

289 Meeting

**Erskineville Town Hall
Erskineville
352365**

Wednesday, 12 December 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.35 pm on Wednesday, 12 December 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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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 28 November and the Extraordinary Meeting of 5 December 2001, be taken as read and confirmed.

Carried.

At the request of Councillor Pooley and by consent the minutes of the Ordinary Meeting of Council of 28 November 2001, be amended on page 1526 in relation to Item No.10 of the recommendation of the Planning and Development Committee by the deletion of the word "not" where appearing after the word "applications" in the second line of the recommendation.

Minutes were then taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

30 November 2001

DONATION - SALVATION ARMY CHRISTMAS DAY LUNCHEON- REDFERN PUBLIC SCHOOL (2008110)

Council has received a letter dated 29 November 2001 from Captain Paul Moulds of the Salvation Army's Oasis Support Network seeking assistance with the annual Christmas Luncheon to be held in the grounds of the Redfern Public School on Christmas Day.

The event started out as a small dinner attended by 200 people and has grown to a massive luncheon serving meals to over 700 people and delivering "street hampers" to 200 people who line in the park and streets of the city.

For a number of years Council has arranged for the hire of tables and chairs for the event.

Many companies and individuals have also donated other products and given financial support to make this event possible.

Because of the increase in the size of the event the Salvation Army has asked council to hire 60 tables and 600 chairs for the event.

Pattis Hire has quoted the hire cost, delivery and pick up of the 60 tables and 600 chairs at \$1,900 inclusive of GST.

GENERAL MANAGER

RECOMMENDATION

That Council approves the request by the Salvation army to provide 60 tables and 600 chairs for the annual Christmas Day Luncheon at the Redfern Public School to the value of \$1,900 inclusive of GST to be charged as a donation under Section 356 of the Local Government Act.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Lennon, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

5 December 2001

**PERSONNEL - MR. PETER CHAFFE, ACTING GENERAL MANAGER –
EXTENSION OF APPOINTMENT DATE (2002856)**

TO COUNCIL

Council on 24 October 2001 approved of Mr.Chaffe, director of Organisational Development , to act in the position of General Manager from 1 to 30 November 2001 and Mr. Ron Wilcoxon, Director of Public Works and Services, to act in the position from 1 December 2001 to 7 January 2002.

It is advised that because of Mr. Chaffe's involvements in setting up actions in regard to the matter of the State Government proposed boundary changes, it was in Council's interest to have Mr. Chaffe act in position of General Manager to Wednesday 5th December 2001.

RECOMMENDATION

That confirmatory approval be given to:-

- (a) Mr. Peter Chaffe, Director of Organisational development, acting in the position of General Manager from 1 November to 5 December 2001.
- (b) Mr. Ron Wilcoxon, Director of Public Works and Services, acting in the position of General Manager from 6 December 2001, to 7 January 2001, when the new General Manager takes up his position.

GENERAL MANAGER

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Lennon, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE MAYOR

12 December 2001

STREETS - PEDESTRIAN ACCESS AND MOBILITY PLANS (PAMP) – JOINT PLANNING PROCESS WITH WOOLLAHRA COUNCIL AND RTA (2026055)

The RTA has initiated a planning process for the implementation of pedestrian facilities, to promote walking as a desirable replacement for cars on short trips, and as a link to public transport services and community facilities.

This process is known as A PAMP is a short (1 year) to long-term (5 years) strategic and action plan for the development of pedestrian policies and deployment of pedestrian facilities within areas of known pedestrian activity. PAMPs are a partnership between Local Government and the State Government, through the RTA, to develop pedestrian infrastructure and facility plans.

Coinciding with Council's recent decision to use \$40,000 of the current *Roads to Recovery Program* funds on the design and implementation of a PAMP, the RTA has recently approached Council with an offer to jointly fund a PAMP in conjunction with Woollahra Council.

This PAMP is to focus on the areas of Surry Hills, Darlinghurst, Paddington, East Sydney and Moore Park, and will deal with issues such as pedestrian access routes to and from the Sydney Cricket Ground, Fox Studio's and Centennial Park, amongst other things.

The RTA offer is for a 50/50 funding arrangement, meaning South Sydney's total contribution for the plan's development will only be 25%. This is expected to be in the vicinity of \$12,000 to \$15,000. Consequently, this leaves approximately \$25,000 (from the initial \$40,000) that can be used to fund works arising as an outcome of the plan. The funding arrangement for the implementation of the plan will be the subject of further negotiation with the RTA during the final stages of the plan's development.

GENERAL MANAGER

RECOMMENDATION

That Council endorse the formulation of a joint PAMP between Woollahra Council, South Sydney City Council and the RTA, with funding being made available from the redirected Roads to Recovery Program funds (as per Resolution of Council dated 7th November 2001).

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

Councillor Lennon requested that her name be recorded as voting against that part of the motion in relation to pedestrian crossings.

MINUTE BY THE MAYOR

12 December 2001

PLANNING - GREEN SQUARE TOWN CENTRE - PROMOTIONAL STRATEGY (2022973)

The winner of the Green Square Town Centre Competition is to be announced on Thursday 13 December 2001. The competition was aimed at securing a visionary design solution for the heart of the Green Square Town Centre, with the development of the Competition Site being a catalyst for the remainder of the Town Centre and for the Green Square area as a whole.

I have held discussions with the General Manager of the South Sydney Development Corporation regarding the development of a strategy to capitalise on the announcement in order to achieve maximum exposure for Green Square. The "leverage" strategy would benefit all major stakeholders and provide a catalyst for significant investment in Green Square.

The promotional strategy involves placing highly informative and attractive promotional "advertorials" in major national and metropolitan newspapers. These advertorials would be under the combined banner of Council, SSDC, and Landcom and could also be used in marketing campaigns and mail-outs.

The following outcomes are expected to be achieved:

- Publicise the Green Square Town Centre Competition

GENERAL MANAGER

- Inform potential investors about the progress of the new town centre
- Provide visual evidence of the large volume of current development
- Reinforce the unique locational advantages of Green Square
- Demonstrate a shared vision and partnership approach to the renewal of the Green Square Area

Funding to the value of \$20,000 each is being sought individually from Council, Landcom, SSDC and the private sector. The \$20,000 contribution required from Council is seen as an appropriate contribution to this worthwhile promotional strategy and funds can be drawn from Council's Green Square Public Domain Planning account (Account Code 51101.801.16630).

RECOMMENDATION

That Council contribute \$20,000 to the South Sydney Development Corporation's Leverage Strategy linked to the announcement of the winner of the Green Square Town Centre Design Competition (Account Code 51101.801.16630).

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

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

MINUTE BY THE MAYOR

12 December 2001

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

Council

Council, at its meeting on 14 November 2001, resolved:

- (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.

GENERAL MANAGER

- (2) That Council write to the Minister for Education requesting him to look at an alternative accommodation for the school.

The Visit of Inspection was carried out on Saturday, 8 December 2001.

The premises was also inspected by the Planning and Building Department's Building Assessor to ascertain what work would need to be done to bring the building up to the Building Code of Australian Standards.

The full report, dated 11 December 2001, is attached. There are a total of eleven recommendations, most of these relate to the scaling of penetrations to prevent the passage of smoke from one area to another.

The School has received a grant of \$63,000 to further improve the building and it is recommended that the report from the Planning & Building Department be forwarded to the School.

In relation to Part 2 of the resolution by Council, a letter was sent to The Honourable John Watkins MP, The Minister for Education and Training, on 6 December 2001. The letter states that: "Council would like your Ministry to investigate as to the State Government taking responsibility for supplying alternative accommodation for this School which is filling an important need". The complete letter is in file. There has been no response to date.

RECOMMENDATION

- (A) That approval be given to the lease of Council's premises, first, second and third floors, 73-75 William Street, East Sydney, to The Learning Community Centre being renewed until the end of 2002, commencing on 5 December 2001, subject to the provisions of the existing lease and the following conditions, namely:-
 - (1) The current subsidy of \$64,395.00 per annum to continue for the remainder of the calendar year ending 31st December 2002; at such time the subsidy is to be reviewed by the Donations Sub-Committee and each subsequent year during the option period.
 - (2) The Lessee is responsible for the payment of the Goods and Services Tax.
 - (3) The Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity, of not less than Ten Million Dollars (\$10,000,000), indemnifying both the Council and the Lessee against any claims that may arise during the term of the lease.
 - (4) Any proposed alterations or Development Applications for the leased premises including refurbishment, fit-out etc by the Lessee during the term of the lease period, must first be submitted to the Property Branch

GENERAL MANAGER

Manager prior to any submission of plans etc to Council's Planning and Building Department for Statutory approvals.

- (5) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer are to be borne by the Lessee.
 - (6) All relevant documents are to be executed by Council's Attorney.
- (B) That a further report be submitted on the estimated costs of the work as detailed in the report of the Building Assessor dated 11 December 2001.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Furness:-

That the minute by the Mayor, be approved and adopted, subject to the deletion of the words "being renewed until the end of 2002" where appearing in the third line of Clause (A) of the recommendation and the insertion in lieu thereof of the words "for a five year lease with a five year option"

It was moved by the Mayor, seconded by Councillor Mallard that the motion be amended by the deletion of the resolution, as amended by Councillor Harcourt and that the recommendation of the Minute by the Mayor dated 12 October 2001 be approved and adopted.

Negatived.

Motion, as amended by Councillor Harcourt, carried.

MINUTE BY THE MAYOR

12th December, 2001

DONATIONS – SSROC AUSTRALIA DAY BOTANY BAY REGATTA COMMITTEE – REQUEST FOR DONATION (2011320)

TO COUNCIL

A letter dated 7th December, 2001 has been received from the President of the SSROC Australia Day Botany Bay Regatta Committee, asking Council to support the 2002 Regatta by way of a \$500 donation. The Regatta is to be held on Botany Bay on Australia Day, Saturday 26th January 2002.

GENERAL MANAGER

Council has supported the event in previous years (since 1996) and along with other SSROC Council members, have contributed \$500 to cover trophies and prizes to the winning yachts, as well as insurance cover, etc.

As in previous years, Councillors and staff are invited to participate in the event.

Recommendation

That approval be given to the payment of a donation under Section 356 of the Local Government Act, in the sum of \$500 to the SSROC Australia Day Botany Bay Regatta Committee for which funds are available in the 2000/2001 Budget.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried on the show of hands 5 votes to 4.

MINUTE BY THE ACTING GENERAL MANAGER

7 December 2001

**PERSONNEL - PURCHASE OF LEASE BACK VEHICLES - ADDITIONAL FUNDS
(2019967)**

Approval was granted on 11 September 2001, for the re-evaluation of the position of Safety Manager to that of OH&S Co-ordinator, in line with changing requirements and accountabilities of the position.

The evaluation took place on 20 September 2001 and was subsequently approved on that date to Grade 14 of Council's salary system.

The position was advertised and a recommendation has been approved with the successful applicant verbally advising of his intent to commence duties on 7 January 2002.

In addition, a newly created position of Principal Project Officer in the General Managers Unit has been evaluated and advertised for recruitment.

The position was approved on 30 November 2001 at a salary level of Grade 16.

GENERAL MANAGER

In accordance with Council's policy, these positions are eligible for consideration of a lease back vehicle and approval is sought for funds to be added to the relevant business unit budget to cover the purchase of additional fleet vehicles.

RECOMMENDATION

That approval be granted for additional funds to be allocated to the 2001/2002 Budget for the purchase of lease back vehicles for the position of OH&S Co-ordinator and Principal Project Officer.

Ron Wilcoxon (SGD)
Acting General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE ACTING GENERAL MANAGER

11 December 2001

LEASING - REDFERN OVAL - LICENCE FOR USE – (L02-00085)

Reference is made to a meeting in Council's offices on 10 December 2001, at which the following persons were in attendance; Clr. John Fowler – Mayor, Clr. John Bush, Ron Wilcoxon – Acting General Manager, Joel Johnson, Acting Director PW&S, Chris Binns, Parks Branch Manager and Mr George Piggins, South Sydney District Rugby League Football Club (SSDRLFC).

The meeting provided an opportunity to discuss ways in which the SSDRLFC could continue to gain access to Redfern Oval, and how such tenure may be formalised. The Club's preference for an exclusive use lease was discussed and it was considered that such tenure would not satisfy community expectations and needs for the oval. An exclusive lease would limit accessibility by other user groups and the general community, and prevents Council's income opportunities necessary to fund upgrading and maintenance works.

SSDRLFC were seeking an exclusive lease, including the right to sublet the facility and draw income from it. This is not considered appropriate given Council's large financial liability to upgrade a facility which has significantly degraded during the previous lease period.

Council can readily licence the use of Redfern Oval to SSDRLFC for a period of 5 years, as requested, under the provisions of S68 of the Local Government Act. Such a licence will allow SSDRLFC use of the facility at the times and dates specified

GENERAL MANAGER

by them at the commencement of each season. They would be considered the primary winter licensee and as such, would have first preference for use dates. All usage would be billed in line with Council's adopted Fees and Charges Policy, 2001.

A Council resolution from its meeting of 24 November 1999 aimed to call open tenders for the use of Redfern Oval for a period of 10 years. Such a decision however was made at the time when the re-entry of SSDRLFC into the National Rugby League appeared most unlikely, and may no longer be appropriate. Further, recent discussion with the Premier's Department and other State Government Agencies highlighted the need for an overall master planned approach to the Redfern Oval precinct. Given, these two important issues it is considered that the awarding of a usage licence for a maximum period of five years, would best serve Council and its oval users, as an interim solution.

RECOMMENDATION

- (1) That Council's following resolutions of 24 November 1999:-
 - (a) That Council endorse the commencement of a lease document that reflects the aims and recommendations of the Redfern Park and Oval Plan of Management;
 - (b) That Council endorse the commencement of an open tender process for the lease of Redfern Oval for a period of ten years.

-be rescinded.
- (2) That the South Sydney District Rugby League Football Club be invited to submit an application for licensed usage of Redfern Oval until their requested date of 31 October 2005.

Ron Wilcoxon (SGD)
Acting General Manager

Moved by Councillor Bush, seconded by Councillor Pooley:-

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

Carried.

MINUTE BY THE ACTING GENERAL MANAGER

11 December 2001

INSURANCES - OCCUPATIONAL HEALTH AND SERVICES – APPROVAL OF FUNDS FOR USE OF EXTERNAL CONSULTANTS TO MAINTAIN SELF INSURERS LICENCE (I51-00003)

Background

Council is a self insurer for the purpose of implementing a cost effective and efficient workers compensation / OH&S operation.

It is WorkCover policy to conduct an OHS&R management system audit on Self Insurers every three years. The audit is carried out to ensure that the self insurer has implemented and maintained a safety management system that is performing at an acceptable level. This audit was carried out from 3-6 July 2001 and was conducted on 4 of the 13 elements of the approved WorkCover model for OHS&R systems.

Overall the audit team found that Council was performing at an unacceptable level for all four elements of the review. 14 Corrective Actions have been issued to Council with a timetable for remedial work to be completed prior to the next audit. As well, Council was placed on WorkCovers schedule for twelve monthly audits.

