newtown, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans numbered DA-01, DA-02, DA-03 and DA-04, dated 20 May, 2001 and drawn by Julie Mackenzie of Mackenzie Registered Architects) STAMPED AND ENDORSED BY Council subject to compliance with the following conditions;

(2) 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	\$ 845	2E97003.BGY0
Open Space: New Parks	\$3963	2E97009.BGY0
Accessibility And Transport Management	\$ 26	2E97006.BGY0
	\$ 61	2E97007.BGY0
Total	\$4895	

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 – September Quarter 2001/2002.

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;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1322	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 September Quarter 2001/2002.

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) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,050 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 \$370, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) The face brick work is not to be coated, rendered or painted;
- (7) Repairs to the existing building fabric are to be carried out to match, as closely as possible, the detail of the original work;
- (8) The studio shall not be used as a residence and shall only be used for the purposes of a design studio/architectural office or the like between the hours of 7.00am to 10.00pm, Monday to Friday and 8.00am to 5.00pm, weekends and public holidays;
- (9) That construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management – Minimisation fact Sheets". Details shall be submitted with the application for a construction certificate;
- (10) That the applicant shall comply with the following conditions, or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (a) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
  - (b) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;

- (c) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
- (d) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (e) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (f) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (g) That electricity and telecommunication services shall not be installed in a required non-fire-isolated exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;
- (h) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (i) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively with specific attention directed to the office stair;
- (j) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (k) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall

comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;

- (l) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
- (m) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (n) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (o) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (p) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (q) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (r) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (s) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (t) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (u) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (v) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;

- (w) That storerooms located in the public corridor shall have their openings protected by self-closing -/60/30 fire doors;
- (x) That balustrades shall comply fully with the requirements of Clause D.2.16 of the Building Code of Australia;

and the following adopted standard conditions:

- (11) Remediation<sup>7092</sup>
- (12) Noise<sup>7030</sup>
- (13) Remediation<sup>7093</sup>
- (14) Trade waste<sup>7082</sup>
- (15) Hazardous and industrial waste<sup>7083</sup>
- (16) Soil and sediment: drains, gutters etc<sup>7087</sup>
- (17) Soil and sediment control/building operations<sup>7088</sup>
- (18) Soil and sediment control/stockpiles<sup>7089</sup>
- (19) Details of health aspects<sup>7017</sup>
- (20) Alignment levels<sup>32</sup>
- (21) Road opening permit<sup>34</sup>
- (22) Consolidate lots<sup>1109</sup>
- (23) Display street number<sup>1110</sup>
- (24) Obstruction of the public way<sup>3101</sup>
- (25) Work zones<sup>3102</sup>
- (26) Vehicular footway crossing<sup>3103</sup>
- (27) Delivery of construction materials<sup>3104</sup>
- (28) Resident parking restrictions for new residential flats<sup>3105</sup>
- (29) Pedestrian safety<sup>3110</sup>
- (30) Associated roadway costs<sup>3111</sup>
- (31) Stormwater (general)<sup>4101</sup>

- (32) Clean water discharge<sup>4102</sup>
- (33) Planting on slab<sup>5102</sup>
- (34) Irrigation<sup>5105</sup>
- (35) Final inspection<sup>5115</sup>
- (36) Garbage on the public way<sup>6101</sup>
- (37) Refuse skips<sup>6102</sup>
- (38) Garbage storage area<sup>6103</sup>
- (39) Compliance with BCA<sup>9104</sup>
- (40) Construction Certificate required(a) / Works not to be commenced(b)<sup>9155</sup>
- (41) Stormwater details<sup>9003</sup>
- (42) Structural Design Certificate<sup>9006</sup>
- (43) Comply with the WorkCover Authority<sup>9105</sup>
- (44) Construction hours<sup>9151</sup>
- (45) Hours of work and use of cranes<sup>9153</sup>
- (46) Building/demolition noise control<sup>9156</sup>
- (47) Maintain existing building in a stable condition<sup>9157</sup>
- (48) Works to be within allotment boundaries<sup>9158</sup>
- (49) Guarding of excavations<sup>9160</sup>
- (50) Survey certificate at set out stage<sup>9001</sup>
- (51) Survey certificate at completion<sup>9002</sup>

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

Carried.

10.

**BAYSWATER ROAD, NO.100, RUSHCUTTERS BAY – REPLACEMENT OF FLOOD LIGHTS WITH NEON LIGHTING ON ROOF TOP SIGNAGE ON HARBOURSIDE HOTEL – DEVELOPMENT APPLICATION (U01-00867)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Acting Director of Planning and Building dated 30 October 2001.

Carried.

11.

**GOWRIE STREET, NO. 128, NEWTOWN – ALTERATIONS AND ADDITIONS TO TERRACE DWELLING – DEVELOPMENT APPLICATION (U01-00824)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 31 October 2001.

Carried.

12.

**BOURKE STREET, NO.125, WOOLLOOMOOLOO – DIVIDE TERRACE INTO TWO X TWO BEDROOM RESIDENTIAL UNITS – DEVELOPMENT APPLICATION (U01-00707)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council defer its determination of the application so that amended plans can be prepared by the applicant which incorporate a separate commercial tenancy at the ground floor which comply with BCA and DCP 1997 requirements with respect to separation and fire issues and open space provision.

Carried.

