

287TH Meeting

Erskineville Town Hall
Erskineville
348412

Wednesday, 28 November 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.40 pm on Wednesday, 28 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 Furness, seconded by Councillor Mallard:-

That the minutes of the Ordinary Meeting of Council of 14 November 2001, be taken as read and confirmed.

Carried.

At this stage it was moved by Councillor Lennon, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely,

The Art In Sight Project in Victoria Park Pool in relation to the artists attached to the project be given the amount of \$2000 each.

The Mayor ruled that this matter was not one of urgency and did not accept Councillor Lennon's motion.

MINUTE BY THE MAYOR

15th November, 2001

PERSONNEL - MR. ALLAN FERGUSON, DRIVER AGED SERVICES SECTION AND MRS PHYLLIS WINDSOR, HEAD CHEF, HEALTH & COMMUNITY SERVICES DEPARTMENT – RETIREMENT (P53-00004)

TO COUNCIL

On 30th November, 2001, two long standing employees in the Health and Community Services Department, Mr. Allan Ferguson, Driver Aged Services (23 years) and Mrs Phyllis Windsor, Head Chef (32 years) will retire from the Council.

Phyllis commenced employment with South Sydney Municipal Council on 8th September, 1969 as a Domestic Assistant in the Community Welfare Department. She was appointed a chef on 22 November, 1983 and Head Chef on 3rd July 1989.

Allan began his career with Sydney City Council as a temporary labourer on 30th October, 1978 and was appointed to the permanent position as labourer on 9th October, 1979 and then progressed to the positions of driver of lorry and chauffeur in the City Engineers Department.

He was appointed Mayor's chauffeur with South Sydney City Council on 28th August, 1990 and in 1992 took up a position of driver in the Aged Services Section, Health and Community Services Department.

ACTING GENERAL MANAGER

Recommendation

That the Mayor write to Mrs Phyllis Windsor and Allan Ferguson congratulating and thanking them for their dedicated service to the Council and the community of South Sydney.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Bush, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

26 November 2001

PUBLIC RELATIONS – ZCAG INC – CHRISTMAS PARTY (P58-00117)

I have received a letter from the Zetland Community Group (ZCAG Inc) requesting the assistance of Council in staging their annual Christmas carols and community party in Mary O'Brien Reserve Zetland on Saturday December 2001.

For the past several years the community of Zetland has held a very successful event on these occasions with the support of Council. ZCAG intends letterboxing the area advertising the event and will supply presents for the local children.

Special invitations will be extended to Councillor, South Sydney Development Corporation and Landcom.

Items requested are:

- 2 Portaloos
- 3 trestle tables/50 chairs
- portable BBQ cooker
- portable sound system
- 6 round tables with umbrellas
- Recycling and rubbish bins
- Santa suit

It is proposed that Council support this local community event, now an important tradition, as it allows existing and future residents to get to know each other.

ACTING GENERAL MANAGER

RECOMMENDATION

That Council assist the Zetland Community Action Group (ZCAG Inc) by providing the above listed items for their annual Christmas carols and community party in Mary O'Brien Reserve Zetland on Saturday 8 December 2001, involving the expenditure of \$2000 for funds to be made available in the 2001/2002 Community Grants Sect 3546 Budget.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

19th November 2001

**PROPERTIES – ADMINISTRATION – AUDIT REVIEW/TELEPHONE & ENERGY
AUDIT/UTILITIES COST CONTROL MANAGEMENT PROGRAMME –
PRESENTATION OF BRONZE AWARD (2008370)**

On 25 October 2001, the Acting General Manager and the Property Branch Manager attended the annual Green Globe Award presentation night. Council was awarded the Bronze Award from the Sustainable Energy Development Authority (S.E.D.A).

The Bronze Award recognises Council's efforts in achieving 25% of the agreed target through energy efficient lighting at the Domain Car Park and water efficient taps and showers at Victoria Park Pool and various child-care centres. This has reduced the greenhouse gases equivalent to taking twenty eight (28) cars off the road, permanently, and saved Council \$4,600 per annum.

On behalf of Council I would like to present the Award and thank those Council officers involved.

RECOMMENDATION:

That Council formally accepts the Bronze Award from S.E.D.A. and thanks the officers involved.

ACTING GENERAL MANAGER

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Mallard:-

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

Carried.

At this stage, the Mayor and the Acting General Manager presented Mr. George Eastwood, Team Leader of Council's Property Section the award who accepted on behalf of the staff involved.

MINUTE BY THE MAYOR

28 November 2001

BOUNDARIES - PROPOSED BOUNDARY CHANGES - PUBLIC INFORMATION PROGRAM (2025300)

I wish to advise Councillors of the actions taken to inform residents and ratepayers of the merger proposal from the Minister for Local Government.

Under the direction of the A/General Manager, the Media Manager has organised the following:

- Continuing liaison with metropolitan journalists and editors to promote the corporate opposition of the Council to the Woods' proposal.
- A special issue of *InnerCity News* is being prepared for issue to all 90,000 residents immediately.
- *The Annual Community Report* will be issued mid-January outlining Council's achievements over the past 12 months. A further *InnerCity News* will be published immediately prior to the proposed plebiscite.
- Logo banners are being printed for vehicles in Council's fleet of trucks.
- An information pack has been prepared and issued to selected broadcasters.
- Telephone polling has been commissioned for the weekend of 30 November/1-2 December to gauge LGA-wide opinion.
An OpEd piece is being commissioned for the *Daily Telegraph*.
- Leaflets advertising Council events during December/January will contain (on the reverse side) information opposing the boundary changes and advice on useful contact details for locals.
- A petition will be placed on the public counter in the One-Stop-Shop and in Council's 5 libraries.
- Advertising using the Rocco Fazzari cartoon is being placed in all papers circulating in the LGA.

ACTING GENERAL MANAGER

Recommendation:

That the above-mentioned actions be endorsed pursuant to Councils resolution of 21 November 2001.

Councillor John Fowler (SGD)
Mayor

Moved by the Mayor, seconded by Councillor Harcourt:-

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

At the request of Councillor Lay, and by consent, the motion be amended by the inclusion of the words "and in all Council facilities" after the word "Council's 5 Libraries" where appearing in the second last dot point in the Minute by the Mayor.

Motion as amended by consent, carried.

Councillors Mallard and Lennon requested that his name be recorded as voting against the foregoing motion.

MINUTE BY THE GENERAL MANAGER

28 November 2001

**BOUNDARIES - PROPOSED BOUNDARY CHANGES – STRATEGY BY COUNCIL
(2025300)**

A minute by the Acting General Manager dated 28 November 2001, was circulated to all Councillors, prior to the Council Meeting.

The reason for this matter being press and public excluded was that it dealt with a matter of litigation matter in accordance with Section 10A(g) of the Local Government Act.

Peter Chaffe (SGD)
Acting General Manager

At this stage and at 6.50 pm, it was moved by Councillor Pooley, seconded by Councillor Furness:-

ACTING GENERAL MANAGER

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, as it dealt with a Litigation matter in accordance with Section 10A (g), of the Local Government Act advice concerning litigation, or advice that would otherwise be privileged from production in legal proceeding on the ground of legal professional privilege.

Carried.

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

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

At 7.01 pm the Council Meeting resumed.

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

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

That the recommendation of the Minute by the Acting General Manager dated 28 November 2001, be approved and adopted, subject to the amendments moved in the Committee of the Whole.

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

PETITIONS

1.

The Mayor tabled a petition received by the Acting General Manager with approximately 282 signatures appended from residents of the Sydney Metropolitan Area, objecting to the proposed establishment of a McDonalds restaurant at No.8B Missenden Road, Camperdown.

Received.

2.

The Mayor tabled a petition received by the Acting General Manager with approximately 15 signatures appended from staff and patients of Royal Prince Alfred Hospital, Camperdown, objecting to the proposed establishment of a McDonalds restaurant at No.8B Missenden Road, Camperdown.