As part of this remedial action, Council sought quotations and engaged the services of an external expert in OHS&R system audits (The Brief Group), who conducted a desktop audit of our system between 3-7 December 2001.

As a result of this audit the consultancy group have indicated that Council is in extreme danger of losing its self-insurers licence. Should this occur, Council would be forced to underwrite its workers compensation/workplace injury management programs through an independent insurance company. This cost could exceed \$2 million in premiums annually.

Proposal

To avoid this and to ensure our compliance with the WorkCover model of our OHS&R system it is proposed to engage the services of the Brief Group to project manage:-

1. The development of the framework of an acceptable OHS&R system.
2. The development of documentation / verification associated with the "model".
3. Assist in the onerous task of completing the 14 corrective actions issued by WorkCover.

To do so Council would need to waiver its existing Purchasing procedures to engage the services of the abovementioned consultancy. The cost for this project would be \$34,320 inclusive of GST (see attached proposal).

GENERAL MANAGER

It is considered reasonable to accept this offer given the specialised nature of the work involved, their familiarity with Councils current OH&S procedures and more importantly the restrictive time frames to complete the task.

RECOMMENDATION

That Council waiver normal purchasing procedures and approve the allocation of funds for the amount of \$34,320 to engage the services of the Brief Group of consultants to assist in the development of Council's OHS&R system and that such an amount be added to the 2001/2002 Budget Estimates.

Ron Wilcoxon (SGD)
Acting General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

PETITIONS

1. A petition was received by the Acting General Manager with approximately 68 signatures appended from residents of the Sydney Metropolitan Area, objecting to the proposed renewal of the lease at No. 539 Elizabeth Street, Surry Hills, to the Chinese Consulate.

Received

2. A petition was received by the Acting General Manager with approximately 163 signatures appended from residents of Burren Street, Erskineville and surrounding streets, objecting to the proposed development at No. 33 Burren Street, Erskineville.

Received.

QUESTIONS WITHOUT NOTICE

1.

PLANNING - LEP HOUSEKEEPING – REZONING BOTH SIDES OF SOUTH DOWLING STREET BETWEEN OXFORD STREET AND FLINDERS STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026056)

Question:

Could Council's Planning Department prepare a report for the next LEP housekeeping to rezone both sides of South Dowling Street between Oxford Street and Flinders Street to allow mixed commercial usage? Obviously such a proposal would require community consultation. I have discussed this matter with numerous residents and property owners along South Dowling Street and can report that those I spoke with see rezoning and a resultant change of property usage as a potential resolution to the disadvantages the property owners now suffer owing to the increased traffic volumes and the decision now taken by this Council not to permit a right hand turn at Taylor Square?

Answer by the Mayor:

I will have the Officer prepare the report and have it come to Committee.

2.

CLEANING - A4 SIZE STICKER RE DUMPING OF GARBAGE – PLACEMENT OF STREET LITTER BINS – POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (C56-00022)

Question:

Walking along the Woollahra side of Oxford Street, Paddington yesterday, I noticed a large black garbage bag dumped next to a Council street bin. The bag had a large (about A4) red sticker affixed by the Council saying something like 'Council does not pick up rubbish placed on the footpath in plastic bags etc'. I think this is a good idea as it confronts the perpetrator and also educates the general public and should be taken up by this Council, particularly in North Ward where so much rubbish is put out all over the footpath in plastic bags.

Can Council's Waste Services Manager contact Woollahra Council, obtain one of these stickers and any policy Woollahra has in place to manage this issue and prepare a subsequent report for Finance Committee on implementing such a regime?

Answer by the Mayor:

GENERAL MANAGER

I am happy to have the report come to Committee.

3.

PARKING - CITY ROAD BETWEEN CLEVELAND STREET AND CARILLON AVENUE, CAMPERDOWN –PARKING BAYS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020974)

Question:

Whilst walking along City Road between Cleveland Street and Carillon Avenue last night, I noticed that the newly painted parking bays and their corresponding bay numbers did not match. Could this matter be looked into before the newly installed parking meters are switched on?

Answer by the Mayor:

Yes.

4.

PERSONNEL - DETOXIFICATION FROM ILLICIT DRUGS – BRISBANE CITY COUNCIL – PROPOSED PROGRAM FOR ADOPTION BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2026057)

Question:

Mr Mayor, last week I attended a conference organised by the Council of Capital City Lord Mayors on drugs and was particularly impressed by a speech made by the Lord Mayor of Brisbane in which he spoke of an employment program conducted by his Council specifically for those who have recently completed detoxification from illicit drugs such as heroin and cocaine. I believe this Council, as well as most if not all other Councils, should have a similar program as part of an overall national strategy to attack the drug problem.

Could contact be made with the Lord Mayor's office, as he suggested to the conference, and a report prepared for the first Committee of next year advising the detail of Brisbane's program with a recommendation for such a program of our own commencing as soon as possible?

Answer by the Mayor:

I will have the Director of Health and Community Services contact the Lord Mayor of Brisbane and have that matter come to Committee.

5.

**STREETS – STREET LIGHTS – REPAIR TO LIGHT IN NEWTOWN -
QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2024924)**

Question:

I recently received a complaint from a resident that she had advised Council of an out of order street light in Newtown a number of times over a three month period and it had not been repaired, nor had she heard anything back from Council. Could a brief report be prepared for the Councillors Information Service advising the process when out of order street lights are reported?

Answer by the Mayor:

I will have the Media Manager liaise with the Acting Director of Public Works and Services in regards to the procedures.

6.

**CLEANING – STREETS IN REDFERN, DARLINGTON, CHIPPENDALE AND
NEWTOWN – ILLEGALLY DUMPED RUBBISH – REARRANGEMENT OF
WASTE SERVICES BRANCH - QUESTION WITHOUT NOTICE BY
COUNCILLOR FURNESS (C56-00022)**

Question:

Mr. Mayor, since taking a keen interest in such things, I have never seen the streets and footpaths of West Redfern, Darlington, Chippendale and Newtown as filthy as they have become in the past two to three weeks. The amount of illegally dumped rubbish is almost comparable to third world slums and the current enforcement of laws and ordinances relating to illegal waste dumping are completely inadequate.

Mr. Mayor, can you please advise when the much awaited rearrangement of the Waste Services Branch is going to commence and whether it can really deliver a 50% increase in effectiveness while costing only an extra \$5,000 annually as suggested by the Waste Services Branch Manager? Mr. Mayor, we can't wait any longer. The issue needs to be addressed right now.

Answer by the Mayor:

I will have the Waste Services Manager respond through the Councillors Information Service.

7.

CLEANING – ELIZABETH BAY – PAMPHLETS AND ADVERTISING MATERIAL - REMOVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023845)

Question:

Could the Waste Services Manager investigate leftover pamphlets and advertising material in the Elizabeth Bay area?

Answer by the Mayor:

I will have the matter addressed through the Councillors Information Service by Council's Waste Services Manager.

8.

ADMINISTRATION – PLEBISCITE FOR PROPOSED BOUNDARY CHANGES – QUESTION OF COUNCIL AREAS TO BE INCLUDED IN VOTE – PUBLIC MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025300)

Question:

Mr. Mayor, when you are talking about plebiscites, do you mean for the whole of South Sydney or do you mean for the North Ward?

Answer by the Mayor:

It would have to be a plebiscite of the whole Local Government area because the effect of the boundary changes will be on all of the ratepayers and residents of this Local Government area and the Local Government area of Leichhardt.

Question:

Will you speak to the residents of the North Ward and have a Public Meeting on the issue?

Answer by the Mayor:

I am happy to go to any meeting at any time and I have since I have been in the Chair.

9.

DEPARTMENTS – OUT OF INDIA RESTAURANT, MACLEAY STREET, POTTS POINT, - HEALTH INSPECTION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (D51-00216)

Question:

I received a call from the owner of “Out of India Restaurant” that today at 5.30 pm South Sydney Health Inspectors barged through the back door unannounced, having all the staff up against the back wall for more than an hour. Is this normal practice?

Answer by the Mayor:

I am not aware of the restaurant or the incident you refer to, Mr. Dearsley, would you like to comment?

Answer by the Director of Health and Community Services:

I think what the Councillor alludes to is that, over a period of time Council's Officers have been doing inspections of food premises for many, many years. This particular premises had been investigated some six months ago and found to be not satisfactory and is subject to a court action that is on next week. It is claimed the Officers did what the Councillor said. I refute that claim and I would say that those Officers will be subject to examination in the Court and they can be asked that question in the Court.

10.

PROPERTIES – REDFERN TOWN HALL – CHRISTMAS PARTY FOR PEOPLE WITH DISABILITIES – APOLOGY - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (P56-00360)

Question:

I understand that notwithstanding, the community group P.W.D. (People with Disabilities) had booked, paid for and had their cheque cashed for a Christmas party at Redfern Town Hall. When they attempted to pick up their keys there was no record of their booking.

Could you advise why this occurred, has their fee been refunded and could I request the relevant Director send a letter of apology to P.W.D.?

Answer by the Acting Director of Corporate Services:

I will arrange for it to be investigated and an apology sent if this has occurred.

11.

STREETS – CORNER OF PHILLIP STREET AND MOOREHEAD STREET, WATERLOO – POSSIBLE REMOVAL OF BUS SEAT - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2001974)

Question:

I have received a letter from Deirdre Grusovin, Member for Heffron on behalf of a resident in Waterloo. The resident's home overlooks a bus seat on the corner of Phillip Street and Morehead Street and she is often harassed by anti-social behaviour by people drinking and gathering around the seat.

Please, would Officers investigate the possible removal of the seat?

Answer by the Mayor:

I will have the relevant Officer contact J C Decaux and the appropriate person to enquire if the seat is needed for the bus route.

12.

WYNDHAM STREET, NOS. 114-116, ALEXANDRIA – NON COMPLIANCE OF DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (U00-00463)

Question:

I have received a fax which is a copy of a letter complaining of non-compliance with a Development Application at Nos. 114 – 116 Wyndham Street, Alexandria. Is this matter being addressed expeditiously?

Answer by the Mayor:

I will have the Acting Director of Planning and Building report through the Councillors Information Service.

13.

LICENSING – EARL PLACE, SURRY HILLS – EPI CLUB – COMPLAINT RE NOISES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2003257)

Question:

Similarly, I have received two faxes recently re disturbances outside the EPI Club. What is the current status of approvals for this Club in Earl Place?

Answer by the Mayor:

There are problems with the noise emissions and the matter has been sent to the relevant Officers in regards to health and noise emissions.

14.

**LICENSING – DEVELOPMENT CONTROL PLAN ON HOTEL OPERATIONS
– REPORT TO COUNCIL - QUESTION WITHOUT NOTICE BY
COUNCILLOR LAY (2003257)**

Question:

Could the Acting Director of Planning and Building please investigate the development of a DCP on Hotel Operations as a matter of importance and prepare a report for the first committee meeting of 2002? I am particularly concerned with the increasing number of applications for extension of hours or other intensifications coming before Council.

Answer by the Mayor:

I will have that matter come to Committee.

15.

**PARKS – HOLLIS PARK AND WILSON STREET, NEWTOWN –
INSTALLATION OF SHADE CLOTH - QUESTION WITHOUT NOTICE BY
COUNCILLOR LAY (P52-00031)**

Question:

I have been approached by a number of families who regularly use Hollis Park, Wilson Street, Newtown, requesting the installation of shade-cloth over the playground area. This playground is very heavily used by children in the 0-5 age group daily and has no shade.

Could the Acting Director of Public Works and Services please include this playground in the review of playground shade previously requested by Councillors? Could a report come back to the first committee in February 2002 on the feasibility of shading playgrounds and if appropriate, a recommendation for a trial in one or more playgrounds?

Answer by the Mayor:

The matter is coming up for a trial next year for all playgrounds.

16.

STREETS – KING STREET BETWEEN BUCKNELL STREET AND WATKIN STREET, NEWTOWN – PROVISION OF BUS SEAT AT BUS STOP - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2001974)

Question:

Could the Acting Director of Public Works and Services please investigate the provision of bus seats at the new bus stop on King Street, Newtown, between Bucknell Street and Watkins Street?

Answer by the Mayor:

I will have the appropriate Officer respond through the Councillors Information Service.

17.

TRANSPORT – KING STREET, NEWTOWN AT BROWN STREET – REFERRAL OF REMOVAL OF BUS STOP TO TRAFFIC COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2011749)

Question:

Could the removal of the bus stop on King Street, Newtown, at Brown Street, please be reviewed as the distances for residents in the main shopping areas are not necessarily ideal? Could this matter be referred to Council's Traffic Committee?

Answer by the Mayor:

As they are reviewing the bus routes, I think it is appropriate.

18.

DEVELOPMENT - MAYOR'S DELEGATED AUTHORITY DURING CHRISTMAS/NEW YEAR PERIOD 2001- 2002 - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2001991)

Question:

There is some concerns with developments over this break under Delegated Authority being approved. Will you give an undertaking to consult Councillors?

Answer by the Mayor:

The Policy is that three Councillors can object to any matters under Delegated Authority. The Policy will be upheld and any matter that is to be signed off by myself under that Delegated Authority will be done under the appropriate delegation both from the Officers and from the Mayor.

19.

ANTISOCIAL ACTIVITIES – BILL POSTERS RE FEDERAL ELECTIONS – REMOVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (A55-00044)

Question:

My question is to Councillors Mallard and Lennon. I notice the Liberal Party and The Greens have a number of posters around the area. Could they arrange for them to be pulled down?

Answer by the Mayor:

I'm sure both Councillor Mallard and Lennon have taken that point.

20.

PROPERTIES – EMPLOYMENT OF SPECIALIST NEGOTIATOR FOR PROPERTY EVALUATION – EXPRESSIONS OF INTEREST - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P55-00067)

Question:

Can the Acting General Manager call for expressions of interest to employ a specialist negotiator in property evaluation as a contingency for the future expansion and growth of South Sydney Council?

Answer by the Mayor:

I will have that matter come to Committee.

21.

DEPARTMENTS – WAGES STAFF – CONGRATULATIONS BY MAYOR - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P51-00061)

Question:

Could the Mayor convey my personal congratulations to our outdoor staff and Waste Services staff to acknowledge the excellent job they have been performing in the community?

Answer by the Mayor:

I will and I hope to go with the Acting General Manager next week and personally do that and would be happy to make those times available to other Councillors who would like to come with me.

At this stage it was moved by Councillor Bush, seconded by the Mayor, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, regarding the calling of expressions of interest to initiate a joint Development Application of Council's Joynton Avenue, Zetland property.

At this stage, Councillor Furness moved a Point of Order regarding whether this matter was in fact a matter of urgency.

The Mayor ruled the Urgency Motion lost after a vote by Councillors had taken place.

22.

COMMITTEES – ADMINISTRATION BUILDING – JOINT DEVELOPMENT AND EXPRESSION OF INTEREST- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2008384)

Question:

Can Council call for an expression of interest to initiate a joint Development Application for Council's Joynton Avenue, Zetland property? Such an application may include an Administration Building.

Answer by the Mayor:

I will have that matter come to the first committee of the Finance papers next year.