13.

**OXFORD STREET, NO.183, DARLINGHURST – CHANGE OF USE FROM A CAFÉ TO 24 HOUR CONVENIENCE STORE – DEVELOPMENT APPLICATION (U01-00810)**

That Council defer its determination of the application until such time as a further report about Council's Orders Policy is prepared by the Planning and Building Department. The Report is to outline the application of Council's Orders Policy, mainly with respect to Council's acceptance of a Development Application for unauthorised uses or works prior to commencing further legal proceedings.

Carried.

14.

**MALLET STREET, NOS.50-56, CAMPERDOWN – DEMOLISH WAREHOUSE AND ERECT NEW RESIDENTIAL FLAT BUILDING WITH 14 UNITS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00611)**

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Terry and Margaret Quinn, with the authority of Antiques and Old Things Pty Ltd, to construct a four level and part five level residential apartment block containing 6 x 1 bedroom and 8 x 2 bedroom units with parking for 10 vehicles, 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 \$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

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

- (2) That prior to 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;
- (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	\$ 4,770	2E97003.BGY0
Open Space: New Parks	\$22,633	2E97009.BGY0
Accessibility And Transport	\$ 143	2E97006.BGY0
Management	\$ 324	2E97007.BGY0
 Total	 \$27,870	

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 Quarter, 2000/01.

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.

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;

- (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	\$8,071	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 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.

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

- (5) That the development shall be generally in accordance with the plans identified in the table below, except as marked in red by Council, conditioned by Council, held in Council file U01-00611, and conditioned elsewhere in this consent

<i>Drawing Number</i>	<i>Amendment</i>	<i>Dated</i>	<i>Drawn by</i>
DA-01	A	19.06.01	TWST
DA-02	A	19.06.01	TWST
DA-03	A	19.06.01	TWST
DA-04	A	19.06.01	TWST
DA-05	A	19.06.01	TWST
DA-06	A	19.06.01	TWST

- (6) That the balcony to Unit 304 shown on the plans shall be redesigned such that it has at least a 2 metre depth when measured from the outer face of the glass sliding doors. Details shall be shown in the plans submitted with the application for a Construction Certificate;
- (7) That a maximum of 10 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (8) That the parking spaces shall be allocated on the basis of 8 for residents and 2 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (9) That visitor car parking space 3 shall be made a residential parking space made available only for a unit within the proposed development. Details shall be shown on the plans submitted for the Construction Certificate;
- (10) That Car Spaces 2 and 3 shall be deleted and at least one of the spaces shall be used as a Class One bicycle parking facility. The remaining space is to be used for any necessary plant area or storage area required by the development. Details shall be shown on the application for a Construction Certificate.
- (11) That a physical barrier, such as fine wire mesh, shall be installed:
- (i) on the southern boundary of the visitor car parking space 1;
  - (ii) on the northern boundary of visitor car parking space 2; and
  - (iii) on the eastern edge of visitor car spaces 1 and 2.

Details shall be shown on the plans submitted with the application for a Construction Certificate;

- (12) That speed humps shall be installed:
- (i) at the bottom of the ramp leading from the car parking area to Mallett Street; and
  - (ii) on the ramp between the grate and Mallett Street boundary on both sides of the pillar.

Details shall be shown on the application for a Construction Certificate.

- (13) That any proposed hot water system installed on the site shall to have a minimum 3.5 star rating. Details shall be submitted the application for all installed on the site;

**NOTE:** An energy compliance certificate shall be required to be submitted to verify compliance with this condition prior to the release of the occupation certificate;

- (14) That clothes dryers installed in the subject site shall have a minimum Energy Efficiency rating of 3.5 stars;

**NOTE:** An energy compliance certificate shall be required to be submitted to verify compliance with this condition prior to the release of the occupation certificate;

- (15) That the proposal shall be constructed in accordance with the NatHERS report (Assessment No. 066/SS4/010) by six b design dated July 2001, except as amended by the fax from the accreditor dated 10 October 2001 requiring:

- (a) the installation of ceiling insulation with an R-value of 2.5; and
- (b) the installation of wall insulation with an R-value of 1.4.

**NOTE:** An energy compliance certificate shall be required to be submitted to Council or the Principal Certifying Authority to verify compliance with this condition prior to the release of the occupation certificate;

- (16) That a boundary fence shall be constructed to a height of 1.8 metres when measured from either the subject site's or adjoining property's ground level, whichever is the highest level. Details on the fence shall submitted with the plans for the Construction Certificate;

- (17) That upon the commencement of work and demolition of the existing building, temporary security fences shall be installed on or near the boundary with adjoining properties. This security

fence is to include measures that obscure views from the subject site to the rear of adjoining properties. Details on the security fencing shall be included with the Construction Certificate;

- (18) That noise and vibration from the use and operation of any plant and equipment associated with the pool shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (19) That the pool shall be used by residents no later than 12-midnight or earlier than 6.00am each day and a sign to this effect shall be displayed near the pool and maintained by the Owner's Corporation;
- (20) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (21) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (22) That the garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (23) That the development shall accommodate recycling on the site (contact the Council's waste Services Section for details);
- (24) That plans and specification 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:

<b>No.</b>	<b>Health Aspect</b>	<b>Standard or Requirement</b>
(i)	All proposed and required mechanical ventilation systems	Building Code of Australia and AS 1668.
(ii)	The garbage rooms.	SSCC Waste Management/ Minimisation Fact Sheets.
(iii)	The recycling storage area	SSCC Waste Management/ Minimisation Fact Sheets

- (25) That the applicant shall ensure that garbage storage area is of sufficient size to accommodate 3 x 240-litre SULO type bins for domestic refuse and 2 x 240-litre SULO recycling bins;
- (26) 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;

and the following adopted standard conditions:

- (27) Resident parking restrictions for new residential flats<sup>3105</sup>
- (28) One television aerial<sup>114</sup>
- (29) Vehicles enter/leave in forward direction<sup>3020</sup>
- (30) Signs at egress<sup>3022</sup>
- (31) Signal system<sup>3006</sup>
- (32) Builders hoarding permit<sup>30</sup>
- (33) Alignment levels<sup>32</sup>
- (34) Road opening permit<sup>34</sup>
- (35) Consolidate lots<sup>1109</sup>
- (36) Display street number<sup>1110</sup>
- (37) Sealing of car park<sup>3004</sup>
- (38) Sign for visitor parking<sup>3010</sup>
- (39) Intercom for visitors<sup>3011</sup>
- (40) Obstruction of the public way<sup>3101</sup>
- (41) Work zones<sup>3102</sup>
- (42) Vehicular footway crossing<sup>3103</sup>
- (43) Delivery of construction materials<sup>3104</sup>
- (44) Resident parking restrictions for new residential flats<sup>3105</sup>
- (45) Vehicular crossing<sup>3106</sup>
- (46) Construction traffic management<sup>3107</sup>
- (47) Off-street car parking for construction workers<sup>3109</sup>
- (48) Pedestrian safety<sup>3110</sup>

- (49) Associated roadway costs<sup>3111</sup>
- (50) Issue of occupation certificate<sup>9101</sup>
- (51) Clean water discharge<sup>4102</sup>
- (52) Connection to council's stormwater system<sup>4104</sup>
- (53) Swimming pools<sup>5053</sup>
- (54) Landscape plan<sup>5101</sup>
- (55) Irrigation<sup>5105</sup>
- (56) Maintenance<sup>5114</sup>
- (57) Final inspection<sup>5115</sup>
- (58) Garbage on the public way<sup>6101</sup>
- (59) Refuse skips<sup>6102</sup>
- (60) Garbage storage area<sup>6103</sup>
- (61) Emissions<sup>7004</sup>
- (62) Construction noise<sup>7008</sup>
- (63) Ventilation<sup>7025</sup>
- (64) Noise<sup>7030</sup>
- (65) Swimming pool water quality (residential)<sup>7076</sup>
- (66) Hazardous and industrial waste<sup>7083</sup>
- (67) Soil and sediment control<sup>7085</sup>
- (68) Soil and sediment prosecution note<sup>7086</sup>
- (69) Soil and sediment: drains, gutters etc<sup>7087</sup>
- (70) Soil and sediment control/stockpiles<sup>7089</sup>
- (71) Environmental management plan<sup>7091</sup>
- (72) Remediation<sup>7092</sup>
- (73) Remediation<sup>7093</sup>

- (74) Sewer discharge<sup>8004</sup>
- (75) Compliance with BCA<sup>9104</sup>
- (76) Survey certificate at set out stage<sup>9001</sup>
- (77) Survey certificate at completion<sup>9002</sup>
- (78) Stormwater details<sup>9003</sup>
- (79) Stormwater connection<sup>9004</sup>
- (80) Structural Design Certificate<sup>9006</sup>
- (81) Swimming pool warning notices<sup>9052</sup>
- (82) Pool fencing<sup>9053</sup>
- (83) Issue of occupation certificate<sup>9101</sup>
- (84) Comply with the WorkCover Authority<sup>9105</sup>
- (85) Residential building work<sup>9109</sup>
- (86) Construction hours<sup>9151</sup>
- (87) Hours of work and use of cranes<sup>9153</sup>
- (88) Work on public way<sup>9154</sup>
- (89) Building/demolition noise control<sup>9156</sup>
- (90) Works to be within allotment boundaries<sup>9158</sup>
- (91) Excavations and backfilling<sup>9159</sup>
- (92) Guarding of excavations<sup>9160</sup>
- (93) Demolition to comply with Australian standard<sup>9161</sup>
- (94) Retaining walls and drainage<sup>9162</sup>
- (95) Support for neighbouring buildings<sup>9163</sup>
- (96) Protection of public places<sup>9164</sup>
- (97) Signs erected on building and demolition sites<sup>9165</sup>
- (98) Water board certificate (s73)<sup>8001</sup>

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

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

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

Carried.

15.

**YARALLA STREET, NO.16, NEWTOWN – APPLICATION FOR UNAUTHORISED BUILDING WORK CARRIED OUT AS PART OF THE DA APPLICATION IN RELATION TO THE PARKING SPACE AND LAUNDRY ROOM – DEVELOPMENT APPLICATION – SECTION 96 MODIFICATION (U99-01165)**

That the Section 96 modification submitted by Mrs JM McNeil, with the authority of Mr GB McNeil and Mrs JM McNeil, for permission to vary a consent granted to undertake alterations and additions to the existing dwelling involving a ground and first floor level rear extension plus landscaping and a new off-street car-parking space accessed from the rear, be deferred as requested by applicant in fax dated 7 November 2001.