Received.

3. The Mayor tabled a petition received by the Acting General Manager with approximately 56 signatures appended from residents of Richards Avenue, Surry Hills and surrounding streets requesting that Richards Avenue be permanently closed to motor vehicles after the trial closure period has finished.

Received.

QUESTIONS WITHOUT NOTICE

1. **PLANNING - BUILDING ENERGY EFFICIENCY – AMENDMENT TO PLANNING CONTROLS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (P54-00140)**

Question:

The recent annual conference of the NSW Local Government Association resolved that Councils should be seeking increased energy efficiency in residential developments with a minimum of a 4 star NatHERs rating. Can a report come to the Planning and Development Committee advising how we can amend our planning controls accordingly?

Answer by the Mayor:

Yes.

2. **FINANCE - PENALTIES FOR LITTER OFFENCES – ILLEGAL DUMPING ENFORCEMENT OFFICERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (F52-00004)**

Question:

I learnt at the Australian Local Government Association Conference that Resource NSW are providing funding to a number of Councils in Western Sydney for Illegal Dumping Enforcement Officers. Could similar funding be sought for such positions for South Sydney?

Answer by the Mayor:

I will ask the Acting General Manager to prepare a report through the Councillors Information Service.

3.

WELFARE - HOME AND COMMUNITY CARE PROGRAM – SENIOR CITIZENS CENTRES USAGE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (W51-00020)

Question:

Owing to the popularity of the “Tea Dancers” that we had for senior citizens at Paddington Town Hall and Redfern Town Hall on a Sunday afternoon, can we do more of them on a Sunday afternoon at the beginning of next year? Also, at the Reg Murphy Activity Club, some of the senior citizens have asked if they could have jazz on a Sunday afternoon.

Answer by the Mayor:

I will ask the Council’s Services Manager to provide a report and have the issue come to Committee.

4.

MOORE PARK – UPGRADING – REGARDING PLACEMENT OF PARK BENCHES - MANAGEMENT PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (P52-00080)

Question:

Please, would the Mayor write to the Centennial Park and Moore Park Trust on behalf of South Sydney residents, requesting that they place park benches in appropriate places in the re-landscaped area of Moore Park, between Anzac Parade and South Dowling Street? Currently there is nowhere for older residents, in particular, to sit down comfortably.

Answer by the Mayor:

Yes, I will do that.

5.

MOORE PARK – CENTENARY GATEWAY – REMOVAL OF ADVANCED TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P52-00080)

Question:

Could Council Officers investigate the death and removal of the advanced trees that were moved to build the Centenary gateway? Whilst we have delegated that responsibility to the Moore Park Trust, they assured us the trees wouldn’t die. One must have been 100 years old and it is gone now. Could we have a report on the matter?

Answer by the Mayor:

I will ask the Director of Public Works and Services to report on that matter through the Councillors Information Service.

6.

TEWKESBURY AVENUE, DARLINGHURST – INSTALLATION OF GATES FOR SECURITY REASONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025858)

Question:

North Ward Councillors (perhaps an endangered species) have received correspondence from the residence surrounding a right-of-way pedestrian only lane leading from Tewkesbury Avenue to Farrell Avenue, Darlinghurst. They request that Council approve the installation of gates to be locked between the hours of 8.00 p.m. and 7.00 a.m. to deal with property and personal crimes.

Could Mr Wilcoxon prepare a report for Committee on this matter?

Answer by the Mayor:

I will have that matter come to Committee in order for the appropriate public notice to be made.

7.

ADMINISTRATION - NEW ADMINISTRATION BUILDING – EXPRESSION OF INTEREST - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013558)

Question:

In line with Council's previous resolution to call for expressions of interest for a joint development and Masterplan for South Sydney Hospital and South Sydney Council's Joynton Avenue land, can a report come to Council's next Committee putting in place an expression of interest for a joint development and construction of an Administration Building at Nos. 136 – 140 Joynton Avenue?

Answer by the Mayor:

I will have the Acting Director of Corporate Services submit that report to the Properties Sub-Committee.

REPORT OF THE FINANCE COMMITTEE

21 November 2001

PRESENT

Councillor Shayne Mallard (Chairperson)

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

At the commencement of business at 7.00 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 21 November 2001, be received and the recommendations set out below for Items 1, 2, 4 to 11, inclusive, 13 to 17, inclusive, 19 to 25.3, inclusive, 25.6 and 25.7, be adopted. The recommendations for Items 3, 12, 18, 25.4 and 25.5 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – OCTOBER 2001
(2024623)**

That arising from a report by the Director of Finance dated 2 November 2001, approval be given to the confirmation of the payment of the accounts totalling \$14,629,029.64, as detailed in the Summary of Warrants for the Month of September accompanying the report.

Carried.

2.

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

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

Carried.

ACTING GENERAL MANAGER

3.

**MEMBERSHIP – RENEWAL - BOTANY BAY ENTERPRISE CENTRE
(M54-00040)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the report by the Civic Affairs Manager/Public Officer dated 9 November 2001, in respect of the renewal of Council's membership to the Botany Bay Enterprise Centre, be received and noted.

It was moved by Councillor Pooley, seconded by Councillor Shaw, that the recommendation as contained in the report by the Civic Affairs Manager/Public Officer dated 9 November 2001, be approved and adopted.

Negatived.

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

Motion carried.

4.

ADMINISTRATION – DELEGATIONS REGISTER - REVIEW (2020963)

That arising from consideration of a report by the Acting Director of Corporate Services dated 24 October 2001, Council approves all authorities in the Delegations Register with the amendments as detailed under the heading Proposed Changes, in the beforementioned report being delegated under the Local Government Act to the General Manager under Section 377, and to other employees under Section 381 of the Local Government Act, 1993.

Carried.

5.

**ADMINISTRATION - PUBLIC WORKS AND SERVICES DEPARTMENT -
REVIEW OF SUBDIVISION APPROVAL PROCESSES (2022333)**

That arising from consideration of a joint report by the Director of Public Works and Services and the Acting Director of Planning and Building dated 24 October 2001, and in light of Council's current position to not proceed with any structural changes until the arrival of the new General Manager, it is recommended that:-

(1) this report be received and noted;

- (2) structural changes, to address the issues raised in the beforementioned report in relation to the subdivision referral and approval process be identified as having a high priority.

(DPWS & A/DPB Joint Report 14.11.01)

Carried.

6.

**(1) COMMITTEES – REDFERN, WATERLOO - PARTNERSHIP PROJECT
(2) FREE USE OF BACK HALL AT REDFERN TOWN HALL (2021972)**

That arising from consideration of a report by the Director of Health and Community Services dated 15 November, 2001 approval be given to Council becoming a formal partner in the Redfern, Waterloo Partnership Project with the NSW Premiers Department for a period of two years by:-

- (1) Contributing \$20,000 per annum for two years towards the cost of the project team employed by State Government;
- (2) Providing the free use of the back hall at Redfern Town Hall as accommodation for the Project for its duration.

Carried.

7.

**PROPERTIES – REDFERN TOWN HALL – REQUEST FOR FREE USE,
28 NOVEMBER 2001 – INNER SYDNEY REGIONAL COUNCIL FOR
SOCIAL DEVELOPMENT (P56-00410)**

That the actions of the Finance Committee in approving the Inner Sydney Regional Council for Social Development the free use of Redfern Town Hall on 28th November 2001, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$330 in income and \$200 in costs, to allow Inner Sydney Regional Council for Social Development to conduct their Annual General Meeting, be confirmed.

Carried.

8.