REPORT OF THE FINANCE COMMITTEE

5 December 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:-

GENERAL MANAGER

That the Report of the Finance Committee of its meeting of 5 December 2001, be received and the recommendations set out below for Items 2 to 6, inclusive, 8 to 12, inclusive, 14 to 19, inclusive, 21 to 23, inclusive, 26 to 26.2, inclusive, 26.6 to 26.8, inclusive, 26.10 to 26.12, inclusive, be adopted. The recommendations for Items 1, 7, 13, 14, 20, 24, 25, 26.3 to 26.5, inclusive, 26.9 and 26.13 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

COUNCIL – RECESS FOR YEAR 2002 – ADOPTION OF MEETING DATES SCHEDULE AND DELEGATION OF AUTHORITY TO MAYOR (C63-00019)

That arising from consideration of a minute by the Civic Affairs Manager/Public Officer dated 19 November 2001, it be resolved that :-

- (a) approval be given to the schedule accompanying the beforementioned report of Standing Committee meetings and Council meeting dates to 29 January 2003;
- (b) Council recess on the undermentioned dates, namely :-

From midnight Wednesday 10th April to midnight Wednesday 1st May 2002 (School Holidays)

From midnight Wednesday 3rd July to midnight Wednesday 24th July 2002 (School Holidays)

From midnight Wednesday 25th September, to midnight Wednesday 16th October, 2002 (School Holidays)

From midnight Wednesday 23rd October to midnight Wednesday 6th November, 2002 (Local Government Conference)

From midnight Wednesday 11th December to midnight Wednesday 29th January 2003, (School Holidays).

and that in order to carry out the services and obligations of the Council approval be given to delegate to:-

- (1) the Mayor, its powers, authorities, duties and functions other than those reserved for the Council itself by Section 377, and other than any regulatory functions under Chapter 7 of the Local Government Act, 1993,
- (2) the General Manager, any regulatory functions under Chapter 7 of the Local Government Act 1993, not previously delegated.

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- during the periods referred to above and that all matters normally requiring decision by Council be circulated to Councillors two full working days prior to resolution by the Mayor and any written objections by four Councillors on any one item, stating the reason for objection, be enough to defer a decision until the next relevant Standing Committee meeting of Council, and that any decision of the Mayor or General Manager pursuant to such delegations be reported to members of the Council.

At the request of Councillor Furness, and by consent, the motion be amended by the deletion of the word "four" where appearing in the fourth line of the above paragraph of the resolution and the insertion in lieu thereof of the word "three".

Motion, as amended by consent, carried.

2.

**ADMINISTRATION - FOURTH MANAGEMENT FORUM, 5 OCTOBER 2001
- FEEDBACK REPORT (2025426)**

- (1) That this report be received and noted and that it be forwarded to the next weekend Planning Conference, currently set for the first weekend in February 2002;
- (2) That the focus of discussion be directed to the issues as outlined by Group two and that the other issues raised that differ from the other two groups be addressed and attentioned to the appropriate officers for further action and/or reports.

(A/GM Report 22.11.01)

Carried.

3.

**TRAFFIC - MITCHELL ROAD AND FOUNTAIN STREET, ALEXANDRIA –
INSTALLATION OF TRAFFIC SIGNALS - ACCEPTANCE OF TENDER
(2022927)**

That approval be given to:-

- (1) accept the tender submission of Wispkhan Pty Ltd to undertake the construction and installation of traffic signals and associated civil works at Mitchell Road and Fountain Street Alexandria, at a total estimated cost of \$160,000 (excl. GST) for which funds of \$45,000 are currently available in the 2001/2002 Works Program, Project No. 21008 (Budget Ref. 41-008);

GENERAL MANAGER

- (2) additional funds required, ie. \$115,000, being reallocated from Project No 21001 (Budget Ref. 41-101 - \$80,000) and from Project No 22001 (Budget Ref. 41-101 - \$35,000).

(DPWS Report 15.11.01)

Carried.

4.

CONFERENCES – AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION 2002 STATE CONFERENCE – PARKES, NSW, 21 TO 24 MARCH 2002 –ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2004126)

That approval be given to Councillors Amanda Lennon, Christine Harcourt and Jill Lay attending the 2002 Australian Local Government Women's Association State Conference to be held at Parkes, NSW from 21st to 24th March, 2002, and that the registration fees 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 (1.51.3210.12105.0).

(CAM/PO Report 23.11.01)

Carried.

5.

**(1) HEALTH – NEWTOWN, ENMORE ENVIRONMENTAL PROJECT – NSW STORMWATER TRUST FUNDING PROPOSAL (2024619)
(2) KING STREET, NO. 218, NEWTOWN, "BURLAND HALL" – FREE USE AS PROJECT OFFICE AND EDUCATION CENTRE**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 28 November 2001, it be resolved that Council:-

- (1) supports a joint grant application by South Sydney and Marrickville Councils for an environmental project in the Newtown/Enmore and Erskineville areas under round four of the NSW Stormwater Trust Program;
- (2) approves an "in kind" contribution in the funding submission of \$75,000 as an off set for the free use of Council owned property at No. 218 King Street, Newtown, which will be used as the project office and education centre.

Carried.

6.

FINANCE – ACCOUNTS PAYABLE AUDIT – ENGAGEMENT OF THE AP SPECIALISTS, MARCH 2002 (2024206)

That arising from consideration of a report by the Director of Finance dated 29 November 2001, The AP Specialists be engaged in March 2002 to carry out an Accounts Payable Audit on South Sydney City Council's Accounts Payable System for the period 1 July 2000 to 30 June 2001.

Carried.

7.

ALCOHOL FREE ZONE - SURRY HILLS/DARLINGHURST – PROPOSED RE-ESTABLISHMENT (2019905)

(1) That as all aspects of the proposed re-establishment of the Surry Hills/Darlinghurst Alcohol-Free Zone conform with the relevant provisions of the Local Government Act 1993 and the Minister of Local Council's Ministerial Guidelines, Council therefore decides to publish in a newspaper circulating in the area indicating:-

(A) Provisional intention to re-establish the Surry Hills/Darlinghurst Alcohol-Free zone for a further three years on and from 18 March 2002. This proposed zone is intended to cover the following streets:

Oxford Street (north side) between Whitlam Square and Bourke Street

Oxford Street (southern side) between Riley Street and South Dowling Street

Gilligans Island at Taylor Square

Little Oxford Street between Crown and Bourke Streets

Little Bloomfield Street, Bloomfield Street and Bloomfield Lane

Denham Street

Denham Lane

Little Bourke Street

Bourke Street between Taylor Square and Albion Street

Church Lane

Short Street

Short Place

Maiden Lane

Linden Lane

Patterson Lane

Floods Lane

Floods Place

Hill Street

Clare Street

Any existing or future 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.

- (B) That notification of Council's decision be forwarded to the persons and bodies referred to in the Acting Director of Corporate Services report of 29 November 2001, thus allowing those persons and bodies the statutory period in which to lodge objections and representations.
- (2) The Acting Director of Corporate Services to submit a report in respect of investigating consistencies with this Alcohol Free Zone and the adjoining zone.
- (3) That the report by the Acting Director of Corporate Services dated 12 December 2001, in respect of the re-establishment of the Alcohol Free Zone in the Surry Hills/Darlinghurst area that was circulated prior to the meeting commencing, be approved and adopted.

(A/DCS Report 29.11.01)

Carried.

8.

PROPERTIES – ALEXANDRIA TOWN HALL – REQUEST FOR FREE USE, 7 DECEMBER 2001– ALLEENA MULTI-PURPOSE CENTRE (2025074

(Note: This Item and Item No.15 on the Finance Committee agenda are the same Item and were dealt with in tandem at the Committee and Council Meetings.)

That the actions of the Finance Committee in approving the Alleena Multi-Purpose Centre the free use of Alexandria Town Hall on 7 December 2001, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$215 in income and \$75 in costs, to allow Alleena Multi-Purpose Centre to conduct a Christmas Party, be confirmed.

Carried.

9.

DONATIONS – CANA COMMUNITIES AND LANGTON CENTRE – CHRISTMAS PARTIES – FINANCIAL ASSISTANCE (2025737, 2025726)

That for the reasons set out in the report by the Acting Director of Health and Community Services dated 29 November 2001, approval be given to a \$2,000 donation to Cana Communities, and a \$200 donation to The Langton Centre to assist with their local Christmas parties, with funds available to cover this

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

Carried.

10.

PUBLIC RELATIONS – 10TH ANNUAL LOCAL GOVERNMENT TOUCH FOOTBALL CARNIVAL – SATURDAY 16TH FEBRUARY 2002, PARKES, NSW – ATTENDANCE OF COUNCIL REPRESENTATIVES (C52-00112)

That approval be given to:-

- (a) Council sponsoring a men's team and a mixed team on the weekend of Saturday 16th February, 2002, in the amount of \$1,500 and that such amount be added to the Revenue Estimates 2001/2002;
- (b) vehicles being made available from the Public Works and Services Department to help transport equipment to the event and to supply travel for Council staff and supporters.

(CAM/PO Report 30.11.01)

Carried.

11.

STREETS – 2001/2002 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME – PARTIAL CLOSURE OF BARTLEY STREET, CHIPPENDALE (2023574)

(Also listed as Item No.17, Planning and Development Committee)

That approval be given to:-

- (a) the partial closure of Bartley Street, Chippendale at the Abercrombie Street intersection to a single lane width and a westerly one-way traffic flow,
- (b) carry out construction of the partial closure of Bartley Street, Chippendale at the Abercrombie Street intersection to an amount of \$40,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program.

(DPWS Report 28/11/01)

Carried.

12.

STREETS – 2001/2002 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME – RECONSTRUCTION OF INTERSECTION OF ABERCROMBIE STREET, LAWSON STREET AND IVY STREET, DARLINGTON (T52-00103)

That approval be given to carry out the reconstruction of the intersection of Abercrombie, Lawson and Ivy Streets, Darlington, to an amount of \$150,000 as part of the adopted Darlington LATM Scheme, for which funds are available in the LATM-Darlington section (41-007) of the Engineering Works Program.

(DPWS Report 28.11.01)

Carried.

13.

COMMITTEES – ARABIC COMMUNITY PARTICIPATION AND HARMONY PROJECT – FINANCIAL ASSISTANCE (2010964)

That the matter be deferred and written confirmation be sought from the City of Botany Bay Council, confirming that Botany Council does not contribute funding to the Botany Neighbourhood Centre, for this project.

Negatived.

It was moved by Councillor Mallard, 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 the feasibility of incorporating the service within South Sydney City Council's facilities and organisational structures be investigated and reported.

Amendment negatived.

It was moved by Councillor Lay, seconded by Councillor Furness, that arising from consideration of a report by the Director of Health and Community Services dated 30 November 2001, Council approve a donation of \$21,600 to the Botany Neighbourhood Centre to conduct an Arabic Community Participation and Harmony Project in South Sydney, with funds available in the 2001/2002 Section 356 of the Local Government Act 1993, Budget.

It was moved by Councillor Furness, seconded by Councillor Lay, that the motion be further amended by the addition of a (B) clause to the motion, namely:-

(B) That Council's Multi-Cultural Development Officer submit quarterly reports on the project.

Amendments as moved by Councillors Lay and Furness, carried.

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14.

**COMMUNITY FACILITIES – WATERLOO PLAYGROUND - MOSAIC –
INSTALLATION (2023111)**

That arising from consideration of a joint report by the Director of Health and Community Services and the Director of Public Works and Services dated 29 November 2001, the Waterloo Playground Mosaic Project be approved for immediate implementation, with funds to cover this expenditure available in Budget 16630 (Business Unit 6310).

It was moved by Councillor Lennon, that the matter be deferred and referred to the Arts and Cultural Committee.

Motion lapsed through want of a seconder.

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

Substantive motion, carried.

15.

**PROPERTIES – ALEXANDRIA TOWN HALL – REQUEST FOR FREE USE,
7 DECEMBER 2001– ALLEENA MULTI-PURPOSE CENTRE (2025074**

(Note: This Item and Item No.8 on the Finance Committee agenda are the same Item and were dealt with in tandem at the Committee and Council Meetings.)

16.

**STREETS – COWARD STREET, MASCOT – UPGRADING OF CYCLEWAY
FACILITIES – CONSTRUCTION FOR THE ROADS AND TRAFFIC
AUTHORITY AS PART OF M5 EAST SYDNEY CYCLEWAY LINK (2025700)**

That approval be given to:-

- (1) the construction of the M 5 East Cycleway Airport Link in the Botany Bay City Council area at full cost to the RTA;
- (2) accept the offer from the Roads and Traffic Authority for the estimated amount of \$325,000;
- (3) the estimated amount being added to the 2001/2002 Works Programme;
- (4) existing footpath reconstruction contractors being engaged to do the work under the existing contracts and schedule of rates;

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- (5) Council's Media Manager issue a Press Release indicating South Sydney Council's ability to do the work after the adjoining area Council, which is not subject to boundary change thereto, was unable to do the work.

(DPWS Report 30.11.01)

Carried.

17.

STREETSCAPES – SPRINGFIELD PRECINCT PROJECT STAGE 1 – CONSTRUCTION OF LLANKELLY PLACE, SPRINGFIELD MALL AND ASSOCIATED ARTWORKS - ACCEPTANCE OF TENDER (2024684)

That approval be given to:-

- (1) acceptance of the tender submission of Civil Systems Engineering Pty Ltd for the Springfield Precinct Project stage 1 (separable portions A+B+C+D less E) at a cost of \$984,800 (plus GST-\$98,480), total amount \$1,083,280;
- (2) include a contingency sum for structural engineering services, additional design and documentation requirements and latent conditions during the construction process of \$140,200 (plus GST-\$14,020) total amount \$154,220;

-for which funds of \$1,125,000 are available in the 2001/2002 Works Program Springfield Plaza (Project No. 21056) (Budget Ref 45-015).

The GST component of \$112,500 is available in separate Finance Department budgets.

(DPWS Report 30.11.01)

Carried.

18.

STREETS – 2001/2002 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME – CONSTRUCTION OF RAISED THRESHOLD ON BURREN STREET, ERSKINEVILLE AT COPELAND AVENUE AND ALBERT STREET (T02-00025)

That approval be given to carry out the construction on Burren Street, Erskineville of a full width raised threshold at the intersection with Copeland Avenue and a half-width raised threshold in the westbound lane at the intersection with Albert Street, to an amount of \$40,000, for which funds are available in the LATM – North Erskineville section (41-009) of the Engineering Works Program.

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(DPWS Report 30.11.01)

Carried.

19.

**FINANCE – MONTHLY INVESTMENT REPORT – PERIOD ENDING
30 NOVEMBER 2001 (2015594)**

That the Investment Report by the Director of Finance dated 30 November 2001, be received and noted.

Carried.

20.

**PARKS - SYDNEY PARK – CARES FACILITY INSTALLATION – REVISED
PROJECT BUDGET (2024886)**

That Council:-

- (A) remain committed to the continued construction of the CARES Facility by agreeing to allocate extra funding of approximately \$268,743 (based on the current pretender estimate) that is required for the completion of the Project in the 2002/2003 budget.
- (B) agree that any available funds raised through Floor Space Bonus and Section 94 contributions and potential funding contributions from others be deducted from the budget shortfall.
- (C) Officers explore further sponsorship and revenue raising opportunities and present these to Council for approval as a future report to Council.