Carried.

16.

**CROWN STREET, NO.397, SURRY HILLS – USE GROUND FLOOR FOR BUSINESS AND FIRST FLOOR FOR RESIDENCE – DEVELOPMENT APPLICATION (U01-00118)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 1 November 2001.

Carried.

17.

**THOMAS STREET, NO.14, CHIPPENDALE – ADDITIONS TO TERRACE HOUSE – DEVELOPMENT APPLICATION (U01-00840)**

- (A) That the Council as the responsible authority grants its consent to an application by Peter Sciberras for permission to extend the existing terrace house at first floor level, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 20801 annotated in red and date stamped by the Council;
  - (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 \$330, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the existing rear chimney stack shall be retained;
  - (4) That the proposed deck shall be deleted;
  - (5) That the chimney stack shall remain unpainted so as to be able to be read as a separate element;
  - (6) That the materials and colour of the extension shall match the existing building;
  - (7) That the proposed aluminium framed sliding door shall be replaced with a wood framed window similar in size and proportions to the upper rear windows of the adjoining buildings;
  - (8) 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.

**ACTING GENERAL MANAGER**

- (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.

NOTE: the above noise levels are applicable for construction hours of:

Monday to Friday, 7.00am to 5.00pm

Saturday, 7.00am to 3.00pm

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

- (9) 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 Councils stormwater drainage system during construction/demolition. Measures must include:
  - (a) Siltation fencing
  - (b) Protection of the public stormwater system;
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (10) 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;
- (11) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (12) 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 Works Zone;
- (13) 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, street furniture, signage, drainage 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;

- (14) 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. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the issue of the Construction Certificate;
- (15) 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 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;
- (16) 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);
- (17) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
  - (c) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
  - (d) 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;

- (e) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
  - (f) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
  - (g) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
  - (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
  - (i) That ballustrades shall comply fully with the requirements of Part 3.9.2 of the BCA with attention also directed to the deck/skylight area;
- (18) That all relevant sections of the BCA shall be complied with;
- (19) 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;
- (20) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (21) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) 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;

- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**18.**

**DARLINGHURST ROAD, NOS. 34-36A, POTTS POINT – CHANGE OF USE TO BROTHEL – DEVELOPMENT APPLICATION (U01-00314)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lennon:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Polly Roberts, with the authority of Glowpace Pty Ltd, for permission to convert the existing massage parlour to a brothel and signage, subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with drawing number RK-1 (amended 28 June 2001), dated 26 March 2001, subject to compliance with the conditions below;
  - (2) That the hours of operation shall be restricted to between 10.00am to 6.00am, 7 days per week;
  - (3) That the operation of the premises shall be conducted in accordance with the Council approved plan of management. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, the plan of management shall be appropriately reviewed and submitted to the Director of Planning and Building for further approval prior to the altered management procedures being implemented;
  - (4) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
  - (5) That no live entertainment shall be provided on the premises;
  - (6) That the use of the premises shall not give rise to:
    - (a) Transmission of 'offensive noise' to any place of different occupancy, and,

- (b) A sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (7) That the ground floor identified in the Plan (1 May 2001) be not used as part of the brothel;
- (8) That the operation of the premises must comply with the Plan of Management at all times. Council shall be advised in writing, and shall give its consent to any modification of the Plan of Management including changes to the Management of the premises;
- (9) That a maximum of 13 staff shall be on the site at any one time (including the management but excluding contract cleaning persons);
- (10) That a maximum of eight sex workers shall be on the premises;
- (11) That no sex worker under the age of 18 shall work on the premises;
- (12) That a manager and a security guard be on the premises at all times that the premises are operating;
- (13) That a copy of the Security Contract be sent to Council as an addition to the Plan of Management within one month of the premises being granted approval;
- (14) That the Class 1C (Security) Licence number of the Security Guard, as identified in the Security Industry Act 1997, be sent to Council as an addition to the Plan of Management within one month of the premises being granted approval;
- (15) That escort services not be provided by the premises and that approval for an escort service be subject to a separate development application to Council;
- (16) That the signage comply with Council's Sex Industry Policy;

- (17) That the premises shall provide regular access to, and facilities for sexual health services to deliver outreach and health educational workshops;
- (18) That a safe and accessible staff room in a non-working area be provided with appropriate facilities (fully equipped bathroom, food and beverage preparation areas) for staff on breaks which is separate to the client lounge/viewing area;
- (19) That a staff noticeboard be clearly displayed in the staff room and that the noticeboard should be used solely for the display of health educational material and a list of the contact details of relevant health and sexual health services for sex work staff;
- (20) That the workplace shall provide workers who do not have adequate English skills and/or who have low literacy skills with health resources in appropriate format and languages;
- (21) That the premises shall not install a security camera in the staff room;
- (22) That the premises comply with NSW WorkCover and NSW Health's Health and Safety Guidelines for Brothels;
- (23) That the premises maintain and display in the Staff Room a Workers Compensation Insurance Policy for the premises;
- (24) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, be allowed at any entrance or any area outside the premises at any time;
- (25) That the fire stairs at the rear of the premises not be used as an entrance or exit for clients;
- (26) That all the existing essential services shall be maintained
- (27) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (28) That the lighting in Room A be restored to a level of illumination appropriate for the use by sex workers to examine clients for visible evidence of sexually transmitted diseases;
- (29) That the air conditioning system in Room A be restored and functioning in accordance with AS 1668.2 –1991 and the Building Code of Australia;