**PROPERTIES – REDFERN TOWN HALL AND PADDINGTON TOWN HALL
- REQUEST FOR FREE USE – OLD TIMES DANCES, VARIOUS DATES,
2002 – AGED SERVICES SSCC (P56-00410)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 15 November 2001, approval be given to Old Time Dances – Aged Care Services SSCC for the free use of Redfern Town Hall on various

dates in 2002, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$4,500 in income and \$700 in costs, to allow Old Time Dances – Aged Care Services SSCC to conduct monthly social functions.

Carried.

9.

PROPERTIES – BROWN STREET HALL, NEWTOWN – REQUEST FOR FREE USE, 16 DECEMBER 2001 – LESBIAN INC (P56-00410)

That arising from consideration of a report by the Acting Director of Corporate Services dated 15 November 2001, approval be given to Lesbian Inc for the free use of Brown Street Hall, Newtown on 16th December 2001, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$414 in income and \$50 in costs, to allow Lesbians Inc to conduct an Annual General Meeting.

Carried.

10.

PROPERTIES-UPGRADING-STRUCTURAL UPGRADING AND WATERPROOFING OF FIRST FLOOR CAR PARK NOS. 137-155 PALMER STREET, EAST SYDNEY – ADDITIONAL FUNDING (2016307)

(At the Council Meeting, Councillor Pooley declared an interest in the matter and left the Council Chamber when the matter was being discussed.)

That for the reasons set out in the report by the Acting Director of Corporate Services dated 15 November 2001, approval be given for the voting of additional funds in the 2001-2002 Budget (Properties Works Programme) in the sum of \$90,000 for structural upgrading and waterproofing of the timber first floor at Nos. 137-155, Palmer street, East Sydney.

Carried.

11.

COMMITTEES – GAY, LESBIAN AND TRANSGENDER COMMUNITY - SAFETY CAMPAIGN – FINANCIAL ASSISTANCE (2024229)

That arising from a report by the Director of Health and Community Services dated 15 November 2001, that Council approve a donation of \$16,670 to the Anti Violence project (AVP) for the Gay and Lesbian and Transgender Community safety Campaign project, with funds to cover this expenditure

available in the 2001/2002 Section 356 of the Local Government Act, 1993, Budget.

Carried.

12.

COMMITTEES – BOTANY NEIGHBOURHOOD CENTRE - ARABIC COMMUNITY PARTICIPATION AND HARMONY PROJECT – FINANCIAL ASSISTANCE (2010964)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (1) That the report by the Director of Health and Community Services dated 16 November 2001, in respect of financial assistance to the Botany Neighbourhood Centre, be received and noted.
- (2) That the matter be deferred to the next Finance Committee Meeting to be held on 5 December 2001, and that a further report be submitted in respect of funding arrangements by the City of Botany Bay Council.

Carried.

13.

MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT, JULY, AUGUST, SEPTEMBER 2001 (M56-00080)

That arising from consideration of a report by the Director of Health and Community Services dated 16 November 2001, confirmatory approval be given to the excess motor vehicles' use costs (\$7,746.60) as listed in Table 1 in the beforementioned report being treated as donations and charged against Section 356 of the Local Government Act , 1993, for the 2001/2002 Budgetary period.

Carried.

14.

DONATION – ERSKINEVILLE MUSIC FESTIVAL – CANCELLATION – REFUND OF COMMUNITY GRANT (2022526)

That arising from consideration of a report by the Director of Health and Community Services dated 15 November 2001, Council approve the reversal of the decision to provide a \$5,500 donation to the Association for Music Community Arts and Development based on their advice that they will not be conducting the Erskineville Music Festival this year and carry forward their

application for consideration under next year's 2002/2003 Annual Community Grants Program.

Carried.

15.

COMMUNITY SERVICES – OPERATING BUDGET FOR THE GAY & LESBIAN LIAISON OFFICER IN THE COMMUNITY DEVELOPMENT BUSINESS UNIT (2020961)

- (1) That arising from consideration of a report by the Director of Health and Community Services dated 15 November, 2001 Council approve an additional allocation of \$21,850 to the operational budget for the Gay and Lesbian Liaison Officer position in Program Area 24 and account code 6490, consisting of the following amounts:-

•	15505	Materials and Direct Purchases – Other	300
•	16620	Consultants fees	6,000
•	16660	Periodicals, Books	150
•	16665	Petty Cash	400
•	16680	Sundries Miscellaneous	15,000

Total Additional Allocation Requested **\$21,850**

- (2) The Acting Director of Planning and Building to submit a report in respect of the Sex Industry Liaison Officer (S.I.L.O.) regarding Budget Breakdown Memberships delegation and Consultancy fees;
- (3) That the report by the Acting Director of Planning and Building dated 26 November 2001, in respect of the Sex Industry Liaison Officer's (S.I.L.O.) operating budget for the position that was circulated prior to the Council Meeting commencing, be received and noted.

Carried.

16.

STREETS – REGENT STREET, NO.28, PADDINGTON – CONSTRUCTION OF DRIVEWAY IN GORDON STREET (2005029)

That the matter be deferred for legal advice having regard to point No. 3 on page 2 of the report regarding pursuing the matter with the Telecommunication Ombudsman in the report by the Director of Public Works and Services dated 16 November 2001.

Carried.

17.

PARKS – ALAN DAVIDSON OVAL, SYDNEY PARK – INAUGURAL FIRST GRADE 1ST DIVISION CRICKET MATCH – REQUEST FOR COUNCIL TO SPONSOR FUNCTION – SOUTH SYDNEY CRICKET CLUB (2023105)

That Council approve the donation of \$2,500 to the South District Cricket Club for providing a luncheon at Alan Davidson Oval Sydney Park on 2 December 2001 to celebrate the inaugural First Grade 1st Division cricket match at the Oval, and that this amount be added to the 2001/2002 Budget Estimates.

(DPWS Report 16.11.01)

Carried.

18.

CELEBRATIONS – ‘PLACE OF DREAMS’ – MASCON 2001 FESTIVAL REPORT (2023202)

That clauses 1 and 3 of the recommendation be approved only, in the joint report by the Civic Affairs Manager/Public Officer and Director of Health and Community Services dated 15 November 2001.

It was moved by Councillor Harcourt, 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 clauses 1 and 2 in the recommendation only in the joint report by the Civic Affairs Manager/Public Officer and the Director of Health and Community Services be approved and subject to the deletion of clause 3.

Councillor Lennon moved that the matter be deferred and referred to the Arts and Cultural Committee for consideration.

Motion lapsed through want of a seconder.

Councillor Lay moved that the motion be put.

Carried.

Amendment, as moved by Councillor Harcourt, carried.

(The Mayor and Councillors Bush, Lennon and Mallard requested that his name be recorded as voting against the foregoing motion.)

19.

**PARKS – FOWLER RESERVE PLAYGROUND, NORFOLK STREET,
NEWTOWN – APPROVAL OF PLAYGROUND UPGRADE -
CONSTRUCTION (2004871)**

That approval be given to:-

- (1) adopt the Final Playground Upgrade Plan (as per the Attachment accompanying the Director's report: Fowler Reserve Playground Upgrade);
- (2) erect an on-site display board in Fowler Reserve indicating the new playground layout to the community;
- (3) finalise documentation for Public Works and Services' Construction Branch, and Megatoys to commence construction of Fowler Reserve Playground Upgrade for late January 2002 at an estimated cost of \$70,000 (excl GST) for which funds can be made available by the re-allocation of funds from the Parks Development 2001/2002 Works Program: (Isabella Hills Reserve - Budget Ref.45-008 = \$35,000; Unsupervised Playgrounds - Bgt.Ref.45-023 = \$23,000; and Unspecified Works, Parks - Bgt.Ref.45-022 = \$12,000).

(DPWS Report 16.11.01)

Carried.

20.

STREETS – CABLING - AERIAL BUNDLING (S56-01689)

That the report by the Director of Public Works and Services dated 13 November 2001, on the current status of Council's Aerial Building Program, be received and noted.

Carried.

21.