(DPWS Report 03/12/01)

It was moved by Councillor Furness, seconded by Councillor Mallard, that the matter be deferred and referred to the Finance Committee in 2002.

Motion, as amended by consent, carried.

21.

**BUDGETS – FEES AND CHARGES – PLANNING AND BUILDING
DEPARTMENT – NEW FEES AND CHARGES GAZETTED BY THE
DEPARTMENT OF URBAN AFFAIRS AND PLANNING (B53-00115)**

- (1) That arising from consideration of a report by the Acting Director of Planning and Building dated 3 December 2001, Council continue the

policy of charging the maximum allowable fee for all planning and development matters.

- (2) That Council approve the document accompanying the beforementioned report with respect to changes to the fees and charges for the purpose of public notification for a period of 28 days.

Carried.

22.

DEVELOPMENT - CONSERVATION – UPGRADING – FORBES STREET STAIRS, EAST SYDNEY – ACCEPTANCE OF TENDER (2022850)

That approval be given to:-

- (1) reject all tenders received on 7 November 2001;
- (2) enter into negotiations with Stonemason and Artist Pty Ltd for a reduced scope of work to carry out the upgrading of the Forbes Street Stairs and for the awarding of a contract to be approved administratively by the General Manager;

-for which funds are available in the Parks Development 2001/2002 of \$90,000.00 (BUD REF 21050).

(DPWS Report 29.11.01)

Carried.

23.

STREETS – FURNITURE – AUTOMATIC PUBLIC TOILETS SITES – PREPARATION OF DEVELOPMENT APPLICATION – ADDITIONAL COSTS – PAYMENT (2014501)

That for the reasons set out in the report by the Acting Director of Public Works and Services dated 4 December 2001, approval be given for the additional payment of \$14,691 to EDAW (Aust) Pty Ltd to meet the cost of Development Application's preparation for additional 4 automatic public toilets sites, above the original tendered cost for only 7 sites, for which the Budget allocation will be made from 2001-2002 Departmental allocation (1.44.2505.16620.0.00) for consultancy.

Carried.

24.

CLEANSING – LOCAL APPROVALS POLICY FOR COMMERCIAL WASTE COLLECTION – ADOPTION (2023865)

- (1) That arising from consideration of a report by the Director of Public Works and Services dated 29 November 2001, it be resolved that Council adopt the Local Approvals Policy for commercial waste collection as detailed in the document accompanying the beforementioned report.
- (2) That the Director of Public Works and Services submit a report with a view to Council Collecting Commercial Waste particularly from its premises in Oxford street after investigation of other Council's who provide the same service.

At the request of Councillor Mallard, and by consent, the motion was amended by the addition of a clause (3) to the recommendation, namely:-

- (3) That the Local Approvals Policy for Commercial Waste Collection be put on Council's Website in one month.

Motion, as amended by consent, carried.

It was further moved by Councillor Furness, seconded by Councillor Mallard, that the word "or" where appearing in the fourth paragraph, first line on page 2 of the beforementioned report between the words "Waste" and "waste" be deleted and the following word "and" be inserted in lieu thereof.

Further amendment as moved by Councillor Furness, carried.

25.

PARKS – TAYLOR SQUARE – OXFORD STREET, FLINDERS STREET AND BOURKE STREET, DARLINGHURST/SURRY HILLS – APPROVAL OF CONSULTANT VARIATIONS AND CONSIDERATION OF TENDERS TO CONSTRUCT (2023675)

- (1) That Clauses 1 and 4 in the recommendation in the report by the Acting Director of Public Works and Services dated 29 November 2001, be approved only.
- (2) That the Director of Public Works and Services to submit a report to the Council Meeting on the sources of funding for the project and the impact on the overall financial position of Council.

At this stage and at 7.58 p.m., it was moved by Councillor Mallard, seconded by Councillor Harcourt:-

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 10A 2(g) of the Local Government Act, 1993.

Carried.

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

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

At 8.14 p.m. 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 clauses (1) and (2) in the report by the Acting Director of Public Works and Services dated 11 December 2001, that was circulated prior to the meeting commencing and the amendment that was moved by Councillor Bush, namely:-

That Council continue investigations of funding during the Boundary Commission Enquiry for enhancements of Taylor Square.

-be approved only.

Following resumption of the Council Meeting, further debate took place on the matter.

It was moved by the Mayor, seconded by Councillor Furness, that the motion be put. Carried.

That the recommendation of the Committee of the Whole be approved and adopted.

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

26.

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY,
5 DECEMBER 2001 COMMENCING AT 6.38 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 5 December 2001, be approved and adopted.

26.1.

LEASING – OXFORD STREET NO.82, DARLINGHURST – GOWINGS BROS LTD. - PROPOSED ASSIGNMENT OF LEASE TO GOWINGS RETAIL LIMITED (L52-00112)

That approval be given to the assignment of the lease from Gowing Bros Ltd of Council premises, Basement, Ground and First Floor No. 82 Oxford Street, Darlinghurst, to Gowings Retail Limited subject to the following conditions, namely:-

- (1) That the Assignee is to provide a Bank Guarantee equivalent to three months rental;
- (2) That the Assignee is to provide unconditional Personal Guarantees for the term of the lease;
- (3) That 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 lease;
- (4) 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;
- (5) That all relevant documents are to be executed by Council's Attorney;
- (6) That the Assignee is responsible for the payment of the Goods and Services Tax under the terms and conditions of the existing lease.

(A/DCS Report 21.11.01)

Carried.

26.2.

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

That for the reasons set out in the report by the Acting Director of Corporate Services dated 27 November 2001, approval be given to the following amendment to Claitrack Pty Ltd's lease of Council shopfront premises, No. 68 Oxford Street, Darlinghurst, as the G.S.T. was not included in the Disclosure Statement, "that Council be responsible for the payment of the Goods and Services Tax for the 1st, 2nd and 3rd terms of the lease and Claitrack Pty Ltd for

the 4th and 5th Terms of the lease”, subject to Council’s Legal Officer preparing a Deed of Variation for the lessee.

Carried.

26.3.

STREETSCAPES – BOURKE STREET NOS. 231-237, EAST SYDNEY – PROPOSED ACQUISITION OF VACANT LAND FROM THE ROADS AND TRAFFIC AUTHORITY (S57-00056)

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Mallard:-

That the vacant land be purchased from the Roads and Traffic Authority taking in consideration a remediation report being obtained and that the cost of the remediation report being deducted from the purchase price.

Carried.

26.4.

PROPERTIES – LIVERPOOL STREET NO.270, DARLINGHURST – FIRST CHURCH OF CHRIST BUILDING – PROPOSED PURCHASE (2005660)

- (1) That approval be given for the Acting Director of Corporate Services approaching the N.S.W. Heritage Office as to the use of the auditorium area, First Church of Christ Building, No. 270 Liverpool Street, Darlinghurst, for community use.
- (2) That the Acting Director of Corporate Services to submit a report in respect of the use of the auditorium by the Community.
- (3) That the report by the Acting Director of Corporate Services dated 7 December 2001, in respect of the allocation of space in the auditorium for community use once the Development Application has been submitted, be received and noted.

(A/DCS Report 27/11/01)

Carried.

26.5.

LEASING – FOX AVENUE NO.1, ALEXANDRIA – SUB-LEASE TO ALEXANDRIA/ERSKINEVILLE BOWLING CLUB LTD (L52-00101)

That approval be given to the existing lease between Council and the Department of Housing for land owned by the Department at No. 1 Fox

Avenue, Alexandria, being surrendered to the Department of Housing as and from 3 February 2002, so as the Department of Housing may negotiate a lease directly with the Alexandria/Erskineville Bowling Club Ltd.

(A/DCS Report 23/11/01)

Carried.

26.6.

LEASING – OXFORD STREET, NO.56, DARLINGHURST – APPLICATION BY STYLSTONE CLOTHING CO. PTY. LTD. FOR A REFUND OF RENT (L52-00118)

That for the reasons as set out in the report by the Acting Director of Corporate Services dated 26 November 2001, the application by Stylstone Clothing Company Pty Ltd for a refund of rent in connection with their lease of Council owned premises, Shopfront, No. 56 Oxford Street, Darlinghurst, be not approved.

Carried.

26.7.

LICENSING – OXFORD STREET NOS. 52-54 DARLINGHURST – PROPOSED FOOTWAY LICENCE (2022305)

That approval be given to:-

- (1) the granting of a licence to Hikaru Pty Ltd over an area of 4.5 square metres of the footway of Oxford Street adjacent to Hikaru Oxford Japanese Restaurant at Nos. 52-54 Oxford Street, Darlinghurst, as shown stippled on Plan No S4-130/751A 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;

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- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 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.

(DPWS Report 16.11.01)

Carried.

26.8.

LEASING – OXFORD STREET NO. 66, DARLINGHURST SUITES 9 AND 10, LEVEL 2 - APPLICATION BY BAJ MANAGEMENT PTY LTD FOR A CONTRIBUTION TOWARDS THE SUPPLY AND INSTALLATION OF NEW CARPETS (2010756)

That approval be given to BAJ Management Pty Ltd being offered an amount of \$6,325 *inclusive* of GST being 50% of the cost of having new carpet supplied and installed in Suites 9 and 10, Level 2, No. 66 Oxford Street, Darlinghurst, which is leased to their Company.

(A/DCS Report 28.11.01)

Carried.

26.9.

LEASING – WILLIAM STREET NO.75, EAST SYDNEY – LEASE TO THRIFTY – KINGMILL (AUST) PTY LTD (L52-00186)

That approval be given to the renewal of the lease of Council premises Basement, Part Ground Floor and Mezzanine, Nos. 73-75 William Street, East Sydney, to Kingmill (Aust) Pty Ltd for a period of 6 years with an option to lease the premises for a further term of 3 years from 1 October 2001 at a commencement rental of \$80,475 per annum gross subject to Council's standard leasehold provisions and the following conditions, namely:-

- (1) That the premises are to be used as a car rental office;
- (2) That the rental be reviewed annually in accordance with the Consumer Price Index (All Ordinaries) Sydney, to a maximum of 5%, or the term of the lease and option period;
- (3) That the rent 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, to a maximum of 5% for

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the remainder of the option period;

- (4) That the Lessee is responsible for the payment of the Goods and Services Tax;
- (5) That the Lessee is to provide a Bank Guarantee or Bond equivalent to three months rental;
- (6) That the Lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (7) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the Lessees against any claims that may arise during the term of the lease;
- (8) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the Lessee;
- (9) That this approval lapses in three months from the date of Council's approval to the granting of this lease, if the Lessees have failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents;
- (10) That the report by the Acting Director of Corporate Services dated 11 December 2001, in respect of conditions of consent for the delivery and retrieval of motor vehicles to the William Street and Riley Street premises, be received and noted.

(A/DCS Report 28.11.01)

At the request of Councillor Mallard, and by consent, that a Code of Conduct for Car Rental Companies be established and that the matter be referred to the next Planning and Development Committee Meeting to be held in January next year.

Motion, as amended by consent, carried.

26.10.

**PROPERTIES – PURCHASE – PROPERTY ACQUISITION AND SALES –
ENGAGEMENT OF CONSULTANTS – CALLING OF TENDERS (2019389)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 26 November 2001, approval be given to call tenders from DTZ Australia Pty Ltd, Knight Frank (NSW) Pty Ltd and FPD Savills for a one-year contract to manage the sale and acquisition of property for Council's

commercial property portfolio, and that a review of Council's property assets be conducted.

Carried.

26.11.

LICENSING – CROWN STREET, SHOP 3, NO. 257 DARLINGHURST – PROPOSED FOOTWAY LICENCE (2014902)

That approval be given to:-

- (1) the termination of the licence agreement dated 14 October 1998 with Viantec Pty Limited over an area of 4 square metres of the footway of Goulburn Street, adjacent to Pablo's Vice at Shop 3 No. 257 Crown Street, Darlinghurst;
- (2) the granting of a licence to Coffee Masters of Australia Pty Ltd over an area of 4 square metres of the footway of Goulburn Street adjacent to 'Pablo's Vice' at Shop 3 No. 257 Crown Street, Darlinghurst as shown stippled on Plan No. S4-130/667A and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence in (1) terminating on 26 June 2001 and the licence in (2) commencing on 27 June 2001;
- (4) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (9) That any rent that falls due as a result of commencing the footway licence is paid by the due date.

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(DPWS Report 29.11.01)

Carried.

26.12.

LICENSING – MOUNTAIN STREET NOS. 43-49, ULTIMO – PROPOSED FOOTWAY LICENCE (2012966)

That approval be given to:-

- (1) the termination of a licence agreement dated 30 January 1997 with George and Antoinette Barris over an area of 7 square metres of the footway of Mountain Street adjacent to the Regency Cafe at Nos. 43-49 Mountain Street, Ultimo;
- (2) the granting of a licence to Jenny Yanna Wang over an area of 7 square metres of the footway of Mountain Street adjacent to the Regency Café at Nos. 43-49 Mountain street, Ultimo as shown stippled on Plan No.S4-130/646C and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence in (1) above terminating on the 1 July 2001 and the licence in (2) commencing on 2 July 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) That any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS report 28.11.01)

Carried.

26.13.

LEASING – OXFORD STREET, NO.60, DARLINGHURST – REQUEST BY MICHAEL AND GERALDINE BELL – T/A GYPSY ROAD CLOTHING – REQUEST FOR REDUCTION IN RENT (L52-00115)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

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That approval be given to the following in connection with Council-owned shopfront premises, No. 60 Oxford Street, Darlington:-

- (1) That the lease between Council and Mr and Mrs Michael Bell be terminated from the 31 January 2002;
- (2) That Oxford Real Estate be instructed to incorporate a marketing strategy for the lease of the above premises as a fresh-food outlet.

(A/DCS Report 11.12.01)

Carried.

The Properties Sub-Committee Meeting terminated at 6.58 p.m.

The Finance Committee Meeting terminated at 7.31 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

5 December 2001

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – Jill Lay, Shayne Mallard, Gregory Shaw

At the commencement of business at 7.32 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 5 December 2001, be received and the recommendations set out below for Items 1 and 4 to 7, inclusive, be adopted. The recommendations set out below for Items 2 and 3 having been dealt with as shown immediately following such Items.

Carried.

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The Committee **recommended** the following:-

1.

PUBLIC RELATIONS – 2002 AUSTRALIA DAY COMMUNITY AWARD NOMINATIONS - COUNCIL COMMUNITY ACHIEVEMENT AWARDS – NOMINATIONS (P58-00486, P58-00475)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 28 November 2001, approval be given to the presentation of the following awards, namely:-

(1) 2002 AUSTRALIA DAY COMMUNITY AWARDS:

Citizen of the Year – Mr Neil Frazer
Young Citizen of the Year – Ms Tatea Reilly
Community Event of the Year – Kaleidoscope Arts Festival

(2) 2001 CITIZENS COMMUNITY ACHIEVEMENT AWARDS:

- Glen Terry
- Louise Evard
- Elizabeth Miller
- Auntie Joyce Ingram
- Joy Mahe
- Randall Nelson (Aka Animal)
- William Leslie

Carried.