- (30) That the air-conditioning system in Room E be restored and functioning in accordance with AS1668.2 – 1991 and the Building Code of Australia;
- (31) Remove the exhaust ventilation system to the staff room and replace with the existing air-conditioning system to provide a minimum outdoor airflow rate in accordance with Table A1 of AS1668.2 1991;
- (32) The mechanical exhaust system serving the shower in Room H being restored to function in accordance with AS1668.2-1991 and the Building Code of Australia;
- (33) The sanitary facilities comprising of three water closets, one urinal and three wash hand basins being made available for the use of both sex workers and clients;
- (34) The doors to the water closets being made self-closing and a door being fitted to the entry of the sanitary facilities to provide adequate screening;
- (35) That the proprietor shall ensure that all sex workers undertake regular health check-ups;
- (36) That the proprietor shall ensure that sex workers receive appropriate induction, are adequately trained and continually being provided with updated information to examine clients for any visible evidence of sexually transmitted diseases, and that examinations are conducted before any sexual contact;
- (37) That a garbage storage area shall be provided within the premises in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (38) That certificates of design compliance and system performance accompanied by details of the test carried out for the nominated components/aspects of the mechanical ventilation systems shall be provided to Council as the certifying authority certificates will be required prior to the issue of an occupation certificate;
- (39) 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 Operation Act, 1997;
- (40) That swimming and/or spa pool/s and pool surrounds shall be maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000. Note: Guidance may also be obtained from the NSW Health Department's "Skin Penetration Guidelines";

- (41) That the proprietor shall, whilst the premises is operating, regularly change coverings used on beds, furnishings or the like in accordance with the plan of management;
- (42) That the proprietor shall provide written information, ie pamphlets and brochures for sex workers and clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating in and/or reading the English language;
- (43) That the premises shall be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the building/spaces to enable safe use and movement of occupants in accordance with Part F4 of the BCA;
- (44) That all required wash hand basins shall be provided with an adequate supply of potable warm water under mains pressure, mixed through a common outlet;

and the following adopted standard conditions:

- (45) Issue of occupation certificate<sup>9101</sup>
- (46) Compliance with BCA<sup>9104</sup>
- (47) Construction hours<sup>9151</sup>
- (48) Construction Certificate required<sup>9155</sup>
- (49) Building/demolition noise control<sup>9156</sup>
- (50) That advertising of the premises shall be restricted to only the approved signage on the site and advertising in newspapers and/or magazines;
- (51) That there be no soliciting by sex workers, who are associated with the premises, on any publicly accessible place, including licensed premises in the vicinity of the site;
- (52) That intoxicated persons are not permitted on the premises at any time;
- (53) That the sale of alcohol from the premises is strictly prohibited;
- (54) That the use shall cease after a period of 12 months from the date of this Notice of Determination. A further development application to continue the use maybe lodged before the end of the 12 months trial period, for Council's consideration. Such consideration will be based, but not limited to, the performance

of the operator in complying with the conditions of Council's consent, any views expressed by the Police and submissions from surrounding owners and occupiers;

- (55) That the Plan of Management shall require one licensed security guard be present at the entrance at all times and that there be no solicitation. Street solicitation would result in a class 4 action against the owners.

Note 1: That the proprietors attention is drawn to the provisions of Section 13 of the Public Health Act 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agrees to accept the risk;

Note 2: That the proprietors attention is drawn to the provisions of Section 13 of the Public Health Act 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agrees to accept the risk;

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council advise Senior Constable Rohen Hull-Moody in the Licensing Section of the Kings Cross Local Area Command Police Service of it's decision.

Carried.

19.

**MARRIOTT STREET, NO.105, REDFERN – DEMOLISH EXISTING BUILDING AND ERECT 6 X 2 BEDROOM TOWNHOUSES – DEVELOPMENT APPLICATION (U99-01320)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Acting Director of Planning and Building dated 1 November 2001.

Carried.

20.

**KING STREET, NOS. 264-266, NEWTOWN – CHANGE OF USE OF FIRST FLOOR OF PREMISES FROM RESTAURANT TO RETAIL SALE OF ADULT MERCHANDISE AND SIGNAGE – DEVELOPMENT APPLICATION (U01-00831)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council defer its determination of the application until such time as amended plans are submitted which show the use, layout and fittings for the room(s) at first floor level not shown on the plans which form part of the tenancy and to which direct access from the proposed retail area would be provided.

Carried.

21.

**ALBION AVENUE, NO.17, PADDINGTON – ALTERATIONS AND ADDITIONS TO TERRACE – DEVELOPMENT APPLICATION (U01-000647)**

That the development application submitted by Ms T Mann, for permission to carry out alterations and additions, be deferred as requested by the applicant in fax dated 7 November 2001.

Carried.

22.

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

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Acting Director of Planning and Building dated 1 November 2001.

Carried.

23.

**PORTMAN STREET, NO.31, ZETLAND – EXTEND GARAGE AND ERECT A STOREROOM – DEVELOPMENT APPLICATION (U01-00201)**

That Council defer its determination of the application until such time as amended plans are submitted by the applicant which:

- (1) set the whole northern wall of the second level of the garage/studio back one metre from the main dwelling on the site;
- (2) reduce the overall height of the building, measured from natural ground level to the roof ridge, by 400mm;
- (3) that a 1.5 metre privacy screen, measured from the stair landing, is erected between the proposed external stairs and the north-western boundary of the site.

Carried.

24.

**TRAFFIC - 'BETTER BUSES EASTERN SUBURBS' SOUTH SYDNEY COUNCIL SUBMISSION (2009308)**

That Council endorse the changes to the Acting Director of Planning and Building's report dated 2 November 2001, and approve its submission to the State Transit Authority (Sydney Buses).

(A/DPB Report 14.11.01)

Carried.

25.

**RILEY STREET, NOS. 144-150, DARLINGHURST – ADDITIONAL OF 2 STOREYS ON EXISTING COMMERCIAL BUILDINGS CONTAINING RESIDENTIAL APARTMENTS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00648)**

(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 Liverpool Street, to add two storeys to the roof of the existing commercial building and erect an atrium over vacant land contain a cafe and pedestrian link, 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 approved in writing by the

Director of Planning and Building prior to lodging an application for a Construction certificate:

- (a) Signed Deed of Memorandum of Understanding in accordance with, and incorporating all the requirements of Conditions (7) and (8) of this consent;
- (2) 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	\$4732	2E97003.BGY0
Open Space: New Parks	\$20280	2E97009.BGY0
Accessibility And Transport Management	\$130	2E97006.BGY0
	\$328	2E97007.BGY0
Total	\$25470	

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 – September 01/02.

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;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$6532	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 September 01/02.

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) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$29,700 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 \$14,000, or first installment (as applicable), can be paid

to the Council, providing that a completed levy payment form accompanies the payment;

- (6) That the proposal shall be generally in accordance with amended plans numbered 0109-02-01-00 B to 0109-02-01-03 B inclusive, 0109-02-01-04 C to 0109-02-01-06 C inclusive, 0109-02-02-01 B, 0109-02-02-02 B, 0109-02-03-01 B and 0109-02-03-02 B, dated 30 October 2001, drawn by Engelen Moore and stamped and endorsed by Council, subject to compliance with the following conditions of consent;
- (7) That to qualify for the 460.25m<sup>2</sup> floor space bonus the public domain improvements shall be carried out generally in accordance with plans numbered 0109-FIG 05 C, dated 4 October 2001, drawn by Engelen Moore and stamped and endorsed by Council and as detailed in the letter to Council dated 4 October 2001 from Multiplex Developments (NSW) PTY LTD;
- (8) That a Deed of Memorandum of Understanding signed by the owner of the land shall be lodged with Council and will contain an obligation on the owner to provide public domain works in accordance with the letter submitted to Council by Multiplex Development (NSW) Pty Ltd dated 4 October, 2001;
- (9) That the public domain improvements referred to in condition (7) of this consent shall be completed prior to the issuing of an occupation certificate for the site;
- (10) That the material and finishes shall be generally in accordance with those outlined in the supporting documentation submitted with the Development Application U01-00648
- (11) That a maximum of 35 car parking spaces shall be provided on site. The car parking is to be allocated at the following rate (appropriately line marked and labelled prior to the issuing of an occupation certificate):
  - 23 spaces for the use of the commercial offices (including 5 visitor spaces)
  - 3 spaces for the use of the cafe
  - 9 spaces for the use of the residential units (including 1 visitor space)
- (12) That the car parking area shall be redesigned so that spaces 11 and 12/13 do not impede access to the storage rooms and that the isle widths leading to parking spaces 12-30 is increased in width to generally comply with DCP No. 11;

- (13) That the visitor car parking spaces shall be clearly marked as such and shall be located close to the car park entrance;
- (14) That each of the residential units shall be allocated no more than one car parking space each;
- (15) That before entering a purchase/lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owners of the building and owners of the individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by person entering the building;
- (16) That the deck area to the south of the pool equipment room shall be redesigned as follows as marked in red on the plan:
  - (a) The deck area shall project no further than 1 metre from the southern face of the pool equipment room so to as only provide access between this room, the corridor and the pool;
  - (b) That a series of planter boxes no less than 300mm in width be provided on the southern edge of the deck area. These planter boxers are to contain shrubs with a minimum height of 1.5 metres and are to be maintained in perpetuity;
  - (c) That the remainder of the deck area be deleted and replaced with a non-trafficable roof;
- (17) That a separate application shall be lodged for the use of the café;
- (18) That a separate Development Application or Complying Development Certificate shall be lodged with/submitted to Council for the use of the three new office tenancies on level 3 of the eastern building . Note this consent grants approval for the construction the division of the commercial office tenancies and does not include signage or hours of operation. The applicant is advised to refer to Council's Exempt and Complying Development DCP 1999 to determine an appropriate course of action;
- (19) That the through site link in the atrium area shall remain open and accessible to the general public during the operating hours of the cafe (as determined by a future application) and that no signage, goods furniture or other structures shall impede the pedestrian way and the applicant shall ensure that suitable

easements and/or rights of way are created, if necessary, to ensure compliance with this condition;

- (20) That all vehicles must enter and exit the site 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;
- (21) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;
- (22) That a vehicular turntable shall be provided in the loading dock area;
- (23) That the applicant shall accept responsibility for all costs associated with the statutory processes for the proposed roadworks required by Council and the Roads and Traffic Authority;
- (24) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab/ planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (25) That the applicant shall ensure that all terraced/-landscaped areas have their own water supply and are adequately drained;
- (26) That an additional five bicycle parking spaces shall be provided in the form of an inverted U-stand in the car park area;
- (27) That the car parking layout shall
- (28) That the premises, in particular internal rooms not provided with natural ventilation complying the requirements of Part 3.8.5 of the BCA, shall be mechanically ventilated in accordance with the requirements of the BCA;
- (29) That the car parking area shall be ventilated in accordance with Australian Standard 1668;
- (30) That the construction, fitout and finishes of the premises shall comply with the National Code for the Construction and Fitout of Food Premises;
- (31) That the cafe 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;

- (32) That sanitary facilities for the cafe shall comprise of:

	WC	HAND WASH BASIN
Male	2	2
Female	2	2
Disabled	1	1

- (33) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997;
- (34) That plans and specification 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 works:

No.	Health Aspect	Standard of Requirement
(i)	All proposed mechanical ventilation systems	BCA and AS 1668
(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 food preparation and storage areas	National Code for the Construction and Fitout of Food Premises.

- (34) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
  - (b) That the existing structure shall be certified as complying with requirements of the type A construction;

- (c) That the lightweight construction shall comply fully with the requirements of Clause C.1.8 of the BCA;
- (d) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;
- (e) That firewalls shall comply fully with the requirements of Clause C.2.7 of the BCA;
- (f) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
- (g) That the electricity sub-station shall be separated from any other part of the building by construction having a fire resistance level of not less than -/120/30 and the electrical conductors shall be enclosed or otherwise protected by construction having a fire resistance level of not less than 120/120/120 in accordance with the requirements of C2.13 of the BCA;
- (h) That the proposed smoke proof wall shall comply fully with the requirements of Clause C.2.5(d) of the BCA;
- (i) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (j) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
- (k) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (l) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (m) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;

- (n) That all materials, linings and surface finishes attached to or forming part of fire isolated stairway/fire isolated passageway/fire isolated ramp shall comply with Specification C1.10-3 of the BCA;
- (o) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
- (p) That the fire isolated, non-fire isolated and non-required exists shall comply fully with the requirements of Part C and D of the BCA with specific attention directed to the non-required stairway (Clause D.1.12) and fire isolated exists (Clause D.1.7);
- (q) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (r) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (s) That the discharge from exits shall comply with D1.10 of the BCA;
- (t) That the fire-isolated stairway/ramps shall be constructed in accordance with D2.2 of the BCA;
- (u) That the required non-fire isolated stairways in this building having a rise in storeys of more than two shall be constructed in accordance with D2.3 of the BCA;
- (v) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (w) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with

balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;

- (x) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (y) That access and car parking for people with disabilities shall be provided in accordance with Part D3 of the BCA;
- (z) That notices outlining the "offences relating to Fire Exits" shall be displayed in a conspicuous position adjacent to each doorway providing access to the fire isolated stairway in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000;
- (aa) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
  - (i) a door which can at all times be opened from inside without a key;
  - (ii) an approved alarm device located outside but controllable only from within the chamber;

-the door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;
- (bb) That electricity and telecommunication services shall not be installed in a required non-fire-isolated exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;
- (cc) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (dd) That facilities for people with disabilities shall comply fully with the requirements of Part E.2.2 of the BCA;
- (ee) That a warning sign advising against the use of lifts in case of fire, complying with the requirements of E3.3 of the BCA, shall be displayed in a conspicuous position near every lift call button;

- (ff) That the stretcher facility shall be provided in accordance with the requirements of E3.2 of the BCA;
- (gg) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (hh) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (ii) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (jj) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (kk) That sanitary and clothes washing facilities shall be provided in accordance with the requirements of F2.3 of the BCA;
- (ll) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (mm) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (nn) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (oo) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (pp) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50 and shall be constructed in accordance with the requirements of F5.5 of the BCA;
- (qq) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;

- (rr) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (ss) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

and the following adopted standard conditions:

- (35) Remediation<sup>7092</sup>
- (36) Remediation<sup>7093</sup>
- (37) Separate application for signs<sup>2001</sup>
- (38) Sewer discharge<sup>8004</sup>
- (39) Compliance with BCA<sup>9104</sup>
- (40) Construction Certificate required(a) / Works not to be commenced(b)<sup>9155</sup>
- (41) Survey certificate at set out stage<sup>9001</sup>
- (42) Survey certificate at completion<sup>9002</sup>
- (43) Stormwater details<sup>9003</sup>
- (44) Structural Design Certificate<sup>9006</sup>
- (45) Swimming pool warning notices<sup>9052</sup>
- (46) Pool fencing<sup>9053</sup>
- (47) Issue of occupation certificate<sup>9101</sup>
- (48) Comply with the WorkCover Authority<sup>9105</sup>
- (49) Construction hours<sup>9151</sup>
- (50) Hours of work and use of cranes<sup>9153</sup>
- (51) Work on public way<sup>9154</sup>
- (52) Building/demolition noise control<sup>9156</sup>
- (53) Maintain existing building in a stable condition<sup>9157</sup>

- (54) Works to be within allotment boundaries<sup>9158</sup>
- (55) Excavations and backfilling<sup>9159</sup>
- (56) Guarding of excavations<sup>9160</sup>
- (57) Demolition to comply with Australian standard<sup>9161</sup>
- (58) Retaining walls and drainage<sup>9162</sup>
- (59) Support for neighbouring buildings<sup>9163</sup>
- (60) Protection of public places<sup>9164</sup>
- (61) Signs erected on building and demolition sites<sup>9165</sup>
- (62) Stormwater connection fee<sup>5</sup>
- (63) Builders hoarding permit<sup>30</sup>
- (64) Alignment levels<sup>32</sup>
- (65) Road opening permit<sup>34</sup>
- (66) Consolidate lots<sup>1109</sup>
- (67) Display street number<sup>1110</sup>
- (68) Setback of awning<sup>1111</sup>
- (69) Obstruction of the public way<sup>3101</sup>
- (70) Work zones<sup>3102</sup>
- (71) Vehicular footway crossing<sup>3103</sup>
- (72) Delivery of construction materials<sup>3104</sup>
- (73) Resident parking restrictions for new residential flats<sup>3105</sup>
- (74) Construction traffic management<sup>3107</sup>
- (75) Off-street car parking for construction workers<sup>3109</sup>
- (76) Pedestrian safety<sup>3110</sup>
- (77) Associated roadway costs<sup>3111</sup>
- (78) Stormwater (general)<sup>4101</sup>

- (79) Clean water discharge<sup>4102</sup>
- (80) Connection to council's stormwater system<sup>4104</sup>
- (81) Overland flowpaths<sup>4105</sup>
- (82) Landscape plan<sup>5101</sup>
- (83) Maintenance<sup>5114</sup>
- (84) Final inspection<sup>5115</sup>
- (85) Garbage on the public way<sup>6101</sup>
- (86) Refuse skips<sup>6102</sup>
- (87) Garbage storage area<sup>6103</sup>

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

At the request of Councillor Bush, and by consent, the motion be amended by the deletion of condition (27) of the recommendation and the insertion in condition (62) of the words "\$205 per connection".

Motion, as amended by consent, carried.

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

**26.**

**STREETS – STREET FURNITURE CONTRACT – AUTOMATIC PUBLIC TOILETS SITE – PREPARATION OF DEVELOPMENT APPLICATION (2014501)**

That approval be given to instruct EDAW (Aust) Pty Ltd to prepare a Development Application for the installation of Automatic Public Toilets for the eleven (11) locations listed in this report.

(DPWS Report 24/10/01)

It was moved by Councillor Pooley, that site (B) in the proposed locations be included in Taylor Square.

Negatived.

Motion, carried.

27.

**PLANNING – DRAFT FRESH FOOD ON HIGH STREETS PROJECT  
OUTCOMES (2021991)**

- (1) That the contents of the attached report by Leyshon Consulting be received and noted.
- (2) That the Director of Corporate Services prepare a further report to Council examining the feasibility of adopting a property based strategy to help address the issue of retail mix on shopping streets, as discussed in the report by Leyshon Consulting.

Carried.

28.

**PARKS – UPGRADING AND EXTENSION – PARK ADJOINING BARCOM  
AVENUE – CLOSURE OF BARCOM AVENUE AND WEST STREET,  
DARLINGHURST – APPROVAL TO EXHIBIT PROPOSAL (2003349)**

That approval be given to:-

- (1) exhibit the Option 6 proposal to close Barcom Avenue and West Street between Ice Street and Boundary Street and extend the adjacent park on site and at Council's One Stop Shop for a period of twenty-eight days to seek community comment from Tuesday 20 November 2001 till Monday 17 December 2001;
- (2) advertise the Option 6 proposal in the Inner City News and the Wentworth Courier.

(DPWS Report 02.11.01)

Carried.

The Planning and Development Committee Meeting terminated at 9.25 p.m.

**NOTICES OF MOTION**

1.

**SOUTH DOWLING STREET – INTERSECTION OF HANNAM STREET,  
DARLINGHURST – PROVISION OF PEDESTRIAN CROSSING**

Moved by Councillor Lennon, seconded by the Mayor.

**ACTING GENERAL MANAGER**

Due to increased accidents in South Dowling Street, could a pedestrian crossing be placed at Hannam Street, Darlinghurst, where its meets at South Dowling Street.

This matter was asked at the Community Consultative Meeting held a few weeks ago in the North Ward.

This will also benefit students from the College of Fine Arts.

At the request of the Mayor and by consent the Notice of Motion be amended by the addition of the words "and that the question of the pedestrian crossing be submitted to the Traffic Committee"

Motion, as amended by consent, carried.

2.

**KING STREET, NOS. 174 – 176, NEWTOWN – APPLICATION FOR EXTENSION OF HOURS – RESCISSION MOTION**

Moved by Councillors Bush, seconded by Councillor Lennon:-

That the Development Application for the Newtown Hotel recently passed, be hereby rescinded.

Rescission Motion, negatived.

At this stage, Councillor Bush tabled a document from residents objecting to the way the Development Application was handled by Council.

Received.

The Council Meeting terminated at 9.11 p.m.

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

**CHAIRPERSON**

**ACTING GENERAL MANAGER**

**ACTING GENERAL MANAGER**