**STREETSCAPES – BARTLEY STREET, CHIPPENDALE – UPGRADE –
ACCEPTANCE OF QUOTATION (2025407)**

That approval be given to:-

- (1) accept the quotation of \$73,902 excluding GST from Wilson Landscapes Pty Ltd to undertake the Bartley Street, Chippendale Streetscape Upgrade;
- (2) include a contingency sum of \$11,000 (15% of contract works);

ACTING GENERAL MANAGER

- (3) reallocate funds to the sum of \$20,000 from Chippendale Brewery Park (Balfour) (Budget Ref: 45-104) to Bartley Street (Budget Ref: 45-105).

Carried.

22.

COUNCILLORS – TRAINING – LOCAL GOVERNMENT AND SHIRES ASSOCIATION (2001916)

That the report by the Acting Director of Organisational Development dated 19 November 2001, advising of training for elected members, be received and noted.

Carried.

23.

PLANT AND ASSETS – HEALTH AND COMMUNITY SERVICES DEPARTMENT - PURCHASE OF NOISE LOGGER - BUDGET ALLOCATION 2000/2001 (2022645)

That arising from a report by the Director of Health and Community Services dated 15 November 2001, that Council approves the revoting of \$4,908.20 to the 2001/2002 Plant and Assets budget under Program 13 to the Management Plan to facilitate payment for the Noise Data Logger purchased from NUTEK AUSTRALIA.

Carried.

24.

DONATIONS – SYDNEY GAY AND LESBIAN MARDI GRAS REQUESTS FOR SPONSORSHIP OF 2002-2003 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 and 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 and Lesbian Mardi Gras Parades, at an estimated value of \$80,000 for two years;
- (b) That Council will pay the full barricade cost at a value of \$60,000, including Council logo rights;
- (c) That Council approves the free use of Victoria Park (excluding the pool) for Sydney Gay and 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.

Carried.

25.

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY,
21 NOVEMBER 2001 COMMENCING AT 6.40 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 21 November 2001, be approved and adopted.

25.1.

**STREETS – MAZE LANE, CHIPPENDALE – PROPOSED CLOSURE AND
SALE OF PART (2025479)**

That arising from consideration of a report by the Director of Public Works and Services approval be given to advertising and action to be taken for the proposed closure and sale of part of Maze Lane, Chippendale as shown stippled on Plan Number S6-280/262 in accordance with the Policy for the proposed closure and sale of lease of laneways and sale of vacant Council owned land, adopted by Council on 27 August 1997, and that a further report be submitted to Council at the end of the advertising period.

Carried.

25.2.

LICENSING – REDFERN STREET, NO.80, REDFERN – PROPOSED FOOTWAY LICENCE (2019301)

That approval be given to:-

- (1) the granting of a licence to Christian Lennon over an area of 7.1 square metres of the footway of Redfern Street and Chalmers Street adjacent to Di Cazbar Café at 80 Redfern Street, Redfern as shown stippled on Plan No S4-130/719B 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 in (1) above commencing on 1 September 2001;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) 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.
- (6) any rent that falls due as a result of commencing the Footway Licence is paid by the due date.

(DPWS Report 8.11.01)

Carried.

25.3.

LICENSING – CROWN STREET NOS. 570-572, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2010101)

That approval be given to:-

- (1) the granting of a licence to Simon Tzanatos and Tina Xenos over an area of 3.75 square metres of the footway of Crown Street adjacent to Melograno at No. 570-572 Crown Street, Surry Hills as shown stippled on Plan No S4-130/617B 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 in (1) above commencing on 25 September 2001;

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

(DPWS Report 9.11.01)

Carried.

25.4.

LEASING – PART DOMAIN CAR PARKING STATION , SIR JOHN YOUNG CRESCENT, WOOLLOOMOOLOO – PROPOSED ASSIGNMENT OF SUB-LEASE FROM KEYSIL PTY LTD., TO NEWS 1 PTY LTD (L52-00239)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

Council's approval be given to the assignment of the sub-lease of the Service Station and Car Wash being part Domain Car Parking Station to News 1 Pty Limited T/as Dollar Car Rental from a date to be determined subject to the following conditions:-

- (1) The assignment of the sub-lease is subject to the approval of the Royal Botanic Gardens and Domain trust.
- (2) That the Assignee is to provide a Bank Guarantee equivalent to three (3) months rental.
- (3) The Assignee is to provide unconditional Personal Guarantees for the term of the sub-lease.
- (4) The Assignee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than **Ten Million Dollars** (\$10,000,000) indemnifying both the Council and the Assignee against any claims that may arise during the term of the sub-lease.
- (5) That all legal costs associated with the preparation and execution of the necessary documents by Council's Legal Officer, are to be borne by the Assignor.
- (6) All relevant documents are to be executed by Council's Attorney.

- (7) The Assignee is responsible for the payment of the Goods and Services Tax under the terms and conditions of the existing sub-lease.
- (8) That Keysil Pty Limited and the existing personal guarantors are released from any ongoing liability under the sub-lease as from the date of assignment of the sub-lease.
- (9) That the report by the Acting Director of Corporate Services dated 27 November 2001, that was circulated prior to the meeting commencing, be received and noted.

(A/DCS Reports 14.11.2001 & 27.11.01)

Carried.

25.5.

LEASING – OXFORD STREET, NOS. 90 AND 92, BASEMENTS – PROPOSED RENEWAL OF LEASE TO L. A. LIQUOR PTY LTD., T/A EDEN NIGHTCLUB (L52-00066)

That the tenant be offered a month to month tenancy of the premises until the matter of the proposed boundary changes are finalised and the position in respect of the leases are clarified.

It was moved by Councillor Mallard, seconded by Councillor Lennon, that the lease not be renewed when it expires and that the report by the Acting Director of Corporate Services dated 21 November 2001, that was circulated prior to the meeting commencing, be received and noted, and that the matter be deferred to Council's Oxford Street Reference Group at its next meeting.

Amendment negatived.

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

That approval be given to renew the lease of Council premises basements Nos. 90 & 92 Oxford Street, Darlinghurst, to L. A. Liquor Pty Ltd commencing on 15 May, 2000, for a term of five (5) years with an option to lease the premises for a further term of five (5) years at an initial rental of \$51,525 per annum gross (payable from the date of Development and Building Approvals), inclusive of outgoings, under the same terms and conditions as the existing Lease and subject to the following conditions:-

- (1) The basement premises of Nos. 90 and 92 Oxford Street, Darlinghurst, are to be used as an extension to the existing Night Club in accordance with the Development Approval.

- (2) The Lessee is to provide a Bank Guarantee, Security Deposit or Bond equivalent to three (3) months of the revised rental.
- (3) The Lessee is to provide Personal Guarantees for the term of the Lease.
- (4) The rent is to be increased annually in accordance with the Consumer Price Index (All Ordinaries) Sydney, for the term of the Lease.
- (5) The rent is to be reviewed to market at the commencement of the option period and then increased annually in accordance with the Consumer Price Index (All Ordinaries) Sydney for the remainder of the option period.
- (6) The Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the Lessee against any claims that may arise during the term of the Lease.
- (7) The Lease is subject to the approval of Council's Planning and building Department of the proposed alterations to the leased premises contained in Development Approval U00-00770.
- (8) All legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer, are to be borne by the Lessee.
- (9) All relevant documents are to be executed by Council's Attorney, if required.
- (10) The Lessee is responsible for the payment of the Goods and Services Tax.

(A/DCS Report 16.11.01)

Motion, as amended, carried.

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

25.6.

LEASING – ELIZABETH STREET, SURRY HILLS – ADJACENT TO NOS. 491 – 493 – PROPOSED LEASE OF PART (L02-00378)

That for the reasons set out in the report by the Director of Public Works and Services dated 16 November 2001, the legal fees associated with the production of a new lease agreement for the re-aligned portion of Elizabeth

Street, adjacent to No 491-493 Elizabeth Street, Surry Hills, as shown on Plan No S4-130/460A, not be waived.

Carried.

25.7.

**LEASING – GOULBURN STREET, NOS. 251 – 263, SURRY HILLS –
PROPOSED LEASE OF PART OF REALIGNED SECTION OF GOULBURN
STREET (2008147)**

That approval be given to:-

- (1) the Owners Corporation of Strata Plan 20211 being granted a Lease under part 10 Division 2 of the Roads Act 1993 over part of Goulburn Street, Surry Hills as shown on Plan No. S4-130/591 for a period of 5 years and subject to the conditions in the schedule accompanying the Director's report;
- (2) the date of commencement of the Lease being 1 July 2000;
- (3) all relevant documents and plans being signed by Council's Attorney;
- (4) this approval lapsing 3 months from the date of Council's approval to the granting of a Lease if the applicants have failed to sign the Lease Agreements;
- (5) payment of all advertising costs before Council signs the Lease Agreement;
- (6) the rental being set at \$400 per annum excluding GST.

(DPWS Report 16.11.01)

Carried.

The Properties Sub-Committee Meeting terminated at 6.45 p.m.

The Finance Committee Meeting terminated at 7.34 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

21 November 2001

PRESENT

The Mayor Councillor John Fowler (Chairperson)

Councillors – Jill Lay, Shayne Mallard, Gregory Shaw.

At the commencement of business at 7.35 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 21 November 2001, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**LICENSING – SHARED ACCOMMODATION DATABASE PREPARATION
(L56-00199)**

That the report by the Director of Health and Community Services dated 8 November 2001, on the Shared Accommodation Database, be received and noted.

Carried.

2.

**COMMITTEES – COMMUNITY SAFETY OFFICER – ESTABLISHMENT
(2024229)**

That for the reasons set out in the report by the Director of Health and Community Services dated 26 October, 2001 Council approves:-

- (1) The employment of a full time Community Safety Officer, in accordance with the proposed position description accompanying the beforementioned report;

ACTING GENERAL MANAGER

- (3) The Community Safety Officer position being located in the Community Development Unit of the Community Services Section, within the Health and Community Services Department;
- (4) The position being evaluated and advertised immediately so that work can commence as soon as possible;
- (4) Funds being added to the 2001/2002 Health and Community Services Budget to cover the salary for the position.

Carried.

The Community Services Committee Meeting terminated at 7.36 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

21 November 2001

PRESENT

Councillor John Bush (Chairperson)

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

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

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

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

That the Report of the Planning and Development Committee of its meeting of 21 November 2001, be received and the recommendations set out below for Items 2,7 to 9 inclusive, be adopted. The recommendations for Items 1,3 to 6 inclusive and 10 having been dealt with as shown immediately following such Items.

Carried.

ACTING GENERAL MANAGER

The Committee **recommended** the following:-

1.

THE WARREN CENTRE'S SUSTAINABLE TRANSPORT IN SUSTAINABLE CITIES PROJECT – SPONSORSHIP REQUEST (2025745)

That Council approve Bronze Sponsorship of the Warren Centre's Sustainable Transport in Sustainable Cities Project to the value of \$5,000, funds for which being made available from project account 51101.801.16630.

(A/DPB Report 7.11.01)

Carried.

2.

PLANNING – RE-DELEGATION OF FUNCTIONS RELATING TO THE MAKING OF LOCAL ENVIRONMENTAL PLANS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (A53-00043)

That Council:-

- (1) on the basis of concurrence from the Acting General Manager, resolve, pursuant to Section 381(3) of the Local Government Act 1993, to endorse the following nomination for Section 65 and 69 delegation under the Environmental Planning and Assessment Act (effective from 21 November 2001);

Delegate:	Director of Planning and Building
Alternate Delegates:	Manager, Strategic Planning Manager, Statutory Planning

- (2) advise the Sydney South Regional Office of the Department of Urban Affairs and Planning of this resolution.

(A/DPB and A/DCS Joint Report 6.11.01).

Carried.

3.

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

This matter was submitted to Council without recommendation:-

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (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 David & Jillian Douglas, to demolish an existing carport and erect a two storey outbuilding containing a garage and studio, 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) Details of the amended design in accordance with conditions No. (5) and (6);
 - (b) A schedule and sample of the colours and materials including the proposed external walls is to be submitted. The exterior of the outbuilding shall be rendered, bagged or painted.
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,200 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$120 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the development shall be generally in accordance with plans dated 17 April, 2001 except where amended by other conditions;
 - (5) That the ridge line of the proposed outbuilding shall stand no more than 5.4 metres above natural ground level and extend no further in length than 5.5 metres from the rear boundary. Details of the amended design arising from this condition shall be submitted to the Council and shall be to the satisfaction of the Director of Planning & Building;

- (6) That the window, on the first floor of the northern elevation of the proposed outbuilding shall be made into a highlight window. Details of the amended design arising from this condition shall be submitted to the Council and shall be to the satisfaction of the Director of Planning & Building;

and the following adopted standard conditions:

- (7) Survey certificate at set out stage⁹⁰⁰¹
- (8) Survey certificate at completion⁹⁰⁰²
- (9) Structural Design Certificate⁹⁰⁰⁶
- (10) Issue of occupation certificate⁹¹⁰¹
- (11) Construction hours⁹¹⁵¹
- (12) Hours of work and use of cranes⁹¹⁵³
- (13) Building/demolition noise control⁹¹⁵⁶
- (14) Maintain existing building in a stable condition⁹¹⁵⁷
- (15) Demolition to comply with Australian standard⁹¹⁶¹
- (16) Support for neighbouring buildings⁹¹⁶³
- (17) Comply with the WorkCover Authority⁹¹⁰⁵
- (18) Road Opening Permit⁹³⁰²⁵
- (19) Consequential Roadworks⁹³⁰²⁷
- (20) Footway Crossing⁹³⁰²⁸
- (21) Obstruction of Public Way⁹³⁰²⁹
- (22) Delivery of Construction Materials⁹³⁰³²
- (23) Alignment Levels¹⁰¹⁶;
- (24) Stormwater Standard⁴⁰⁰¹;
- (25) Refuse Skips⁶⁰⁰²;
- (26) Works Within Boundary⁹⁹¹⁵²

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

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

Carried.

4.

QUEEN STREET, NOS. 3-13, CHIPPENDALE – REFURBISHMENT OF EXISTING BUILDING FOR COMMERCIAL USE WITH ADDITION OR PART FOURTH LEVEL – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U01-00811)

This matter was submitted to Council without recommendation:-

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by F J J Investments Pty Ltd, with the authority of Silkside Pty Ltd, for permission to refurbish an existing building for four tenancies including the construction of an additional part floor , 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 \$9,750 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and

Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1,800, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (3) That the development shall be generally in accordance with plans numbered DA001 to DA011 dated August 2001 as stamped and date stamped by the Council, subject to compliance with the conditions below;
- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 1,136	2E97003.BGY0
Open Space: New Parks	\$ 5,281	2E97009.BGY0
Accessibility And Transport	\$ 34	2E97006.BGY0
Management	<u>\$ 85</u>	2E97007.BGY0
Total	<u>\$ 6,536</u>	

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

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

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;

- (5) That in order to qualify for a floor space bonus in accordance with the South Sydney Plan (DCP 1997) and the agreement to those works as documented by letter from Arrow Commodities dated 9 November 2001, the applicant/developer shall pay a monetary contribution of \$51,205, for the purpose of Public Domain Improvements in the Chippendale Area and that a detailed report be submitted to the Planning and Development Committee.

General Notes

- (1) It is anticipated that the contributed monies will be expended within the next five years.
- (2) The design and construction of footpath works will need to take into account all necessary authority approvals, calculation and approval of alignments, Roads Act approvals, upgrading of retained vehicle crossing, traffic and pedestrian management planning and soil and water management measures, as well as service, level and service pit adjustments, sub-soil drainage lines, and reinstatement of disturbed areas.
- (3) The consent requires as a normal consequence of development, that all redundant driveways are removed and kerb and gutter/footpaths be built as per surrounding treatments. Hence these items will not count towards the bonus. Similarly, new driveways do not count towards the bonus.
- (6) That the building shall be painted in a colour appropriate to a conservation area;
- (7) That the height of the roof shall not exceed the present ridge height except above the lift shaft;
- (8) That new windows shall match existing windows and be constructed in timber joinery;
- (9) That the car spaces shall be so allocated that each tenancy has one garage unit and each garage unit shall be allocated to a tenancy as a part lot in any strata subdivision;

and the following standard conditions:

- (10) Sanitary facilities⁷⁰¹⁶

- (11) Details of health aspects⁷⁰¹⁷
- (12) Ventilation⁷⁰²⁵
- (13) Noise and vibration⁷⁰²⁸
- (14) Performance certificates - ventilation⁷⁰³⁸
- (15) Soil and sediment prosecution note⁷⁰⁸⁶
- (16) Commercial garbage storage area⁶¹⁰⁴
- (17) Obstruction of the public way³¹⁰¹
- (18) Work zones³¹⁰²
- (19) Vehicular footway crossing³¹⁰³
- (20) Delivery of construction materials³¹⁰⁴
- (21) Pedestrian safety³¹¹⁰
- (22) Associated roadway costs³¹¹¹
- (23) Stormwater (general)⁴¹⁰¹
- (24) Connection to Council's stormwater system⁴¹⁰⁴
- (25) Garbage on the public way⁶¹⁰¹
- (26) Refuse skips⁶¹⁰²
- (27) Commercial garbage contract⁶¹⁰⁶
- (28) Builders hoarding permit³⁰
- (29) Alignment levels³²
- (30) Road opening permit³⁴
- (31) 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) Protection of openings⁹³⁰⁷
 - (b) Type of construction⁹³¹⁹
 - (c) Doorways in fire-isolated stairways⁹³¹¹

- (d) Enclosing walls in fire-isolated stairways⁹³¹³
- (e) Protection of openings in lift shafts⁹³¹⁴
- (f) Service access openings in walls⁹³¹⁷
- (g) Services passing through a floor⁹³¹⁸
- (h) Protection of the underside of timber floors⁹³²²
- (i) Material and lining fire hazard properties⁹³²⁷
- (j) Glazing provisions⁹³²⁹
- (k) Height of travel path in exit⁹⁴⁰³
- (l) Access doors to fire-isolated exits⁹⁴⁰⁴
- (m) Discharge from exits⁹⁴⁰⁷
- (n) Construction of fire-isolated stairways/ramps⁹⁴¹⁰
- (o) Installations in the path of travel to an exit⁹⁴¹⁴
- (p) Ramp gradients⁹⁴¹⁶
- (q) Width of stairs and vertical clearance⁹⁴¹⁸
- (r) Exit doors installed in a path of travel to an exit⁹⁴²¹
- (s) Signage on doors⁹⁴²⁴
- (t) Access from tenancy doors to exits⁹⁴²⁷
- (u) Notices outlining the offences relating to fire exits⁹⁴³⁰
- (v) Exit widths⁹⁴³³
- (w) Portable fire extinguishers be installed⁹⁵⁰¹
- (x) Hose reels be installed⁹⁵⁰⁶
- (y) Hydrants be installed⁹⁵⁰⁷
- (z) Emergency lighting⁹⁵¹⁸
- (aa) Exit signs⁹⁵¹⁹
- (bb) Directional signs⁹⁵²⁰

- (cc) Warning signs in lifts⁹⁵¹⁶
 - (dd) That smoke hazard management shall comply fully with the requirements of Part E.2.2 of the BCA;
 - (ee) Protection of walls and floors in wet areas (class 2 to 9)⁹⁶⁰¹
 - (ff) Damp and weather proofing (class 2 to 9)⁹⁶⁰⁶
 - (gg) Number of toilets to be provided⁹⁶⁰⁸
 - (hh) Ceiling heights of rooms or spaces (class 2 to 9)⁹⁶¹²
 - (ii) Mechanical ventilation (class 2 to 9)⁹⁶¹⁵
 - (jj) Construction of external walls for dampness (class 2 to 9)⁹⁶²³
 - (kk) That access and facilities for people with disabilities shall comply fully with the requirements of Parts D.3 and F.2.4 of the BCA respectively;
 - (ll) That the proposed fire isolated stair shall be redesigned to comply with the requirements of Clauses D.1.7(a) and D.2.8 of the BCA with specific attention directed to the ground floor level;
- (32) Compliance with BCA⁹¹⁰⁴
 - (33) Construction Certificate required(a) / Works not to be commenced(b)⁹¹⁵⁵
 - (34) Stormwater details⁹⁰⁰³
 - (35) Structural Design Certificate⁹⁰⁰⁶
 - (36) Comply with the WorkCover Authority⁹¹⁰⁵
 - (37) Construction hours⁹¹⁵¹
 - (38) Hours of work and use of cranes⁹¹⁵³
 - (39) Building/demolition noise control⁹¹⁵⁶
 - (40) Maintain existing building in a stable condition⁹¹⁵⁷
 - (41) Works to be within allotment boundaries⁹¹⁵⁸
 - (42) Demolition to comply with Australian standard⁹¹⁶¹

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.

Negatived.

Carried.

5.

BOTANY ROAD, NOS, 201-211, WATERLOO – USE FOR STORAGE AND RETAILING OF CHRISTMAS PRODUCTS – DEVELOPMENT APPLICATION (U01-00954)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Rennoc Australia Pty Ltd with the authority of Mr P Rosenberg to use the premises for the storage and retailing of Christmas decorations and accessories and as associated office space for the following reasons, namely:-
- (1) That double parking of buses and trucks servicing the use is occurring and is unacceptable and is inconsistent with objective (b) of Clause 7 and objective (f) of Clause 21C of LEP 1998 by virtue of its impacts on pedestrian and driver amenity and safety;
 - (2) That the proposal is inconsistent with Part E 1.6 of DCP 1997 and Parts 1.2 and 4.7.5 of DCP 11 as no on-site parking is being provided and there are insufficient loading facilities. Consequently the proposal would have an adverse impact on the surrounding area through traffic generation and obstruction of the road and pedestrian network which surrounds the site;
 - (3) That unauthorised building work has taken place(being the installation of new doors to Botany Road and the construction of steps on the road widening setback in front of the premises) without the Council's consent and Council is not empowered under the Environmental Planning and Assessment Act and the Building Code of Australia to approve unauthorised works;
 - (4) That the customers of the premises are having an adverse affect on the amenity of surrounding premises including loss of amenity due to obstruction of the footway and littering;

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- (5) That the granting of consent would not be in the public interest.
- (B) That the applicant be advised that unless the use has ceased and the unauthorised signage and building work has been removed within 30 days of the date of this determination Council will initiate legal proceedings.
- (C) That Council develop a policy for retail premises that use coach tour shopping in the South Sydney area and that bus companies and organisers of coach tours be informed of the problems caused by such tours to the area.

Negatived.

It was moved by Councillor Bush, seconded by the Mayor:-

That the application be deferred to the next Planning and Development Committee and that a report be submitted on:-

- (1) the possibility of fining bus companies who deliver patrons to retail premises;
- (2) placement of levy per head of traveller on buses;
- (3) encourage such premises to become legitimate;

At the request of Councillor Lay, and by consent, the motion be further amended by the addition of clause (4) namely:-

- (4) the Technical and Design of the Public Works and Services department investigate the realities of the proposal with the view of a suitable solution to traffic.

Motion as amended by consent, carried.

6.

MACLEAY STREET, NOS. 57-59, POTTS POINT – ALTERATIONS AND ADDITIONS TO CREATE RETAIL AND COMMERCIAL SPACE AND NINE RESIDENTIAL UNITS – DEVELOPMENT APPLICATION (U01-00675)

- (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 P & J Projects Pty Ltd, with the authority of Macleay Street Development, to make alterations and additions, subject to the following conditions, namely:-
 - (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall

be submitted within 3 months of the date of this deferred commencement consent and shall be to the satisfaction of and approved in writing by the Director of Planning and Building prior to approval of an application for a Construction Certificate:

- (a) Signed Deed of Memorandum of Understanding in accordance with, and incorporating all the requirements of, Conditions (5), (6), (7), (8), (9) and (10) of this consent;
 - (b) An amended plan to be stamped and endorsed by Council modifying the internal configuration of the units numbered 8 & 9 on the approved plan so that the proposed studies are converted to habitable bedrooms designed in accordance with the requirements of the BCA. This plan shall also amend the style of rear facing windows so that they are orientated to the north west as proposed in the adjacent bedrooms;
 - (c) An amended plan to be stamped and endorsed by Council that provides separate garbage room facilities for the residential and commercial components of the proposal in accordance with SSCC Waste Management/Minimisation Fact Sheets. The applicant is advised to liaise with Council's Waste Services manager as to the most appropriate location for these facilities;
 - (d) Submission of archival record in accordance with Condition (15);
 - (e) Details of the proposed colour scheme in accordance with Condition (15)
- (2) That the proposal shall be generally in accordance with plans numbered A.01 to A. 17 inclusive as amended by conditions (1)B and (1)C, dated 30 March 2001, drawn by Peter Read and Associates and stamped and endorsed by Council, subject to compliance with the other conditions of this consent;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$13200 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and

Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$4000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (5) That permanent publicly accessible art work shall be incorporated into the site to the satisfaction of the Ministry of the Arts and Council's Director of Planning and Building as outlined below;
 - (a) A total of no less than \$25 000 be paid to the artists in the form of personal fees (not including any materials) who are commissioned to produce the work
- (6) That the artwork referred to in condition (5) shall be provided in, but not necessarily limited to the following areas of the building.
 - (a) gates, fencing and/or other works at the front terrace area on Macleay Street;
 - (b) the retail area;
 - (c) the entrances to the commercial/retail and residential areas;
 - (d) the proposed new balustrades on the front elevation.

Note: That this work shall be designed in consultation with Council's Heritage Planner and Arts & Cultural Development Co-ordinator

- (7) That commemorative signage indicating the history of the site shall be provided within a publicly accessible area, details of which will be to the satisfaction of the Ministry of the Arts and Council's Director of Planning and Building;
- (8) That the art works referred to in conditions (5), (6) and (7) shall be completed prior to the release of an Occupation Certificate;
- (9) That the applicant shall pay a monetary contribution to Council of \$69 030 in the form of cash or unendorsed bank cheque prior to the approval of the Construction Certificate. This contribution is to be distributed by Council to a social housing provider(s) for the purposes of providing low cost housing in the Potts Point area. Details of this arrangement are to provided to DUAP;
- (10) That a Deed of Memorandum of Understanding shall be signed by the owner of the land and shall incorporate all the requirements of conditions (5), (6), (7), (8) and (9). Should any or all of the land parcel(s) be sold or should an option to purchase any or all of the subject land be given to another party

prior to the completion of the Owner's obligations under this Deed, this deed shall be included as a public positive covenant under section 88E of the Conveyancing Act 1919. The terms of the instrument will reflect the obligations of this deed onto the affected title(s) burdening future Owners of the land parcel(s) to satisfy the terms of this deed;

- (11) That the artwork shall be maintained in good order and in perpetuity by the owners, proprietors of the land or Body Corporate and any modification to the artwork shall be subject to a further development application;
- (12) That the proposed canvas awning and bifolding windows shall be deleted from the plan and the two large windows located on the ground floor of the Macleay Street elevation shall be retained;
- (13) That the proposed restoration works to the facade shall be done under the supervision of a suitably qualified and experienced heritage practitioner. All repair work to the original building fabric shall match as closely as possible the original details;
- (14) That the facade is to be painted in a colour scheme which is appropriate to the architectural character and style of construction of the terrace. A schedule of the colours, prepared by a suitably qualified and experienced heritage practitioner, is to be submitted to the satisfaction of the Director of Planning and Building;
- (15) That an archival record of the building, including measured drawings and photographs, is to be prepared in accordance with NSW Heritage Office Guidelines, and submitted to Council's satisfaction prior to the approval of the Construction Certificate.
- (16) That all new services in the existing building are to be placed as unobtrusively as possible with minimum intervention to the original fabric.
- (17) That all original skirtings, architraves, cornices, fire places, ceiling roses and the like, are to be retained on the walls marked on the approved plan for retention. Where defective any new work is to match the existing.
- (18) 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;

- (19) That the residential garbage room shall be of sufficient size to contain 2 x 240 litre sulo container type bins for domestic refuse and 2 x 240 litre sulo recycling bins, and that these bins shall be presented on the kerbside of Macleay Street for collection;
- (20) That the applicant shall ensure that all terraced/landscaped areas have their own water supply and are adequately drained;
- (21) That the applicant shall submit a plan to the Certifying Authority to indicate the extent of landscape areas on slab and or 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 fro grass;
- (22) That a further application shall be made for any future use of the basement level as a car park;
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
 - (i) all required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (ii) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (iii) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (24) 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 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;
 - b) 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;

- c) 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;
- d) 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;
- e) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- f) 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;
- g) 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;
- h) That the services passing through a floor shall either be installed in shafts with requirements of Type (A) construction or protected in accordance with Clause C.3.15 of the BCA;
- i) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- j) That the roof lights or the like shall comply with Specification C1.1-3.6 of the BCA;
- k) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- l) That the fire-isolated stairway/ramps shall be constructed in accordance with D2.2 of the BCA;
- m) 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;

- n) 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;
- o) 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;
- p) 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;
- q) 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;
- r) 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;
- s) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- t) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- u) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- v) 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;
- w) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- x) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- y) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- z) 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;
- aa) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- bb) That the enclosing walls to boiler rooms, battery rooms and the like shall be enclosed in construction having a fire resistance level of not less than 120/120/120 in accordance with C2.12 of the BCA;
- cc) That any doorway in the enclosing construction to boiler rooms, battery rooms and the like shall be protected by self-closing fire doors having an FRL of not less than - /120/30 in accordance with C2.12(d)(ii) of the BCA;
- dd) 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;
- ee) That sanitary facilities shall be provided in the retail and commercial areas on accordance with the requirements of Part F.2 of the BCA
- ff) That access and facilities for people with disabilities shall be provided and comply with Parts D.3 and F.2.4 of the BCA;
- gg) That the proposed fire isolated stairway shall be redesigned to comply fully with the requirements of Clause D.1.7(a) of the BCA with specific attention directed to the ground floor level;

- hh) That ceilings beneath any existing floor shall be constructed of material having resistance to the incipient spread of fire of one hour;
- ii) That smoke hazard management shall comply fully with the requirements of Part E.2.2 of the BCA;
- jj) That balustrades shall be provided and comply fully with the requirements of Clause D.2.16 of the BCA;

and the following standard conditions:

- (25) Builders hoarding permit³⁰
- (26) Road opening permit³⁴
- (27) Display street number¹¹¹⁰
- (28) Level of colonnade/plaza¹¹¹⁵
- (29) Obstruction of the public way³¹⁰¹
- (30) Work zones³¹⁰²
- (31) Delivery of construction materials³¹⁰⁴
- (32) Construction traffic management³¹⁰⁷
- (33) Pedestrian safety³¹¹⁰
- (34) Associated roadway costs³¹¹¹
- (35) Stormwater (general)⁴¹⁰¹
- (36) Clean water discharge⁴¹⁰²
- (37) Final inspection⁵¹¹⁵
- (38) Garbage on the public way⁶¹⁰¹
- (39) Refuse skips⁶¹⁰²
- (40) Garbage storage area⁶¹⁰³
- (41) Issue of occupation certificate⁹¹⁰¹
- (42) Compliance with BCA⁹¹⁰⁴
- (43) Construction Certificate required⁹¹⁵⁵

- (44) Survey certificate at set out stage ⁹⁰⁰¹
 - (45) Survey certificate at completion ⁹⁰⁰²
 - (46) Stormwater details ⁹⁰⁰³
 - (47) Structural Design Certificate ⁹⁰⁰⁶
 - (48) Comply with the WorkCover Authority ⁹¹⁰⁵
 - (49) Construction hours ⁹¹⁵¹
 - (50) Hours of work and use of cranes ⁹¹⁵³
 - (51) Building/demolition noise control ⁹¹⁵⁶
 - (52) Maintain existing building in a stable condition ⁹¹⁵⁷
 - (53) Works to be within allotment boundaries ⁹¹⁵⁸
 - (54) Guarding of excavations ⁹¹⁶⁰
 - (55) Demolition to comply with Australian standard ⁹¹⁶¹
 - (56) Retaining walls and drainage ⁹¹⁶²
 - (57) Support for neighbouring buildings ⁹¹⁶³
 - (58) Glazing provisions ⁹³²⁹
 - (59) Ventilation ⁷⁰²⁵
 - (60) Exhaust for food ⁷⁰²¹
 - (61) Garbage storage area ⁶¹⁰³
 - (62) Commercial garbage storage area ⁶¹⁰⁴
 - (63) Construction noise ⁷⁰⁰⁸
 - (64) Mechanical exhaust - toilets ⁷⁰³⁵
 - (65) Noise ⁷⁰³⁰
 - (66) Soil and sediment control ⁷⁰⁸⁵
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

- (C) That a committee be established that resolves on the selection of the potential community housing provider. That the members of that committee include the Kings Cross Community and Information Centre, Department of Urban Affairs and Planning, elected Council representatives and Council Officers. That the potential uses may include a Koori Housing Outreach Worker.

At the request of Councillor Bush, and by consent, the motion be amended by the deletion of Clause (C) of the recommendation and the insertion in lieu thereof, of the following new Clause (C) namely:-

- (C) That Council liaises with the Kings Cross Community & Information Centre, Department of Urban Affairs & Planning and Councillors in the selection of the potential community housing provider, once the expressions of interest are received from SWISH and ICLA. A further report is to be submitted to Council for a decision concerning the final selection of the housing provider to receive those funds referred to in Development Application U01-00675.

Motion, as amended by consent, carried.

7.

ORWELL STREET, NOS. 5-15, POTTS POINT – ESTABLISHMENT OF A 24 HOUR CONVENIENCE STORE – DEVELOPMENT APPLICATION (U01-00622)

- (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 ABC Planning Pty Ltd, with the authority of SP 30102, to establish a convenience store, 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 two months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:
- (a) That a Plan of Management for the premises shall be prepared and submitted to Council addressing the following 'minimum' information and shall be to the satisfaction of Council:
- Measures to minimise any potential internal and external noise impacts on adjoining properties;
 - Proposed waste minimisation; management; storage and collection procedures;

- General details of security arrangements and site management in the evening; and
 - Details of how it is proposed to minimise and manage any crowding in the 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 and use of the footpath.
- (2) That the development shall be generally in accordance with plans numbered 21002- SK01 and 21002-SK02 as stamped and endorsed by Council, subject to compliance with the conditions below;
 - (3) That the convenience store shall operate between the hours of 6.00am and 1am;
 - (4) That all servicing and delivering of goods to the site is to take place during 7am and 6pm, Mondays to Fridays;
 - (5) That all servicing and delivering of goods to the site is to occur “off street” in the rear loading dock;
 - (6) That all garbage is to be stored on site in accordance with Council’s garbage policy;
 - (7) That any lighting on the site shall be designed to ensure no adverse impact on amenity of the surrounding area by light overspill. Lighting shall comply with AS 4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting;
 - (8) That only the lettering and no part of the background of the signage hereby approved shall be illuminated;
 - (9) That the intensity, colour, period of intermittency and/or hours of illumination of the premises and / or associated signage shall be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the area;
 - (10) That the external lighting shall not be flashing;
 - (11) That at no time shall any signs, amplification equipment, goods or the like be placed on the public way;
 - (12) That a separate application shall be submitted to Council for any future use of the public way for seating;
 - (13) That no stickers, signs or advertising materials may be applied to the external surfaces of the building nor the internal surfaces of the windows or doors of the premises;

- (14) That the southern window adjacent to the entry of the residential building must be blacked out from the inside;
- (15) That a double bowl sink with hot and cold water be provided for the washing of food handling implements and equipment;
- (16) That this approval does not prejudice the requirements of the Fire Safety Order reference No. 2020807 dated 28 March 2000;
- (17) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
 - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (c) sanitary facilities: STANDARD REQUIREMENT - Building Code of Australia, Part F;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (18) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (b) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (c) 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;

- (d) That the efficient coverage and operation of any fire fighting equipment or egress requirements shall not be impaired by the partitioning layout;
- (e) 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 (i) 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;

and the following standard conditions:

- (19) Ventilation⁷⁰²⁵
- (20) Fitout of food premises⁷⁰²⁰
- (21) Air handling - food⁷⁰²²
- (22) Sanitary facilities⁷⁰¹⁶
- (23) Food business operation⁷⁰²⁶
- (24) Commercial garbage storage area⁶¹⁰⁴
- (25) Commercial garbage contract⁶¹⁰⁶
- (26) Noise and vibration⁷⁰²⁸
- (27) Compliance with BCA⁹¹⁰⁴
- (28) Construction Certificate required⁹¹⁵⁵
- (29) Construction hours⁹¹⁵¹
- (30) Comply with the WorkCover Authority⁹¹⁰⁵
- (31) Maintain existing building in a stable condition⁹¹⁵⁷
- (32) Works to be within allotment boundaries⁹¹⁵⁸

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.

At the request of Councillor Bush, and by consent the motion be amended by the adoption of a condition (33) to the recommendation, namely:-

- (33) The location of the counter and display shelving shall be configured such that it is not enclosing or obscuring any of the shop windows and allows viewing between the display area of the shop and the street.

Carried.

8.

GERARD STREET, NO.73, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO DWELLING AND ERECTION OF GARAGE WITH FIRST FLOOR STUDIO AT REAR OF PREMISES – DEVELOPMENT APPLICATION (U00-01178)

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 14 November 2001.

Carried.

9.

MANDIBLE STREET, NOS. 2-5, ALEXANDRIA – MIXED COMMERCIAL RESIDENTIAL DEVELOPMENT CONTAINING 131 UNITS, 45 LIVE/WORK UNITS AND A CAFÉ – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00496)

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 14 November 2001.

Carried.

10.

**PARKING – TEMPORARY RESIDENT PARKING PERMITS – POLICY
(P51-00015)**

That the request for a temporary Resident Parking Permit by Mrs Dawn Murdoch, be not approved and that such similar applications not be determined until a resolution has been made arising from the report to be submitted to Council concerning the Parking Study of Resident Parking Schemes.

At the request of Councillor Pooley, and by consent, the motion be amended by the deletion of the word “determined” where appearing in the third line of the motion and the insertion of the word “refused”.

Motion, as amended, carried.

The Council Meeting terminated at 7.57 p.m.

Confirmed at a meeting of South Sydney City Council
held on2001

CHAIRPERSON

ACTING GENERAL MANAGER

ACTING GENERAL MANAGER