2.

DONATIONS – LANDSCAPE MATERIALS - SCHOOLS DONATIONS POLICY – QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002408)

Approved as recommended by the Director of Health and Community Services in the report dated 30 November 2001, subject to:-

- (1) a generic policy being developed;
- (2) a letter being forwarded to all school in the South Sydney Local Government area to inform them of the assistance available;
- (3) consideration being given to increase the amount of donation of landscape materials to local schools and organisations to more than \$200.

At the request of the Mayor, and by consent, the motion was amended by the deletion of the word “school” where appearing in the first line of clause (2) of the recommendation and the insertion of the word “schools” in lieu thereof and the addition of a clause (4) to the recommendation, namely:-

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- (4) a further report being submitted regarding support of all schools in the Local Government area in the form of in kind dollar.

Motions, as amended by consent, carried.

3.

CLEANING – FINAL AEROSOL ART AND GRAFFITI POLICY AND MANAGEMENT STRATEGIES - ADOPTION (C56-00023)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

That the report by the Director of Health and Community Services dated 3 December 2001, and the Aerosol Art and Graffiti Policy document accompanying the beforementioned report, be received and noted.

Negatived.

It was moved by Councillor Furness, seconded by Councillor Pooley:-

That arising from consideration of a report by the Director of Health and Community Services dated 3 December 2001, it be resolved that the final Aerosol Art and Graffiti Policy and Management Strategies accompanying the Director's report, be adopted by Council.

Carried.

4.

COMMITTEES – HOMELESSNESS, MARGINAL AND AFFORDABLE HOUSING COMMITTEE – MINUTES FROM MEETING OF 24 SEPTEMBER AND 19 NOVEMBER 2001 (2023331)

That the report by the Acting Director of Health and Community Services dated 30 November 2001, and the accompanying minutes of the Homelessness, Marginal and Affordable Housing Committee held on 24 September and 19 November 2001, be received and noted.

Carried.

5.

COMMITTEES – SOUTH EAST HILL (SEH) HOMELESSNESS HEALTH REFERENCE GROUP (2025854)

That the report by the Director of Health and Community Services dated 30 November 2001, regarding information about the new Homeless Health

Reference Group, established by South East Sydney Health, be received and noted.

Carried.

6.

PARKS – FROG HOLLOW RESERVE, ALBION STREET, SURRY HILLS – PLAN OF MANAGEMENT - ADOPTION (2023155)

That approval be given to:-

- (1) adopt the Plan of Management undertaken by Environmental Partnership;
- (2) adopt the masterplan for Frogs Hollow Reserve;
- (3) the development of the Frogs Hollow Reserve to be highlighted as a works item in the 2002/2003 Parks Development Works Program.

(A/DPWS Report 30.11.01)

Carried.

7.

DEVELOPMENT APPLICATION – OXFORD STREET, NOS. 116 – 122, DARLINGHURST - COMMUNITY HOUSING - HOMELESSNESS STRATEGY - RETENTION (U00-01046)

That arising from consideration of a report by the Director of Health and Community Services dated 30 November 2001, it be resolved that:-

- (1) Council endorse the negotiations being undertaken by the Social Planning Unit with SWISH (or an alternate social housing provider) for the management of these units, and others generated through the planning process;
- (2) Council approves the feasibility of its subsidised rental properties also being managed by the social housing provider to be investigated;
- (3) a further report being submitted to Council once these investigations are completed;
- (4) Council endorse the discussions being held with the Department of Housing and the Office of Community Housing to develop a model agreement for the development or purchase and management of boarding house accommodation in the South Sydney Council area.

Carried.

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The Community Services Committee Meeting terminated at 7.45 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

5 December 2001

PRESENT

Councillor John Bush (Chairperson)

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

At the commencement of business at 6.40 pm, those present were -

Councillors – Bush, Harcourt, Furness, Pooley and Lennon

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

That the Report of the Planning and Development Committee of its meeting of 5 December 2001, be received and the recommendations set out below for Items 4,5,7,8,11 to 13 inclusive, 14 to 17 inclusive and 21,24 to 28.inclusive, be adopted. The recommendations for Items 1 to 3 inclusive, 6,9,10,18 to 20 inclusive, 22, 23, 29 and 30 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MITCHELL ROAD, NOS. 50-52, ALEXANDRIA – EXTEND BUCKLAND HOTEL'S TRADING HOURS UNTIL 3.00AM MONDAY TO SATURDAY AND UNTIL MIDNIGHT SUNDAY – DEVELOPMENT APPLICATION (U01-00916)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council refuse the application for the following reasons, namely:-

- (1) That the proposal is inconsistent with the Zone objectives and matters for consideration in Clause 21 of South Sydney LEP 1998 in that the

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nuisance generated by non- residential development be controlled to preserve the quality of life for residents in the area;

- (2) The proposal is inconsistent with Clause 28 of LEP 1998 in that the proposal is not compatible with the scale of neighbouring development and does not encourage complementary landuses or activities;
- (3) That the proposal would have an unreasonable impact on the amenity of the surrounding area by way of additional pedestrian and traffic impacts and is inconsistent with LEP 1998, DCP 11 and DCP 1997;
- (4) That the granting of consent would be an undesirable precedent within the area;
- (5) That the proposal is inconsistent with the planning intent and land use criteria for mixed use precincts in Part F of DCP 1997;
- (6) That the granting of consent would not be in the public interest

Carried.

2.

PRIMROSE STREET, NO.40, ROSEBERY – DEMOLISH AN EXISTING DWELLING AND ERECT A NEW DWELLING WITH BASEMENT GARAGE AND RUMPUS ROOM – DEVELOPMENT APPLICATION (U01-00562)

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 A.V.J Drafting, with the authority of Rodney Nedalkov, to demolish an existing dwelling and erect a new dwelling with basement garage and rumpus room, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered 0451/01 1/5 to 5/5 (Issue B) dated 24 September, 2001 and as amended by plans submitted to the Council on 16 November, 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 \$2,970 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;

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- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$360 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 if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

the owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

in this condition, allotment of land includes a public road and any other public place;

- (5) That details of the methods to be employed to preserve and protect adjoining buildings from damage shall be submitted to Council and approval obtained prior to commencement of work;
- (6) That subject to the agreement of the owner of the adjoining properties at No. 38 Primrose Avenue and No. 42 Primrose Avenue, a dilapidation report (including a photographic survey) being prepared by a qualified structural engineer for the buildings on both properties, at the applicant's expense, and presented to the owner of that property, at least seven (7) days prior to the commencement of any works (including excavation works) associated with this development consent;
- (7) That the proposed materials, colours and finishes shall be in accordance with the information and samples submitted to the Council on 29 October, 2001;

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- (8) That the premises being used exclusively as a single dwelling house and not being adapted for use as a multiple dwellings;
- (9) That the garage and rumpus room being used exclusively in association with the dwelling house on the property and not being adapted for habitable purposes;
- (10) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;

and the following standard conditions:

- (11) Glazing reflectivity less than 20%¹¹⁸
- (12) Landscape plan⁵¹⁰¹
- (13) Compliance with BCA⁹¹⁰⁴
- (14) Construction Certificate required⁹¹⁵⁵
- (15) Survey certificate at set out stage⁹⁰⁰¹
- (16) Survey certificate at completion⁹⁰⁰²
- (17) Structural Design Certificate⁹⁰⁰⁶
- (18) Issue of occupation certificate⁹¹⁰¹
- (19) Construction hours⁹¹⁵¹
- (20) Building/demolition noise control⁹¹⁵⁶
- (21) Maintain existing building in a stable condition⁹¹⁵⁷
- (22) Works to be within allotment boundaries⁹¹⁵⁸
- (23) Guarding of excavations⁹¹⁶⁰
- (24) Demolition to comply with Australian standard⁹¹⁶¹
- (25) Hours of work and use of cranes⁹¹⁵³
- (26) Signs erected on building and demolition sites⁹¹⁶⁵
- (27) Alignment levels³²
- (28) Road opening permit³⁴
- (29) Display street number¹¹¹⁰

- (30) Obstruction of the public way³¹⁰¹
- (31) Vehicular footway crossing³¹⁰³
- (32) Delivery of construction materials³¹⁰⁴
- (33) Construction traffic management³¹⁰⁷
- (34) Pedestrian safety³¹¹⁰
- (35) Associated roadway costs³¹¹¹
- (36) Stormwater (general)⁴¹⁰¹
- (37) Clean water discharge⁴¹⁰²
- (38) Garbage on the public way⁶¹⁰¹
- (39) Refuse skips⁶¹⁰²

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

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

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

Negatived.

Moved by Councillor Furness, seconded by Councillor Lay:-

- (A) That Council refuse the application for the following reasons:
 - (1) That the proposal would have an unacceptable heritage impact and is inconsistent with South Sydney LEP 1998 and DCP 1998;
 - (2) That the proposal would have an unacceptable streetscape impact and is inconsistent with LEP 1998 and Part F of DCP 1997 with respect to the special precinct requirements for Rosebery;
 - (3) That the proposal would set an undesirable precedent for the area;
 - (4) That the proposal is not in the public interest.

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

Carried.

3.

MACLEAY STREET, NOS.97-99, POTTS POINT – ENCLOSURE OF BALCONY TO UNIT 2 – DEVELOPMENT APPLICATION (U01-00980)

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 by Grant Simmons Architects Pty Ltd, with the authority of Byron Hall Pty Ltd, to enclose the balcony of unit 2, 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 \$330 in the form of cash or non-expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the development shall be generally in accordance with the plans submitted with the development application 01-00980 as held on file and stamped and endorsed by Council, subject to compliance with the conditions below;
 - (3) That the balcony enclosure is to be constructed with a bronze anodised frame;
 - (4) That the balcony enclosure is to be recessed behind the balustrade of the balcony;
 - (5) That the proposed glazing shall be of clear glass and that under no circumstances shall the glazing be opaque, translucent or highly reflective;
 - (6) That the existing balustrade is to be retained;
 - (7) That the timber venetian blind is to be retained and repaired or replaced to match the existing one;

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- (8) 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;
- (9) 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;
- (10) 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);
- (11) 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;
- (12) That all relevant sections of the BCA shall be complied with;
- (13) 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;
- (14) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (15) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (16) 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;

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.

4.

DARLINGHURST ROAD, NOS. 34-36, POTTS POINT – INSTALLATION OF ROLLER GRILLE SHUTTERS TO SHOP 5 AND 5A – DEVELOPMENT APPLICATION (U01-00961)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Seong-Yeol Won, with the authority of Glow Pace Pty Ltd, to install two roller shutters at shop 5 and shop 5a, for the following reasons, namely:-

- 1) That the proposal would adversely impact upon the visual appearance of the building and is not consistent with the provisions of Part 4 of the Heritage DCP 1997; and
- 2) That the proposal is not in keeping with the heritage streetscape of Darlinghurst Road and is not consistent with the provisions of Section 4.3.2 of the South Sydney DCP 1997.
- 3) That the proposal would create an undesirable precedent in the vicinity;
- 4) The proposal is inconsistent with the DCP 1997 objectives and provisions which aim to ensure that an active streetscape is maintained and enhanced and that the Safety and Security design objectives and provisions are achieved.
- 5) That the proposal is not in the public interest.

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

Carried.

5.

PYRMONT BRIDGE ROAD NOS.2-50, CAMPERDOWN (ORPHANS SCHOOL CREEK GULLY) – TRANSFER OF CONDITIONS BETWEEN CONSENTS, PROVIDING RAISED WALKWAY FROM PYRMONT BRIDGE ROAD TO THE GULLY, ADDITIONAL CAR PARKING SPACE IN THE ETAGE BUILDING – THREE SECTION 96 MODIFICATION APPLICATIONS (U99-00617), (U99-00618 AND U00-01217)

(A) That Council, as the consent authority, in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, modify the consent granted by Council to DA U00-617 for the construction of 20 townhouses, 43 car parking spaces and open space (Foss Street development known as part of the Camperdown Children's Hospital) at 2-50 Pyrmont Bridge Road, Camperdown dated 21 February, 2000, insofar as it will provide for the following:-

- **Delete any reference to the landscaping of the land known as Orphan's School Creek Gully.**

(B) That Council, as the consent authority, in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, modify the consent granted by Council to DA U00-618 for the refurbishment of the former outpatients building and construction of car park and conversion of building to residential flats at 2-50 Pyrmont Bridge Road, Camperdown dated 25 October, 1999, insofar as it will provide for the following:

- **Delete any reference to the landscaping of the land known as Orphan's School Creek Gully.**
- **Delete Condition 4 and replace it with the following condition:-**

(4) That the development shall be generally in accordance with plans numbered DA00A2, DA01A, DA02B, DA04, DA05B and DA06A, dated 11 June, 1999 and 20 August, 1999, as modified by works shown in colour on plans numbered 02/AR/WD07/1 and 02/AR/WD31/1, both dated 21 July, 1999 and drawn by Suters Architects Snell Pty Ltd and as further modified by plans 02/AR/WD04/6, 02/AR/WD06/6, 02/AR/WD30/3, 02/AR/WD32/3 and 02/AR/WD34/3, dated 21 July, 1999, drawn by Suters Architects Snell Pty Ltd, stamped and endorsed by Council.

- **Delete Condition 50 and replace it with the following condition:-**

(50) That the applicant shall comply with the requirements of Council's DCP No.11, in particular:-

- (a) adequate turning area must be provided at the dead end of aisles;
 - (b) the number of residents car spaces should be limited to 85, with excess provision being allocated to disabled and visitor parking;
 - (c) all parking spaces are to have dimensions which at least satisfy the requirements of DCP 11, with wider spaces being provided beside columns or other obstacles;
 - (d) bicycle storage is to be provided at ground level and securely locked;
 - (e) disabled car parking spaces are to be provided near lifts
 - (f) service areas are required for goods vehicles and garbage trucks
 - (g) car parking spaces near the circular ramp are to be deleted where parking is difficult.
- (C) That Council, as the consent authority, in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, modify the consent granted by Council to DA U00-1217 for the construction of 126 units and 13 terrace houses, car parking for 144 cars within the buildings and 8 visitor spaces within the adjacent Bush Road at 2-50 Pymont Bridge Road, Camperdown dated 19 February, 2001, insofar as it will provide for the following:
- **Delete Condition 2 and replace with the following condition:-**
 - (2) That the development shall be generally in accordance with plans numbered AR 07 0201 A, 12BS A, 12LG A, 12CL A, 12GR A, 1201 A, 1202 A, 1204 A, 1205 A, 1026 A, 1207 A, 1208 A, 1209 A, 1301 A, 1302 A, 2502 A, 2503 A, drawn by DEM Design dated 2 November, 2000 and drawings numbered L 07 0501 C, 0502 D, 0503 C, 4601 C, 3301 C, 3302 B, L 10 0502 C, 2202 C, 2203 C, 4901 C, drawn by Landscape Architects and Environmental Planners and dated 13 October, 2000, as modified by works shown in colour on plans numbered AR 07 12GR E and AR 07 1201 E , drawn by DEM Design and Council stamped s96-01217/00/A and as further modified by plans 02/AR/WD04/6, 02/AR/WD06/6, 02/AR/WD30/3, 02/AR/WD32/3 and 02/AR/WD34/3, dated 21 July, 1999, drawn by Suturs Architects Snell Pty Ltd, stamped and endorsed by Council.

- **Delete Condition 38 and replace it with the following condition:-**

- (38) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on drawings L070501(C), L070502(D), L070503(C), L0704601(C), L073301(C), L073302(C), L100502(C), L100503(C), L102202(C), L102203(C) and L1049011(C) drawn by DEM Design Pty Ltd Landscape Architects and Environmental Planners, as further modified by drawings LZ 0201 A01, LZ 0501 C01, LZ 0701 C01, LZ 2201 C01, LZ 4601 C01, LZ 0502 A01, LZ 0503 A01, LZ 0504 A01, LZ 0702 A01, LZ 0703 A01, LZ 0704 A01 and LZ 4602 A01, all drawn by DEM Gillespies, stamped and endorsed by Council;

The reason for the Council's consent to the modification being granted, subject to 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, and would not be in the public interest.

Carried.

6.

RESERVOIR LANE, NOS. 2-4 SURRY HILLS - PROPOSAL TO DEMOLISH BOTH OF THE EXISTING SINGLE STOREY COTTAGES AND TO ERECT 2 X 3 STOREY TERRACE HOUSES – DEVELOPMENT APPLICATION (U01-00687)

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 Brandon and Najman (owners), for permission to demolish the single storey semi-detached cottages on 2 and 4 Reservoir Lane and to erect 2 x 2 bedroom terraces houses on 3 levels and to adjust the common inter lot boundary, subject to the following conditions, namely:
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$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 the plans numbered DA04, DA05, DA08 and DA09 dated 21 November 2001 and amending plans numbered DA06 and DA07 dated 10 December 2001, subject to compliance with the following conditions of consent;

Note: Where there is any discrepancy between the plans in relation to the height and roof treatment of the dwellings, the plans dated 10 December 2001 shall prevail;

- (4) That the proposed roof form shall be amended to incorporate a lower pitched secondary roof over the front balconies, detail of which are to be included in the Construction Certificate;
- (5) That the landscape screening located at the rear of the property shall have a minimum height of 2500mm and shall be maintained in good order in perpetuity;
- (6) That the developer shall submit an amended NatHERS energy efficiency report by an accredited HER assessor on the revised development with the Construction Certificate to verify that the building design satisfies the minimum 3.5 star energy efficiency rating;
- (7) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;

and the following adopted conditions:-

- (8) Builders hoarding permit³⁰
- (9) Alignment levels³²
- (10) Road opening permit³⁴
- (11) Details of materials - deferred consent¹¹⁶
- (12) Glazing reflectivity less than 20%¹¹⁸

- (13) Display street number¹¹¹⁰
- (14) Obstruction of the public way³¹⁰¹
- (15) Obstruction of the public way³¹⁰¹
- (16) Work zones³¹⁰²
- (17) Vehicular footway crossing³¹⁰³
- (18) Delivery of construction materials³¹⁰⁴
- (19) Stormwater (general)⁴¹⁰¹
- (20) Clean water discharge⁴¹⁰²
- (21) Refuse skips⁶¹⁰²
- (22) Intruder alarm⁷⁰⁰⁶
- (23) Pedestrian safety³¹¹⁰
- (24) Associated roadway costs³¹¹¹
- (25) Connection to council's stormwater system⁴¹⁰⁴
- (26) Construction noise⁷⁰⁰⁸
- (27) Soil and sediment control⁷⁰⁸⁵
- (28) Survey certificate at set out stage⁹⁰⁰¹
- (29) Survey certificate at completion⁹⁰⁰²
- (30) Stormwater details⁹⁰⁰³
- (31) Structural Design Certificate⁹⁰⁰⁶
- (32) Comply with the WorkCover Authority⁹¹⁰⁵
- (33) Compliance with BCA⁹¹⁰⁴
- (34) Construction Certificate required⁹¹⁵⁵
- (35) Construction hours⁹¹⁵¹
- (36) Building/demolition noise control⁹¹⁵⁶
- (37) Maintain existing building in a stable condition⁹¹⁵⁷

- (38) Works to be within allotment boundaries⁹¹⁵⁸
- (39) Guarding of excavations⁹¹⁶⁰
- (40) Retaining walls and drainage⁹¹⁶²
- (41) Support for neighbouring buildings⁹¹⁶³
- (42) Protection of public places⁹¹⁶⁴
- (43) Signs erected on building and demolition sites⁹¹⁶⁵

NOTE 1: The applicant is advised that this application has not been assessed for compliance with the Building Code of Australia.

NOTE 2:

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 representation in regard to this proposal be notified of Council decision.

Carried.

7.

DARLINGHURST ROAD, NO.175, DARLINGHURST – STRATA RE-SUB-DIVISION UNIT 21, AND ASSOCIATED CAR SPACE AT 5 STOREY RESIDENTIAL FLAT BUILDING TO CREATE A SEPARATE CAR SPACE AND RESIDENTIAL DWELLING - (2025210)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the strata subdivision certificate application submitted by Dale Freedman for permission to strata re-subdivide Unit No. 21 to create a separate lot for its car space for the following reasons:

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- (1) That the proposal does not have the approval of the Body Corporate of the building;
 - (2) That the proposal may set an undesirable precedent for the separation of car spaces from residential apartments, inconsistent with DCP 11;
 - (3) That the proposal is not in the public interest.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

8.

**LITTLE RILEY STREET, NOS. 12-14, SURRY HILLS – CONSTRUCT
ADDITIONAL LEVEL ON ROOF OF WAREHOUSE – DEVELOPMENT
APPLICATION (U00-00710)**

- (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 Alexander Stollznow (owner) to “construct an additional roof top level (containing a bedroom, ensuite, and an upper level deck) on a warehouse building presently used as a residence and setback from the western and eastern elevation”, 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) That the applicant shall satisfy Conditions 5, 6, 7, 8, 9 and 10;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and

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Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$240, 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 consistent with those plans identified as approved by Council in a letter confirming the commencement of the deferred commencement consent. These plans will be stamped approved by Council, marked in red by Council, and held on Council's file U00-00710, except as conditioned elsewhere;
- (5) That the roof top addition shall be redesigned such that the fenestration pattern and design of the western facade reflects the building fenestration and design on the ground and first floor levels. Particular attention is directed to the bay element closest to the southern elevation. Details are to be submitted to the satisfaction of the Director of Planning and Building;
- (6) That the roof top addition shall be setback no less than 1metre from the exterior face of the western and eastern façade with the area setback to involve the reinstatement of the existing roof pitch. Details are to be submitted to the satisfaction of the Director of Planning and Building;
- (7) That the openings adjacent to the deck on the roof top addition shall contain fixed louvres on both the western and eastern elevations. Details shall be submitted to the satisfaction of the Director of Planning and Building;
- (8) That along the northern edge of the deck on the additional level, 1 metre of fixed louvres shall be constructed from both the western and eastern edges of the deck. Details shall be submitted to the satisfaction of the Director of Planning and Building;
- (9) That the roof top addition shall be redesigned such that:
 - (i) the clerestory is setback 3 metres from both the western and eastern façade;
 - (ii) the height of the roof of the additional level within the 3 metre setback from both the western and eastern facades is no greater than RL50.90; and
 - (iii) the height of the roof to the clerestory is no greater than RL 52.29.

Details shall be submitted to the satisfaction of the Director of Planning and Building;

(10) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes subject to the satisfaction of the Director of Planning and Building, in respect to the following:

- (a) external finishes to walls;
- (b) roofing;
- (c) balcony treatment;
- (d) proposed fences;
- (e) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;

(11) That the applicant shall comply fully with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:

- (a) That all relevant sections of the BCA shall be complied with;
- (b) That the 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;
- (c) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;
- (d) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.1.5(b) of the BCA;
- (e) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;

- (f) 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;
- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (h) That structural certification justifying the capacity of the existing structure to carry the proposed new loads shall be submitted from a registered structural engineer prior to the commencement of work;

-and the following standard conditions:

- (12) Builders hoarding permit³⁰
- (13) Obstruction of the public way³¹⁰¹
- (14) Work zones³¹⁰²
- (15) Delivery of construction materials³¹⁰⁴
- (16) Associated roadway costs³¹¹¹
- (17) Stormwater (general)⁴¹⁰¹
- (18) Refuse skips⁶¹⁰²
- (19) Ventilation⁷⁰²⁵
- (20) Mechanical ventilation to internal bathrooms and laundries⁹⁹⁶¹⁶
- (21) Drainage Details with Construction Certificate⁹⁹⁰¹³
- (22) Construction Hours⁹⁹¹⁵¹
- (23) Works Within Boundary⁹⁹¹⁵²
- (24) Work on Public Way⁹⁹¹⁵⁴
- (25) Construction Certificate Required⁹⁹¹⁵⁵
- (26) Building/Demolition Noise Control⁹⁹¹⁵⁶
- (27) Maintain Existing Building in a Stable Condition⁹⁹¹⁵⁷
- (28) Glazing Provisions⁹⁹³³⁰

(29) Single Dwelling Occupation Only⁹⁹¹⁰³

(30) Structural Design Certificate⁹⁹⁰⁰⁶

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

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

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

Carried.

9.

MITCHELL ROAD, NOS. 18-24, ALEXANDRIA – DEMOLITION OF THE EXISTING BUILDING, ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING 8 UNITS CAFÉ AND 1 COMMERCIAL UNIT AND CAR PARKING - DEVELOPMENT APPLICATION (U00-01328)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lay:-

That Council defer its decision on the application pending the submission of amended plans requesting:-

- (1) Reducing the height of the southern wall of the front building so that it is no higher than the existing wall height;
- (2) Modification of the southern wall height adjacent to the boundary of No. 25 Anderson Street so that it maintains a consistent height and does not 'step' as shown on the plans;
- (3) Deletion of the café use on the site and its conversion to a commercial office use which is able to be linked with the residential unit above, and which could be occupied by one tenant;
- (4) Modification of the commercial use on the site so that it can be linked with the residential unit above, and could be occupied by one tenant.

Carried.

10.

WILSON STREET, NO.220A, NEWTOWN – RELOCATION OF ROOF TERRACE – DEVELOPMENT APPLICATION (U01-01031)

This matter was submitted to Council without recommendation.

Moved by the Mayor, 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 Walter Barda, with the authority of Peter Verwer, for a roof terrace at 220A Wilson Street, Newtown, subject to the following conditions, namely:
- (1) That the development shall be in accordance with work shown in colour on plan Dwg. No 01, dated October 2001 and drawn by Walter Barda Design, except as conditioned elsewhere;
 - (2) That prior to releasing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$330 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the applicant shall submit to the Certifying Authority an annual maintenance program including a replacement program for dead and diseased plant material, general maintenance and pruning to ensure the survival of the Murraya hedge to fulfil the screening criteria;
 - (4) That the details shall be provided to the Council with the Construction Certificate regarding plater box constitution, dimension, water proofing, geotextile layers, cellular drainage system, outlet details and stormwater;
 - (5) That the details of a programmable automated irrigation system shall be specified and submitted to the Council with the Construction Certificate;
 - (6) The minimum soil depth of the planter box shall be 600mm in accordance with Council's Landscape Code, details to be submitted with the Construction Certificate;
 - (7) That the height of the Murraya Exotica screening shall not be less than 1,500mm above the floor level of the roof terrace, details to be submitted with the Construction Certificate;

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- (8) That the screen planting shall be maintained in good health in perpetuity;
- (9) That details on the deck structure to withstand the loading of people (persons to be nominated) and planters (allowing for soil, plant material and water) shall be provided to the Council with the 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 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;
 - (b) Balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;
- (11) That all relevant sections of the BCA shall be complied with;
- (12) 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;
- (13) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (14) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (15) That the requirements of the Work Cover Authority shall be complied with;
- (16) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of

Public Works and Services Department for the use of a mobile crane);

- (17) That all proposed work shall be wholly within the boundaries of the site;
- (18) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (19) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (20) That 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);
- (21) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (22) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (23) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;

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.

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 applicant shall be advised without prejudice, that no action shall be taken with respect to the unauthorised roof terrace subject to the following matters being complied with:
 - (1) That within 40 days of this consent, general access from the stairs to the unauthorised roof terrace shall be restricted to ensure it is not trafficable, to the satisfaction of Council's Director of Planning and Building;
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) The application is refused for the following reasons:-
 - (1) that the proposal will adversely impact on the privacy of residents to the rear of the site.
 - (2) That the proposal will generate adverse impact upon the local streetscape.
- (B) That the stairs providing access to the refused roof deck be removed within 21 days of the date of determination and that failing this, that a notice be served to remove the same.

Carried.

11.

RIDGE STREET, NO.30, SURRY HILLS – ATTIC AND GROUND FLOOR ADDITIONS TO TWO STOREY DWELLING HOUSE – DEVELOPMENT APPLICATION (U01-00919)

NOTE:

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

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delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 5 December 2001, and subject to the additional condition (31) to the recommendation, namely:-

- (31) That the rear ground floor additions shall be to a maximum height of 2.4 metres only.

Carried.

12.

DARLINGHURST ROAD, SHOP NO.15/1-21, KINGS CROSS – CHANGE OF USE TO 24 HOUR CONVENIENCE STORE INCLUDING INTERNAL FITOUT – DEVELOPMENT APPLICATION (U01-00999)

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 29 November 2001.

Carried.

13.

O'RIORDAN STREET, NO.76, ALEXANDRIA – USE AS PANEL BEATING/SPRAY PAINTING WORKSHOP – DEVELOPMENT APPLICATION (U01-01073)

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 29 November 2001.

Carried.

14.

MISSENDEN ROAD, NO.8A, CAMPERDOWN – ST. JOHNS COLLEGE – APPLICATION TO CONDUCT CONCERT – DEVELOPMENT APPLICATION (U01-01023)

That the Council as the responsible authority refuses its consent to an application submitted by Moto Ventures with the authority of St John's College to conduct a concert on the St John's College Oval on 23 February 2002, for the following reasons, namely:-

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- (1) That satisfactory provision has not been made for the parking of patron's vehicles;
 - (2) That vehicle and pedestrian movement to and from the site would be likely to adversely affect traffic flow in Missenden Road and hamper the effective operation of Royal Prince Alfred Hospital;
 - (3) That the use of John Hopkins Drive for entry to the site, with the location of a milling area and ticket sales adjacent to the entrance to the Emergency Department would be likely to hamper movement of ambulances;
 - (4) That the sound generation of the concert would be likely to cause disturbance to residents of the Sancta Sophia College, Joseph's Presbytery and the convent of the Daughters of Charity as well as to residents of St Johns college itself.
 - (5) That the sound levels would be likely to disturb patients in the wards of Royal Prince Alfred Hospital near to the stages.
 - (6) That the sound levels could distress sick animals in the veterinary hospital adjoining the site.
 - (7) That in the circumstances approval would not be in the public interest.
- (B) That persons who made representation with respect to the proposal be advised of the Council's decision.
- (C) That the applicant be contacted by Council suggesting that Sydney Park could possibly be a venue for the proposed concert, but only after an application has been submitted and approved by Council.

Carried.

15.

**PORTMAN STREET, NO.31, ZETLAND – TO ERECT A FIRST STOREY
STOREROOM OVER A GARAGE – DEVELOPMENT APPLICATION
(U01-00201)**

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 29 November 2001.

Carried.

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16.

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 (U99-01165)

- (A) That the Council, as responsible authority, refuses to grant its consent under the Environmental Planning and Assessment Act 1979 to 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 for the following reasons, namely:-
- (1) That the roof structure and height of the eastern and western boundary walls of the parking space result in excessive bulk and scale which impacts on the neighbouring properties and is inconsistent with the LEP 1998 and DCP 1997;
 - (2) That the wall heights and roofing of the parking space reduce the amount of useable open space for the site and impact on the amenity of neighbouring properties;
 - (3) That the works have been completed without Council’s consent;
- (B) That the applicant shall be advised without prejudice, that no legal action shall be taken with respect to the unauthorised works subject to the following matters being complied with;
- (a) That the car space shall not be covered and the eastern and western boundary walls of the car space shall have a maximum height of 1.5m above the floor level of the car space. The roof and supporting beams shall be removed and that part of the wall described above demolished within 40 days of this notice of determination
 - (b) That structural certification shall be provided to Council by an engineer registered with Council for the works carried out without consent (except those works required to be removed by point (a) above). The certificate is to be provided to Council within 60 days of the date of this determination
 - (c) That a ventilation certificate shall be provided certifying that the laundry/storeroom complies with ventilation requirements of the BCA. The certificate is to be provided to Council within 60 days from the date of this determination;
 - (d) That further landscaping shall be carried out to Council, generally in accordance with the approved DA landscape plans;

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- (C) That the applicant shall be advised that in order to be granted a Construction Certificate for the proposed front fence, a new Section 96 Amendment application shall be lodged. Council will not accept the fence unless the front fence steps down 100mm from the neighbouring fence to the west at 14 Yaralla Street and uses similar wrought iron pickets as the fence at 14 Yaralla Street (Note: the current plans do not include a front side boundary fence). It is noted that the Section 96 application will need to be renotified to surrounding owners/occupiers pursuant to the EP&A Act.
- (D) That the Council seek demolition of the roof structure over the car space and a reduction in the height of the walls on the eastern and western boundary of the car space to 1.5m above the floor level of the car space and an Order under Section 121B.2(a) shall be issued to the owner of the land seeking compliance;
- (E) That Council request that the compliance section in the Planning and Building Department investigate the unauthorised works on the property 14 Yarralla Street and shall make and order which requires the unauthorised works be removed.
- (F) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

STREETS – 2001/2002 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME – PARTIAL CLOSURE OF BARTLEY STREET, CHIPPENDALE (2023574)

(Also listed as Item No.11 – Finance Committee).

That:-

- (a) approval be given to the partial closure of Bartley Street, Chippendale at the Abercrombie Street intersection to a single lane width and a westerly one-way traffic flow;
- (b) approval be given to carry out construction of the partial closure of Bartley Street, Chippendale at the Abercrombie Street intersection to an amount of \$40,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program.

(DPWS Report 28/11/01)

Carried.

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18.

DARLINGHURST ROAD, NOS.30-30B, POTTS POINT – CHANGE OF USE TO A MIXED BUSINESS OPEN 24 HOURS, SEVEN DAYS AND ASSOCIATED SIGNAGE – DEVELOPMENT APPLICATION (U01-00808)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Chadi Wehbie, with the authority of Rebent Pty Ltd, to change the use and fitout of shop (now vacant) from a newsagency to a mixed business with one external wall sign operating 24 hours daily, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered (DARLING-1 dated November 2001 and stamped and endorsed by Council and in compliance with the following undermentioned conditions:-
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$330 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 during demolition, excavation and building work the public way shall not be obstructed by the building materials or materials from the site in any way
 - (4) 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;
 - (5) 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);
 - (6) 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;
 - (7) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (8) That the signage shall be generally in accordance with the DA submission and shall include the text 'MFC' Mixed Business'

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- (9) 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;
- (10) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (11) 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;
- (12) That the unobstructed width in a required exit or path of travel to an exit shall be not less than 1000mm in accordance with D1.6 of the BCA, except the unobstructed width of any doorway may be reduced to not less than 750mm;
- (13) That smoke hazard management shall comply fully with the requirements of part E2.2 of the BCA;
- (14) That all relevant sections of the BCA shall be complied with;

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;

- (15) 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;
- (16) That the requirements of the Work Cover Authority shall be complied with;
- (17) 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;
- (18) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (19) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
 - (20) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried

19.

MACLEAY STREET SHOP NO. 33, 65-67 POTTS POINT – CHANGE OF USE TO A LAUNDROMAT AND DRYCLEAN AGENCY AND THE ERECTION OF SIGNAGE – DEVELOPMENT APPLICATION (U01-00712)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the Development Application submitted by Mr Warren Tisdale, with the authority of D and A Dimov (Owners) and Bright and Duggan PTY. Limited Strata Managers, to change the use of shop 33 from a restaurant to a laundromat and dry cleaners with the appropriate signage, be deferred until such time as Council receives legal advice about the applications validity with respect to the Body Corporate consent issue

Carried.

20.

QUEEN STREET, NOS. 161-219, BEACONSFIELD – TO DEMOLISH THE 2 STOREY FACTORY AND TO ERECT A ¾ STOREY MIXED USE RESIDENTIAL/COMMERCIAL BUILDING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00745)

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 deferred commencement approval, pursuant to section 80(3) of the Environmental Planning and Assessment Act, 1979, to the development application submitted by Baker Kavanagh Architects Pty Ltd, with the authority of Sonenco Apartments Pty Ltd, for permission to demolish the existing building and to erect a 3/4 storey mixed use residential/commercial building containing a total of 30 units with

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basement carparking accessed from Victoria Lane, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has signed a Deed of Agreement in accordance with and incorporating all the requirements of Conditions (2) and (3) of this consent;
- (2) That in order to qualify for a floor space bonus of 0.25:1, and in addition to Section 94 contributions, the developer shall be responsible for the provision of the following public domain improvements in nearby areas, to the value of \$174,320, namely:
 - (a) the provision of threshold treatments to Queen Street and Victoria Street at their intersections with Collins Street;
 - (b) the provision of threshold treatment to Ralph Street at its intersection with Beaconsfield Street;
 - (c) the upgrade of Collins Street including the reconstruction of footpaths extending between Queen Street and Victoria Street for the width of the thresholds. The reconstruction of the sandstone kerb and guttering along Collins Street between Victoria Street and Victoria Lane; and planting of a minimum of 6 x Eucalyptus Scoparia (Wallangarra White Gum) minimum 100L at equal spacings;

Note: The nominal value of the works in (a), (b) and (c) above is \$149,320 for which the developer is required to provide prior to the issue of a construction certificate, a performance bond by way of a Bank Guarantee, not limited by an expiry date for this sum. Upon satisfactory completion of each stage or element of the package, the Council will refund a corresponding proportion of the Bank Guarantee, subject to an amount of \$14,932 being retained by Council for a period of 12 months following final completion of all works as a surety against defective or incomplete work.

- (d) the payment of a monetary contribution to Council of \$25000 prior to the release of the construction certificate, to be paid to the receipt code RC 922 SEC for allocation to the following project: Botany Road, Neighbourhood Centre Improvement Plan;
- (3) That a Deed of Agreement signed by the owner of the property setting out all the requirements and obligations in relation to the provision of public domain improvements provided by the developer to qualify for bonus floor space of 0.25:1 shall be included as a public positive covenant under Section 88E of the Conveyancing Act 1919 on the title of the land in the event that the land is sold or transferred or an option to purchase any or all

of the land is given to another party prior to the owner having discharged all of the obligations under the Deed of Agreement;

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$16170 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 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 \$5800, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$13,973	2E97003.BGY0
Open Space: New Parks	\$65,315	2E97009.BGY0
Accessibility And Transport Management	\$ 417	2E97006.BGY0
Total	\$ 1,009	2E97007.BGY0
	\$80,714	

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 2001/02.

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;

- (7) 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	\$21944	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 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;

- (8) That the development shall be generally in accordance with plans numbered A01C to A06C inclusive; and A08B and A09C submitted on 12 November and plan numbered A07D submitted on 10 December 2001, as amended by the letter from Allan Caladine dated 10 December 2001, subject to compliance with the abovementioned conditions below:-
- (9) That the height of the wall erected along the length of the site to Victoria Lane shall be increased to 2400mm high;
- (10) That the specific use of the retail/commercial tenancy area and any non-residential use of units 9 to 12 inclusive, other than home occupation, shall be the subject of separate development application(s) for the approval prior to any use commencing;
- (11) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (12) That prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to the remediation process, a Site Audit Statement (SAS) within the meaning of the Contaminated Land Management Act, 1997 is to be submitted to Council clearly demonstrating that the site is suitable for the intended range of uses under the consent. The SAS is to consider a validation assessment prepared post demolition of existing concrete slabs that includes asbestos as a contaminant of concern. The conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a Section 96 application pursuant to the Environmental Planning and Assessment Act, 1979 will be required;
- (13) That the premises including the car parking area shall be ventilated in accordance with the requirements of the Building Code of Australia (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2);
- (14) That adequate sanitary facilities shall be provided to the retail/commercial area in accordance with the requirements of the Building Code of Australia;
- (15) That the construction, fitout and finishes of any proposed food premises shall comply with the Food Act, 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;

- (16) That any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668;
- (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) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (18) That the developer shall test the ground water level to ensure that the basement car park slab is at least 2m above the highest ground water level;
- (19) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.25:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (20) That the owner shall dedicate for road purposes, free of cost to Council, a 2.5m by 2.5m splay at the intersection of Queen Street and Collins Street and 2.5m by 2.5m splay at the intersection of Collins Street and Victoria Lane, limited in height and/or depth to 5m above and/or 2m below the adjacent footway level, to be detailed in a plan of subdivision/consolidation of the land. This plan to be registered at the Land and Property Information Centre (formerly Land Titles Office) prior to issuing an Occupation Certificate;
- (21) That a maximum of 33 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;

- (22) That the parking spaces shall be allocated on the basis of 2 for retail, 27 for residents and 4 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (23) That secure bicycle storage facilities shall be provided on the basis of a minimum of 10 individual lock-up facilities (Type 1) for residents and 5 x "U" stand facilities (Type 3) for visitors, with at least 2 of the visitor facilities located at ground level in the setback to Collins Street – in accordance with AS 2890.3;

and the following standard conditions:

- (24) Resident parking restrictions for new residential flats³¹⁰⁵
- (25) Builders hoarding permit³⁰
- (26) Alignment levels³²
- (27) Street number application³³
- (28) Road opening permit³⁴
- (29) Details of materials - deferred consent¹¹⁶
- (30) Roller shutter - open mesh¹²¹
- (31) Shoring¹¹⁰⁶
- (32) Consolidate lots¹¹⁰⁹
- (33) Display street number¹¹¹⁰
- (34) Setback of awning¹¹¹¹
- (35) Sign for visitor parking³⁰¹⁰
- (36) Intercom for visitors³⁰¹¹
- (37) Obstruction of the public way³¹⁰¹
- (38) Work zones³¹⁰²
- (39) Vehicular footway crossing³¹⁰³
- (40) Delivery of construction materials³¹⁰⁴

- (41) Resident parking restrictions for new residential flats³¹⁰⁵
- (42) Construction traffic management³¹⁰⁷
- (43) Off-street car parking for construction workers³¹⁰⁹
- (44) Pedestrian safety³¹¹⁰
- (45) Associated roadway costs³¹¹¹
- (46) Stormwater (general)⁴¹⁰¹
- (47) Clean water discharge⁴¹⁰²
- (48) Connection to council's stormwater system⁴¹⁰⁴
- (49) Landscape plan⁵¹⁰¹
- (50) Planting on slab⁵¹⁰²
- (51) Street trees⁵¹⁰³
- (52) Irrigation⁵¹⁰⁵
- (53) Maintenance⁵¹¹⁴
- (54) Final inspection⁵¹¹⁵
- (55) Garbage on the public way⁶¹⁰¹
- (56) Refuse skips⁶¹⁰²
- (57) Garbage storage area⁶¹⁰³
- (58) Commercial garbage storage area⁶¹⁰⁴
- (59) Noise⁷⁰³⁰
- (60) Trade waste⁷⁰⁸²
- (61) Hazardous and industrial waste⁷⁰⁸³
- (62) Soil and sediment control: covering of loads⁷⁰⁹⁰
- (63) Survey certificate at set out stage⁹⁰⁰¹
- (64) Survey certificate at completion⁹⁰⁰²
- (65) Stormwater details⁹⁰⁰³

- (66) Structural Design Certificate⁹⁰⁰⁶
- (67) Compliance with BCA⁹¹⁰⁴
- (68) Comply with the WorkCover Authority⁹¹⁰⁵
- (69) Construction hours⁹¹⁵¹
- (70) Hours of work and use of cranes⁹¹⁵³
- (71) Construction Certificate required⁹¹⁵⁵
- (72) Building/demolition noise control⁹¹⁵⁶
- (73) Maintain existing building in a stable condition⁹¹⁵⁷
- (74) Works to be within allotment boundaries⁹¹⁵⁸
- (75) Excavations and backfilling⁹¹⁵⁹
- (76) Demolition to comply with Australian standard⁹¹⁶¹
- (77) Retaining walls and drainage⁹¹⁶²
- (78) Support for neighbouring buildings⁹¹⁶³
- (79) Protection of public places⁹¹⁶⁴
- (80) Signs erected on building and demolition sites⁹¹⁶⁵
- (81) That the design of the premises shall be amended to include:-
 - ◆ The redesign of the pool area such that the lap pool is closer to the building
 - ◆ The provision of metal louvres to the top floor terrace areas which face Victoria Lane.
 - ◆ The provision of additional well advanced trees within the soft soil landscape zone at the rear of the site which complement the trees shown on the submitted landscape drawings.

NOTE 1: That the applicant is advised that this application has not been assessed for compliance with the Building Code of Australia.

NOTE 2: 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.

NOTE 3: That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW, EPA 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act, 1997 provides for the commission of an offence for both the waste owner and transporter if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

NOTE 4: The owners attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes;

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

Carried.

21.

LINTHORPE STREET, NO.26, NEWTOWN – ALTERATIONS AND ADDITIONS TO DWELLING HOUSE – SECTION 96 MODIFICATION (U99-00505)

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 29 November 2001.

Carried.

22.

DEVONSHIRE STREET, NOS. 156-158, SURRY HILLS – EXTENDED TRADING HOURS OF GROUND FLOOR BAR AND FIRST FLOOR RESTAURANT TO 1.00 AM TUESDAY TO SUNDAYS – DEVELOPMENT APPLICATION (U01-00656)

- (A) That the Council, as the consent authority, refuses to grant its consent pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Saleh White Enterprises Pty Ltd, with the authority of Jacqueline McMahon, to increase the trading hours of the Clarendon Hotel (aka 'O' Bar) at 156-158 Devonshire Street, Surry Hills in respect of the ground floor bar from 10.00am to 1.00am the following morning Mondays – Wednesdays, 10.00am to 3.00am the following morning Thursdays to Saturdays and 10.00am to Midnight Sundays and for the first floor restaurant to 1.00am Tuesdays – Sundays, for the following reasons, namely:-
- (1) That the proposal is inconsistent with the zone objectives and matters for consideration in Clause 21 of South Sydney LEP 1998 in that nuisance generated by non-residential development be controlled to preserve the quality of life of residents of the area;
 - (2) That the proposal is inconsistent with Clause 28 of LEP 1998 in that the proposal is not compatible with the scale of neighbouring development and does not encourage complementary land uses or activities;
 - (3) That the proposal would have unreasonable impacts on the amenity of the surrounding area by way of additional pedestrian and traffic impacts and is inconsistent with LEP 1998, DCP 11 and DCP 1997;

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- (4) That the granting of consent would be an undesirable precedent in the area;
 - (5) That the proposal is inconsistent with planning intent and land use criteria for traditional mixed use precincts in Part F of DCP 1997;
 - (6) That the granting of consent to this application would not be in the public interest.
- (B) That persons who made representations in respect of the proposal be advised of Council's decision.

It was moved by Councillor Mallard, seconded by Councillor Bush that the motion be amended by the deletion of the whole of the resolution, and the insertion in lieu thereof of the follow new resolution namely:-

That the application be deferred for a further submission by the applicant in order to arrange for a proper Plan of Management and that application be referred back to the first meeting of the Planning and development Committee on 30 January 2001.

Carried.

23.

STANLEY STREET, NO.55, DARLINGHURST – CONVERSION OF TERRACE HOUSE TO LEGAL PRACTICE – SECTION 82A – REVIEW OF COUNCIL DECISION – DEVELOPMENT APPLICATION (U00-01282)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That Council grants its consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by Jenny Bull and Company Solicitors with the authority of A Lind and J Bull to use the premises, 55 Stanley Street, Darlinghurst, as a legal practice, subject to the following Conditions:
- (1) That the development shall be generally in accordance with the plans stamped 1282/00 and dated 23 November 2000 and the statement prepared by Jenny Bull and Company Solicitors dated 21 November 2001, except where amended by the Conditions below:
 - (2) That the hours of operation of the premises shall be only between 9am and 5pm, Monday to Friday;

and the following standard conditions:

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- (3) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (4) 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;
- (5) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (6) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (7) 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;
- (8) That all relevant sections of the BCA shall be complied with;
- (9) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (10) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (12) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (13) That the proprietor shall, whilst the premises is operating, immediately change any coverings used on beds, furnishing or the like that are visibly stained with body fluids;
- (14) That a separate garbage /recycling storage facility for commercial use shall be located within the site at street level in a position approved by Council's Health Services Manager that can be accessed by a commercial contractor. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste

Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;

- (15) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (16) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;

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

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

- (B) That the persons who made representation be advised of Council's decision.

Carried.

24.

ALBION STREET, NO.106, SURRY HILLS – ALTERATIONS AND ADDITIONS TO REAR OF FOUR STOREY TERRACE HOUSE – DEVELOPMENT APPLICATION (U01-00706)

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 29 November 2001.

Carried.

25.

RILEY STREET, NOS. 208-218, SURRY HILLS – CHANGE OF USE FROM MOTEL TO RESIDENTIAL FLAT BUILDING (CONTAINING 109 UNITS) INTERNAL FIT OUT ALTERATIONS AND ADDITIONS, NEW LOBBY, CAFE AND ALTERATIONS AND ADDITIONS TO RESTAURANT, WIDENING OF BALCONIES OVER RILEY STREET DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00696)

- (A) That the Council as the consent authority grants its deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by the Tuscan Corporation Pty Ltd, with the authority of the United Group Property Holdings Pty Ltd for the change of use from motel to residential flat building (containing 109 units), internal fitout,

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alterations and additions, new lobby, cafe and alterations and additions to restaurant, extensions to balconies over Riley Street at 208-218 Riley Street, Surry Hills, subject to the following conditions, namely:-

- (1) The development shall not operate until the applicant has signed a Deed of agreement in accordance with and incorporating all the requirements of Conditions (2) and (3) of this consent;
- (2) In order to qualify for the additional floor space, and in addition to Section 94 contributions, the developer shall be responsible for the provision of the following public domain improvements surrounding the site, to the value of \$40,420:-
 - (a) flush threshold treatment at the entrance to Lower Campbell Street from Riley Street;
 - (b) local widening of the footpath in Riley Street on either side of the threshold;
 - (c) footpath blisters at the intersection of Lower Campbell Street.

-the applicant shall liaise with Council's Public Works and services Department in respect to the carrying out of these works, prior to commencement;

- (3) That a Deed of Agreement signed by the owner of the property setting out all the requirements and objections in relation to the provision of public domain improvements provided by the developer to qualify for additional floor space shall be included as a public positive covenant under Section 88E of the Conveyancing Act 1919 on the title of the land in the event that the land is sold or transferred or an option to purchase any or all of the land is given to another party prior to the owner having discharged all of the obligations under the Deed of Agreement;
- (4) That the development shall be generally in accordance with plans numbered P01-09, E02-04, S01-02 drawn by Bligh Voller Nield and dated 18 July, 2001 stamped and endorsed by Council, subject to compliance with the following Conditions of Consent;

Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$37,666	2E97003.BGY0

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Open Space: New Parks	\$176,997	2E97009.BGY0
Accessibility And Transport	\$1,135	2E97006.BGY0
Management	\$2,644	2E97007.BGY0
Total	\$218,441	

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.

Contributions at Time of Payment = $C \times \frac{CPI2}{CPI1}$
 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 2001/2002 Quarter.

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) 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 2E97008.BGY0	\$60,977	

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 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;

- (6) That further development applications shall be lodged for the future use and fitout of the ground floor (restaurant and cafe – other than in respect of any on-going use of the existing restaurant) and any proposed signage for the building;
- (7) That the applicant shall enter into discussions with Council's Department of Public Works and Services concerning Traffic Flows and arrangements within Lower Campbell Street;
- (8) That all vehicles must enter and exit the driveway in a forward direction at all times;
- (9) That all vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (10) That all bicycle storage is to be at ground level and the first basement level;
- (11) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 24 x 240 litres sulo container type bins for domestic refuse and 16 x 240 litres recycling bins;
- (12) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect be submitted to the Certifying Authority with the application for a construction certificate. The landscape plan shall nominate:-
 - (i) Materials and finishes – plans, sections and schedules to indicate type, extent, layout, setout, installation requirements for all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliments the architecture and character of the development.

- (ii) Planting plan – plan and schedules indicating layout, location, species, and size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting are to be as follows:-

Material	Mature Height	Min. Spacing	Min. Size
Trees			75 litres (2 metres tall)
Shrubs	>3.0 metres	1/4m ²	10 litres
Shrubs	1.0-3.0 metres	1/2m ²	5 litres
Groundcovers	<1.0 metre	6 per m ²	150mm pot

- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (14) That the carpark shall be ventilated in accordance with AS1668;
- (15) That an airlock shall be provided to the male toilets in accordance with the requirements of Part F of the Building Code of Australia;
- (16) That the restaurant (where refurbishment is proposed) and the new cafe shall be provided with sanitary facilities in accordance with the requirements of the Building Code of Australia;
- (17) That the construction, fitout and finishes of the restaurant and proposed cafe shall comply with the National Code for the Construction and Fitout of Food Premises;
- (18) That adequate provision shall be made for the installation of mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (19) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/ Minimisation Fact Sheets;
- (20) That the garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/ Minimisation Fact Sheets;
- (21) That residential and commercial waste shall be separated;
- (22) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;

- (23) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (24) That prior to the commencement of demolition activities, an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:-
- (i) measures to control noise emissions from the site;
 - (ii) measures to suppress odours and dust emissions;
 - (iii) soil and sediment control measures;
 - (iv) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (v) community consultation.
- (25) 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;
- (26) That the use of the premises shall not give rise to:-
- Transmission of offensive noise to any place of different occupancy, and
 - A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and
 - A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Industrial Noise Policy;
- (27) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the commencement of any works:-

No.	Health Aspect	Standard or Requirement
(i)	All proposed and altered mechanical ventilation systems.	Building Code of Australia and AS1668
(ii)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets

(iii)	The recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets
(iv)	The garbage chute.	SSCC Waste Management/ Minimisation Fact Sheets
(v)	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

- (28) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$36,300 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;
- (29) 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 \$18,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (30) That the proposed laundry facilities shall comply with Part F4 of the Building Code of Australia;
- (31) That at least one toilet shall be provided at or near ground floor level accessible without entering a sole occupancy unit in accordance with the requirements of F2.1 of the BCA;
- (32) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (33) That 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;
- (34) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the Public Works and Services Department. These

approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

- (35) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (36) 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;
- (37) 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;
- (38) 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;
- (39) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (40) 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;
- (41) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once 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 persons entering the building;

- (42) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. The Plan shall provide information regarding parking restrictions, emergency access, pedestrian protection, traffic impacts, traffic routes etc;
- (43) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (44) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (45) 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;
- (46) 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;
- (47) 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;
- (48) 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;

- (49) That the applicant shall plant street trees in accordance with the requirements contained in Council's Street Tree Master Plan (1996) and be responsible for liaison and co-ordinating with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate;
- (50) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. Landscape works are to be fully completed prior to the issue of an Occupation Certificate;
- (51) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (52) 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);
- (53) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (54) That all relevant sections of the BCA shall be complied with;
- (55) 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;
- (56) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (57) 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;

- (58) That the requirements of the Work Cover Authority shall be complied with;
- (59) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (60) 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;
- (61) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (62) That the demolition work shall comply with Australian Standard 2601-1991;
- (63) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (64) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (65) That if the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
- (b) building involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

- (66) 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 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;
 - (c) 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;
 - (d) 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;
 - (e) 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;
 - (f) That the services passing through a floor shall either be installed in shafts with construction having a fire

resistance level of one hour or protected in accordance with C3.15 of the BCA;

- (g) That the proposed work shall be constructed in Type (a) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (h) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (i) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (j) 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;
- (k) 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;
- (l) 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;
- (m) That doors shall not be locked from within a fire isolated stairway, fire isolated ramp or fire isolated passageway to prevent re-entry to the storey or the room it serves in accordance with the requirements of D2.22 of the BCA;
- (n) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (o) 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;
- (p) 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;

- (q) 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;

- (r) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (s) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (t) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (u) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (v) That required hydrants shall be designed and installed in accordance with AS2419.1 and shall not be designed, constructed or adapted for use for any purpose other than the supply of water for fire-fighting purposes;
- (w) 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;
- (x) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (y) That any alterations to the existing sprinkler installation shall result in the entire system being made to comply with the requirements of AS2118 and E1.5 of the BCA;
- (z) That an automatic sprinkler installation complying with the requirements of AS2118 and E1.5 of the BCA shall be installed throughout the building;
- (aa) That a fire control room, shall be provided in the building in accordance with the requirements of E1.8 of the BCA;
- (bb) That the stretcher facility shall be provided in accordance with the requirements of E3.2 of the BCA;
- (cc) 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;
- (dd) That emergency lift shall be installed to comply with E3.4 of the BCA and AS1735.2;
- (ee) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
- (ff) That an emergency warning system and an intercommunication system each complying with the provisions of AS2220 Part 1 and 2 shall be provided, in accordance with the requirements of E4.9 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 the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (ii) 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;

- (jj) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (kk) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (ll) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (mm) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (nn) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (oo) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (pp) 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;
- (qq) That good housekeeping shall be maintained at all times;
- (rr) That egress paths are to be kept free of obstructions/storage at all times;
- (ss) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.

The certificate shall be in the form of a typed report providing the following minimum requirements:-

- (a) the electrical contractors licence number;
- (b) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
- (c) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
- (d) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

GENERAL MANAGER

-Alternatively, a report from Energy Australia would satisfy the above requirements;

- (tt) That Smoke hazard management shall comply fully with the requirements of Part E.2.2 of the Building Code of Australia.
- (uu) That Balustrades shall comply fully with the requirements of Clause D.2.16 of the Building Code of Australia.
- (vv) That The lift motor room shall be isolated from the remainder of the building in accordance with the requirements of Clause D2.12 of the Building Code of Australia.
- (ww) That Access and facilities for people with disabilities shall comply fully with the requirements of Parts D.3 and F.2.4 respectively, of the Building Code of Australia.
- (xx) That Fire isolated stairways shall comply fully with the requirements of Parts C and D of the Building Code of Australia.

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

Carried.

26.

LANG ROAD, NO.62, CENTENNIAL PARK – ALTERATIONS AND ADDITIONS TO HOUSE – DEVELOPMENT APPLICATION (U01- 00755)

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 29 November 2001.

Carried.

27.

CONFERENCES - PATHWAY URBAN PLANNING AND MANAGEMENT CONFERENCE – ATTENDANCE OF COUNCIL'S REPRESENTATIVE.

That approval be given to an Officer of Council's Planning and Building Department being authorised to attend as well as any other interested Councillors.

GENERAL MANAGER

(A/DPB) Report 30.11.01)

Carried.

28.

PLANNING - 2ND ANNUAL “HOUSEKEEPING” REVIEW OF SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998/2ND REPORT PURSUANT TO SECTION 54 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (2023147)

That Council:-

- (1) prepare a draft Local Environmental Plan which amends LEP 1998 and notify the Director-General of the Department of Planning of its decision pursuant to section 54(4) of the *Environmental Planning & Assessment Act, 1979* and commence consultation pursuant to section 62 of the Environmental Planning and Assessment Act 1979;
- (2) proceed to exhibit the draft Local Environmental Plan in accordance with the statutory provisions of the Environmental Planning and Assessment Act 1979, following advice from the Department of Planning that Council may use its delegations under section 65 of the Act;
- (3) prepare minor related amendments to Development Control Plan 1997: Urban Design; South Sydney (Heritage Conservation) Development Control Plan 1998 and South Sydney Development Control Plan 1999 – Exempt and Complying Development arising from the draft amendments to LEP 1998 in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation 2000;

(A/DPB Report 5.12.01)

Carried.

29.

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 The Mayor:-

GENERAL MANAGER

That the application be deferred with respect to the appropriateness of a sex premises at the site and in order to ascertain when the application is in compliance with Council's Sex Industry Policies.

Carried.

30.

BOTANY ROAD, NOS. 201-211 WATERLOO – USE PREMISES FOR STORAGE AND RETAILING OF CHRISTMAS PRODUCTS – DEVELOPMENT APPLICATION (U00-00954)

- (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:
- (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;
 - (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.

GENERAL MANAGER

- (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 and that a Traffic Management Policy be also developed in relation to such tours.

It was moved by Councillor Mallard, seconded by Councillor Bush, that the motion be amended by the deletion of the recommendation for refusal and that no action be taken until after Christmas 2001.

Negatived.

Motion carried.

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

The Planning and Building meeting terminated at 10.00.p.m.

The Council Meeting terminated at 9.05 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER