

291ST Meeting

Erskineville Town Hall
Erskineville
367324

Wednesday, 20 February 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.50. pm on Wednesday, 20 February 2002.

PRESENT

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

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

INDEX TO MINUTES

Subject	Page No.
Filming	84
Confirmation of Minutes	85
Leave of Absence	86
Minutes by the Mayor	86
Minutes by the General Manager	90
Petitions	95
Questions on Notice	96
Questions Without Notice	96
Report of Finance Committee	101
Report of Finance Committee (Confidential Matter)	113
Report of Community Services Committee	114
Report of Planning and Development Committee	116

GENERAL MANAGER

Filming – Application – Decision- Missenden Road No.8B, Camperdown – McDonalds Restaurant

A request has been received from ABC News to film part of the meeting which deals with Item No. 17 of the Planning and Development Committee, McDonald's Development, Missenden Road, Camperdown.

In accordance with Section 47(1) of the Local Government Act (Meeting Regulations):

“(1) A person may use a tape recorder (which includes a video camera) to record the proceedings of a meeting of a council or a committee of council only with the authority of the council or committee.”

Moved by the Mayor, seconded by Councillor Mallard.

That approval be given to film that part of the meeting as requested and that Item No. 17 of the Planning and Development Committee be brought forward to accommodate the film crew.

Carried.

17.

MISSENDEN ROAD, NO. 8B, CAMPERDOWN – USE OF EXISTING BUILDING AS MCDONALDS RESTAURANT, CONVENIENCE STORE AND POST OFFICE SHOP – DEVELOPMENT APPLICATION (U01-01040)

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Furness:-

- (A) That Council as the consent authority refuses its consent to the proposed development for the following reasons:-
- (1) The development will significantly increase traffic generation and detrimentally restrict the movement of vehicles on Missenden Road.
 - (2) Vehicles visiting the restaurant and seeking to park nearby will impede ambulance access to Royal Prince Alfred Hospital, the operation of the nearby taxi rank and the movement of other vehicles using Missenden Road
 - (3) Patronage of the restaurant at night will cause an uncontrollable amenity nuisance to patients and other users of Royal Prince Alfred Hospital and nearby residents by way of noise, traffic, litter and loitering.

- (4) The establishment of a restaurant in this location is inconsistent with the zone objectives of Zone No.5: University and Zone No.5 Hospital, and as such is prohibited.
 - (5) That the increased pedestrian flows crossing Missenden Road will detrimentally restrict the movement of vehicles on Missenden Road and will decrease pedestrian safety in the vicinity of the restaurant.
 - (6) There will be unacceptable traffic conflict between the proposed restaurant and the main entry point for Royal Prince Alfred Hospital.
 - (7) The proposed development 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.

At this stage and at 6.55 pm a temporary adjournment of the meeting was called to allow the film crew to leave the Council Chamber.

At stage and at 6.57pm the meeting recommenced.

Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Pooley:-

That the minutes of the Ordinary Meeting of Council of 6 February 2002, be taken as read and confirmed.

At the request of Councillor Mallard and by consent the minutes of 6 February 2002, were amended on page 81, in relation to the Notice of Motion No.4 by amending of Councillors Mallard's amendment to read:-

It was moved by Councillor Mallard, seconded by Councillor Harcourt that the motion be amended by the deletion of Clause (A) of the motion and the insertion in lieu thereof, of the following new Clause (A) namely:-

- (A) That the NSW Parliament be called upon to amend the Crimes Act 1900 by equalising the age of consent for homosexuals to that of heterosexuals.

Motion, as amended, carried.

The minutes were then read as confirmed.

Carried.

Leave of Absence – The Mayor Councillor John Fowler.

A request was received from the Mayor, Councillor John Fowler for leave of absence from the Committee Meetings to be held on 6 March 2002, as he will be attending a conference in Adelaide.

It was moved by Councillor Mallard, seconded by Councillor Bush:-

That leave of absence be granted to the Mayor, Councillor John Fowler from the Committee Meetings to be held on 6 March 2002.

Carried.

MINUTE BY THE MAYOR

20 February 2002

**PUBLIC RELATIONS – MR J BETROS –
LETTER OF CONGRATULATIONS (2023643)**

It is with pleasure that I inform Council of a milestone in respect of a businessman in the South Sydney area.

Mr John Betros is a practising Pharmacist and has been doing so from the same premises on the corner of Belvoir Street and Elizabeth Street, Surry Hills, for over 40 years.

Mr Betros has seen many changes in his time since first opening his business. One of them being his address. It was originally 514 Elizabeth Street, Surry Hills, but with developments taking place, his address is now Shop 4, 500 Elizabeth Street.

As we are all aware, a Pharmacist plays an important role in the health and well being of citizens, not only with dispensing anti-biotics and medicines, but also medications not on prescription and their general advice.

Since his early youth, Mr Betros has been a loyal and faithful “Rabbitohs” supporter and has taken up supporting the “Red and Greens” since their re-instatement into the National Rugby League Competition.

RECOMMENDATION:

I recommend that a letter of congratulations be forwarded to Mr John Betros for his

GENERAL MANAGER

service to the community of South Sydney as a practising Pharmacist for over 40 years from his premises at Surry Hills.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Lennon:-

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

Carried.

It was moved by Councillor Harcourt, seconded by Councillor Lay, that a clause (b) be added to the recommendation namely:-

- (b) That in the future any business people that are considered worthy of recognition be brought to the attention of the Mayor so that a suitable letter of congratulations can be forwarded to that person.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

20 February 2002

TRAFFIC - LOCAL TRAFFIC MANAGEMENT STRATEGIES FOR EAST SYDNEY AND DARLINGHURST AREAS – RECOMMENDATION FROM SOUTH SYDNEY TRAFFIC COMMITTEE OF 20 FEBRUARY 2002 (T02-00038)

TO COUNCIL

In relation to the two items, Nos. 18 and 20 from the Planning and Development Committee Agenda, the South Sydney Traffic Committee at its meeting of 20 February 2002, resolved as follows:-

- (a) That the road closures take place at four locations in East Sydney;
 - (1) Forbes Street and St. Peters Street;
 - (2) St. Peters Street at Bourke Street;
 - (3) St. Peters Street at Forbes Street;
 - (4) Yurong Lane at Yurong Street.;
- (b) That the road closures be for a trial period for 3 months
- (c) That the Police and Council Officers establish the criteria by which the success or otherwise of the trial closure will be evaluated;

GENERAL MANAGER

- (d) That a letter drop take place of the entire area advising of the proposed closures with the Police and Council Officers conferring on the appropriate wording of the letter;
- (e) That information signs be erected at each proposed closure site advising motorists and the public of the intended closures;
- (f) That a Traffic Management plan be submitted to the Roads and Traffic Authority as required by the Delegations to Council.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Furness:-

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

Carried.

It was moved by Councillor Harcourt, seconded by Councillor Shaw, that a clause (g) be added to the recommendation namely:-

- (g) that the scheme be forwarded to the Street Prostitution Working Party for signing off.

Motion, as amended by consent, carried.

It should be noted that Item No.18 and Item No.20 on the Planning and Development Committee of its meeting of 13 February 2002 namely:-

No.18 – Traffic – St. Peters Street and Forbes Street, Darlinghurst – Closures of Streets to overcome Kerb Crawling Traffic problem (2009957) and

No.20 – Local Traffic Management Strategies for East Sydney and Darlinghurst areas – recommendation from Street Prostitution Working Party, 5 February 2002 (2023605)

-were dealt with in conjunction with the above minute and the recommendation of the Mayor's minute be adopted as the proposed street closure.

MINUTE BY THE MAYOR

18 February 2002

**CELEBRATIONS – NATIONAL COME AND TRY DAY -
YOUTH WEEK 2002 (2021302)**

National Come and Try Day is an initiative of the Department of Family and Community Services, and aims to showcase youth services in individual Local Government Areas.

At its last meeting Council's Youth Advisory Committee resolved to recommend to Council that it approve an (additional) allocation of \$5,000 to enable a Come and Try Day to be added to the local program of activities for Youth Week 2002.

I understand it would not be possible to host this event within the current resources available, as the total budget for Youth Week is currently only \$5,000.

I therefore propose that Council approve for an additional \$5,000 to be added to the 2000 Youth Week budget (6355.16680) to enable a South Sydney Come and Try Day to be included in the program of activities.

RECOMMENDATION

I recommend that \$5,000 be added to the 2001/2002 Youth Week Budget (6455.16680) to enable a South Sydney Come and Try Day to be added to Councils program of activities to celebrate Youth Week 2002.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Mallard:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

18 February 2002

ADMINISTRATION - DEPARTMENTS – ORGANISATIONAL REVIEW (2009377)

A minute by the General Manager dated 18 February 2002, was circulated to all Councillors prior to the Council Meeting commencing.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

The reason that the press and public are excluded is in accordance with Section 10A (2) (a) of the Local Government Act 1993 is: - Personnel Matters concerning particular individuals.

Michael Whittaker (SGD)
General Manager

Moved by the Mayor Councillor Fowler, seconded by Councillor Mallard:-

That the minute by the General Manager, be deferred to the next ordinary Council meeting to be held on 13 March 2002.

Carried.

MINUTE BY THE GENERAL MANAGER

18 February 2002

**ADMINISTRATION - DEPARTMENTS - ORGANISATIONAL REVIEW OF
COUNCIL –APPOINTMENT OF DIRECTORS (2009377)**

A minute by the General Manager dated 18 February 2002, was circulated to all Councillors prior to the Council Meeting commencing.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the

GENERAL MANAGER

proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

The reason that the press and public are excluded is in accordance with Section 10A (2) (a) of the Local Government Act 1993 is: - Personnel Matters concerning particular individuals.

Michael Whittaker (SGD)
General Manager

Moved by the Mayor Councillor Fowler, seconded by Councillor Mallard:-

That the minute by the General Manager, be deferred to the next ordinary Council meeting to be held on 13 March 2002.

Carried.

MINUTE BY THE GENERAL MANAGER

15 February 2002

CONFERENCES –COUNCILLORS - DETAILS FOR PERIOD 1999 – 2001 (2002628)

At the meeting of Council on 24th October, 2001, Councillor Pooley asked the following Question Without Notice:

Question

“Could a report come to the next Finance Committee detailing the costs of all interstate conference travel, including conference fee, air travel, hire car, meals, accommodation, refreshments and incidentals provided by individual Councillor since the July 2000 election?

Could that report also make suggestions as to how these costs might be contained?”

Answer by the Mayor

“Well Councillor, why stop at July 2000? Why not get a better balance and get 1999, 2000 and 2001 and then we can get a balanced view of the policy? I would accept that, but certainly I don't have a problem getting a report on monies spent on conferences. I will have the report amended to include the 1999 and 2000 period as well.”

GENERAL MANAGER

There were approximately 19 interstate conferences held during the period 1st July 1999 to 31st October, 2001 which were attended by interested Councillors (8 conferences from July 1999 to June 2000 – 7 conferences from July 2000 to June 2001 and 4 conferences from July 2001 to October, 2001.)

The work involved in researching the information asked by Councillor Pooley will take 2 months to gather the information as it is kept in a physical, hard copy form.

Having regard to this, Council is currently instigating a system where future costs relating to each Councillor can be easily identified.

It is normal practice for Council staff to check all claims made by Councillors and the Councillors are advised of claims which may not be conference relative expenses.

Council has never adopted a formal policy relating to travel and accommodation expenses and it would be in Council's interest if this was formalised. A draft policy will be submitted to the next Finance Committee for consideration.

Councillor Pooley also raised the question of a suggested option to reduce the amount of money spent on conferences. This matter should also be the subject of discussion at the next Finance Committee meeting in conjunction with any options Councillors might wish to bring forward.

Recommendation

- (a) That the report of the Civic Affairs Manager/Public Officer dated 15th November, 2001 with regard to Councillor Pooley's Question Without Notice, be received and noted.
- (b) That the question of suggested options for reducing Conference costs be submitted to the next meeting of the Finance Committee for consideration.
- (c) That a Draft Policy on Accommodation and Travel Expenses be submitted to the next Finance Committee to be formally adopted by Council.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Pooley, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Pooley and by consent the motion be amended by the deletion of the date 15 November 2001, where appearing in the first and second lines of clause (a) of the recommendation and the insertion in lieu thereof, of the new date 15 February 2002.

Motion, as amended by consent, carried.

MINUTE BY THE GENERAL MANAGER

20 February 2002

LEASING - DOMAIN PARKING STATION - SOUTH SYDNEY COUNCIL'S RECENT HIGH COURT WIN –ROYAL BOTANIC GARDENS AND DOMAIN TRUST V's SOUTH SYDNEY CITY COUNCIL (L02-00069)

South Sydney City Council has recently won its long running battle with the Domain Trust in the High Court. The Trust has for some years asserted that its discretion was unlimited to vary the lease payments charged to Council in respect of a carpark and could include commercial considerations. The High Court rejected this proposition. The result of this decision is that;

* In arriving at any future rental determinations (and indeed a past determination due in relation to the three year period from 1 May 2000 onward) the Trust is constrained to rental increases occasioned by additional costs and expenses incurred by the Trust in regard to the surface of the Domain above or in the vicinity of the carparking station which arise as a result of Council's operation thereof.

* The Trust is now obliged to redetermine its rental calculations for the period from 1 May 1994 to 30 April 2000 and refund the overpayment to Council.

* The Trust is required to pay interest to Council on overpayments from the date they were made at Supreme Court rates.

* There will be a considerable sum of money payable to Council by the Trust for legal costs.

Apart from its direct financial implications and interest to Council, the decision is one of some legal and public interest as it dealt with topics such as;

* the interpretation of contracts and what extrinsic materials including antecedent materials, dealings and circumstances can be referred to for the purposes of that interpretation;

* the interpretation of contracts between public authorities and the extent to which that interpretation may be limited and curtailed by the statutory functions and powers of those authorities;

* what duties of good faith and fair dealing are to be implied generally into contracts.

GENERAL MANAGER

Michael Whittaker (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Pooley:-

That the minute by the General Manager be received and noted.

Carried.

MINUTE BY THE GENERAL MANAGER

18 February 2002

CELEBRATIONS – YOUTH WEEK 2002 - ENCOURAGEMENT AWARDS FOR VIDEOFILM COMPETITION (2021302)

Councillor Pooley declared an interest in the above matter and left the Council Chamber during discussions and voting on the matter.

Last year Council's Youth Week program was launched at a *smARTarts* at Council's Pine Street Creative Arts Centre.

One of the highlights of the *smARTarts* was the screening (on the basketball court) of a number of short films produced by local young people.

To build on this success, it is proposed that this year Pine Street once again host the Youth Week launch with *smARTarts* on Saturday 6 April, 2002, and that this incorporate the screening of entries in a youth video competition.

The screening of the videos at the 2002 Youth Week launch will also launch the new 'Pine Street Palace Pictures' program.

I am proposing that three 'Pine Street Palace Pictures' awards be presented as a way encouraging the skills of aspiring young film makers who enter the video competition. The Gold Award would be a summer school course run by the Australian Film, Television and Radio School (AFTRS), or a weekend course from Metro Screen, to the value of \$500. The Silver and Bronze encouragement awards would be vouchers for video film equipment, to the value of \$300 and \$200 respectively.

I propose that the funding be made available from the 2001/2002 General Manager's budget 1.51.3105.16710 to cover the cost of these awards (\$1,000).

GENERAL MANAGER

RECOMMENDATION:

I recommend that Council approve funds to be made available for three encouragement awards to be presented to the winners of the youth video competition at this year's *smARTarts* event on Saturday 6 April, 2002, with funds available in the General Manager's 2001/2002 budget 1.51.3105.16710.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Lennon, seconded by Councillor Lay:-

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

Carried.

PETITIONS

1.

Councillor Mallard tabled a petition with approximately 108 signatures appended from residents of the Sydney Metropolitan Area, calling on the NSW Parliament to amend the Crime Act 1900 by equalising the age of consent for homosexuals to that of heterosexuals 16 years.

Received.

2.

Councillor Shaw tabled a petition with approximately 89 signatures appended from residents of the Potts Point, objecting to the planned development of Llanekelly Place.

The Mayor mentioned to Councillor Shaw, that Councillor Lennon had already faxed the subject petition to Council from the previous Council Meeting of 6 February 2002, but thanked him for bringing the matter to his attention.

Received.

QUESTION ON NOTICE

1.

SOUTH SYDNEY CITY COUNCIL ART PRIZE – TIME BASED AND NEW MEDIA ARTISTS (2021371)

By Councillor Lennon.

Question:

Could Council donate the amount of \$5,000 for an Art Prize in order for the installation of time based and new media artists?

Answer by the Mayor:

I endorse Council's support for an Art Prize and will have the appropriate Council Officer prepare a report for the Finance Committee after examining other Art Prizes offered by Waverley and Woollahra Councils, so that any prize by this local government area complements a regional approach to support for the Arts. The matter be then referred to the next Cultural Advisory Committee.

QUESTIONS WITHOUT NOTICE

1.

PROPERTIES – DARLINGHURST ROAD, NOS. 50 – 52, POTTS POINT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2019890)**Question:**

Residents are alarmed about reports that the 'tear' em down, build 'em bigger' City of Sydney has purchased the unique and beautiful art deco building – the old Woolworths building 50-52 Darlinghurst Road, Kings Cross.

In light of Frank Sartor's track record on heritage and sensitive developments – and the Toaster and M.C.A developments come to mind –

Can Council officers urgently report on any restrictions we can place on the building to protect it from over-development? I understand that the building is in a conservation zone and the façade is listed as a heritage item – however can we add the whole building to the Heritage LEP?

Answer by the Mayor:

I will have that report come to the next Committee.

2.

PROPERTIES - MAINTENANCE – HEFFRON HALL, BURTON STREET, NOS. 34 – 40, DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS(P56-00029)

Question:

I have been contacted by the Sydney Gay and Lesbian Choir regarding damage from rain sustained by some of their equipment whilst stored in a part of Heffron Hall subleased from the Metropolitan Community Church. This was apparently the third time their equipment has been recently damaged through leaks in the roof. I have referred this matter to the Acting Director of Corporate Services but would ask that contact be made with either the choir or the church in order to seek a remedy for this latest property damage and that repairs and maintenance be carried out on Heffron Hall to make it safe and secure. Can I also be advised of action taken by a report in the Councillors Information Service?

Answer by the Mayor:

I will have the matter come to Committee.

3.

PLANNING – DEVELOPMENT APPLICATION – KNIGHT STREET, NOS. 13 – 25, ERSKINEVILLE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (U01-00685)

Question:

I refer to the development site at Nos.13 – 25 Knight Street, Erskineville. I inspected the site on 13 June 2001 with Gary Green of Pike, Pike and Fenwick, officers from the Department of Planning and Building, the developer and a number of neighbouring property holders. A number of actions were agreed to take place by various parties at that inspection which have, in fact, not occurred. Can a public meeting be organised to inform neighbouring residents of the status of those matters and of the development generally as it is understandably causing considerable angst among those neighbouring property holders?

Answer by the Mayor:

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

4.

PLANNING – HERITAGE LEP SUBMISSIONS- BAYSWATER ROAD TO EL ALAMAIN FOUNTAIN - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2017538)**Question:**

I asked a short time ago for a heritage order on the area from Bayswater Road to the El Alamain Fountain. What is the current progress?

Answer by the Mayor:

Can I make available to you the EASTERN DISTRICTS HERITAGE STUDY OF 1986-1987-1988 which form part of the heritage controls in our LEP of 1997-1998 and I'm sure an officer from the Planning and Building Department would be able to inform you of that report.

5.

SIGNS – ADVERTISING BILLBOARDS - WILLIAM STREET, KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2019380)**Question:**

Given that the R.T.A. are putting controls on billboards in the area, the “top of the town” Packer development has a really large billboard on it. Did they get Development Application approval for that?

Answer by the Mayor:

I will have the appropriate officer from Planning and Building Department to respond to you after investigation.

6.

PROPERTIES – DEMOLITION OF FLORENCE BARTLEY LIBRARY – COMMUNITY CONSULTATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2012353)**Question:**

Have we a date for the Community Consultation for the demolition of the Library in Kings Cross?

Answer by the Mayor:

Not to my knowledge.

7.

PROPERTIES – KINGS CROSS RAILWAY STATION, DARLINGHURST ROAD, NOS. 107 – 109, ELIZABETH BAY CONGRATULATIONS TO MINISTER FOR TRANSPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2015444)

Question:

Can the Mayor write to the Minister of Transport Mr Scully congratulating the Government on last weeks reported announcement of a major upgrade of Kings Cross Railway Station?

Answer by the Mayor:

When I get a printed copy of the press release from the Minister I may respond to him in the appropriate fashion.

8.

STREETS – OLIVETTI BUILDING, WILLIAM STREET, BETWEEN FORBES STREET AND BOURKE STREET - ROADWORKS – FOOTPATH MAINTENANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2019558)

Question:

Could Public Works and Services investigate the condition of the footway in front of the Olivetti Building in William Street (between Forbes Street and Bourke Street)? a it is a Public Liability issue for Council? A report should come to Council as to when urgent works can occur to rectify the problem. At least a temporary barrier to alert pedestrians to the risk.

Answer by the Mayor:

I will have the Director of Public Works and Services to respond through either the Councillors Information Service or e-mail.

9.

PLANNING – DEVELOPMENT APPLICATION – ERSKINEVILLE ROAD, NO. 62, ERSKINEVILLE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (U00-00400)

Question:

Could an urgent meeting take place between the General Manager and the Acting Director of Planning and Building in regards to Development Application U00-00400 in relation to the full Council meeting of the 29th November 2000 where I raised the issue of the deletion of condition 7 which has the potential

of making this Development Application invalid and that was on the basis that a letter had been issued by the Planning Department saying that the condition was misinterpreted by the resolution of Council?

Answer by the Mayor:

I will have that meeting at your convenience organised through my Secretary.

10.

**MANAGEMENT – ACCOMMODATION SOUTH SYDNEY AREA -
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P56-00210)**

Question:

Can temporary accommodation be found for the organisation “WRAP With Love”?

Answer by the Mayor:

I have already organised these meetings with Council Officers and “RAPT With Love”.

11.

**FINANCE – RATES – LOSS OF COUNCIL’ RATE BASE - QUESTION
WITHOUT NOTICE BY COUNCILLOR BUSH (2025774)**

Question:

Due to the potential loss of Council’s substantial rate base, can a report be prepared outlining potential changes to the Green Square Masterplan, Stage 1 & 2 for new areas for commercial and residential development.

Answer by the Mayor:

I will ask the director of Finance to prepare a report for the Councillor Information Service on how Council can readjust our commercial/residential rate mix.

12.

STREETS – WAVERLEY/WOOLLAHRA INCINERATOR SITE – TRAFFIC PROBLEMS – QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2014733)

Question:

Can the General Manager write to Waverley and Woollahra Councils regarding the Incinerator Site on possible temporary solution to the Traffic problems for the area?

Answer by the Mayor:

I will ask the General Manager to respond to you regarding that question.

REPORT OF THE FINANCE COMMITTEE

13 February 2002

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Jill Lay, Gregory Shaw

At the commencement of business at 6.41 pm, those present were -

Councillors – Lay, Mallard and Shaw.

Apology:

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler who was officiating as Chairperson in the Planning and Development Committee.

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

That the Report of the Finance Committee of its meeting of 13 February 2002, be received and the recommendations set out below for Items 1 to 6, inclusive, 9 and 11, be adopted. The recommendations for Items 7, 8 and 10 having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

ALCOHOL-FREE ZONE – NEWTOWN – PROPOSED RE-ESTABLISHMENT AND ENLARGEMENT (2012385)

That the matter be deferred to the next Finance Committee Meeting and Officers from the N.S.W. Police Service be requested to attend to advise on issues raised at the Finance Committee Meeting.

Carried.

2.

ALCOHOL-FREE ZONES, SURRY HILLS/DARLINGHURST – PROPOSED ESTABLISHMENT AND RE-ESTABLISHMENT (2019905, 2024020)

That the matter be deferred to the next Finance Committee Meeting and Officers from the N.S.W. Police Service be requested to attend to advise on issues raised at the Finance Committee Meeting.

Carried.

3.

MANUAL OF STANDARD PROCEDURE – E-MAIL POLICY AND PROCEDURES – ADOPTION (2016911)

That the report by the Acting Director of Corporate Services dated 7 February 2002, on what levels of confidentiality Councillors have in respect of E-mails on the main computer server, be received and noted.

Carried.

4.

COMMITTEES – REDFERN WATERLOO PROJECT – ROLLER HOCKEY PROPOSAL – FINANCIAL ASSISTANCE (2024482)

That arising from consideration of a report by the Director of Health and Community Services, dated 6 February 2002, Council approve a donation of \$1,700 to South Sydney Community Aid, subject to arrangements being finalised which would address the concerns outlined in the beforementioned report, with funds available in 2001/2002 Section 356 of the Local Government Act, 1993, Budget.

Carried.

5.

ADMINISTRATION – MANAGEMENT PLAN 2001 – 2004 – REPORT FOR SIX MONTHS ENDING 31 DECEMBER 2001 (2023518)

That the reports by the Acting Director of Corporate Services dated 7 February 2002 and the Director of Finance dated 4 February 2002, on the Management Plan 2001/2004 for the six months ended 31 December 2001, be received and noted.

Carried.

6.

MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT, OCTOBER-DECEMBER, 2001 (M56-00080)

That arising from consideration of a report by the Director Health and Community Services dated 4 February 2002, confirmatory approval be given to the excess motor vehicles' use costs (\$9,158.80), as listed in Table 1 in the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act (1993), for the 2001/2002 Budgetary period.

Carried.

7.

LICENSING – REG BARTLEY OVAL – RUSHCUTTERS BAY - USE BY DUNBAR ROVERS FOOTBALL CLUB – PLAN OF MANAGEMENT (L56-00487)

That approval be given to the Dunbar Rovers Football Club being offered a licence to use Reg Bartley Oval, Rushcutters Bay, on Sundays during the Winter Season (April till August) for 2002 only for the purpose of conducting football matches at a rental of \$4,100, plus the GST for the 2002 Season subject to the following conditions, namely:-

- (1) That all legal costs associated with the preparation and execution of the necessary licence documents by the Council's Legal Officer are to be borne by the licensee;
- (2) That all relevant documents are to be executed, if required, by Council's Attorney;
- (3) That the licensee is responsible for the payment of the Goods and Services Tax;
- (4) That this licence is subject to the approval of the Minister for Land and Water Conservation.

(A/DCS Report 11.1.02)

At the request of the Mayor, and by consent, the motion be amended by the addition of a clause (5) to the recommendation, namely:-

- (5) That a Plan of Management be prepared in respect of the Park users of Reg Bartley Oval and the Plan take into consideration the behavioural maintenance of the Oval with a view of a clinic regarding the use.

Motion, as amended by consent, carried.

8.

PARKS – SHADE PROVISION FOR PLAYGROUNDS – QUESTION WITHOUT NOTICE BY COUNCILLOR LAY – APPROVAL TO TRIAL SHADE STRUCTURES IN 2002/2003 WORKS PROGRAM (P52-00031)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That approval be given to:-

- (1) undertake a trial of shade structures at Hollis Park, Newtown, Beaconsfield Park, Beaconsfield, Fitzroy Gardens, Kings Cross;
- (2) providing appropriate signage at major playgrounds promoting sun awareness/safety;

-at an estimated cost of \$50,000 (ex GST) for which funds are available in the 2001/2002 Works Program – Budget Ref 45-025 Victoria Park Pool – Toddler Pool Refurbishment - \$50,000.

(DPWS Report 13/02/02)

Carried.

9.

PARKS - SYDNEY PARK – CARES FACILITY – PROVISION - REVISED PROJECT BUDGET (2017170)

That Council:-

- (a) remain committed to the continued construction of the CARES Facility by agreeing to allocate funding of approximately \$738,743 (based on the current pre-tender estimate including landscaping and fencing) 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) Council Officers explore further sponsorship and revenue raising opportunities and present these to Council for approval as a future report to Council.

(DPWS Report 12/12/01)

Carried.

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

10.

SPORTS - REDFERN OVAL – REDEVELOPMENT TASK FORCE – ESTABLISHMENT (2020798)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That the establishment of a Task Force for the redevelopment of Redfern Oval, be deferred to the next Finance Committee Meeting to be held on 6 March 2002.

Carried.

11.

INDUSTRIAL - 2001 SALARIED AWARD - FINALISATION – PROGRAM FOR 2002 WAGES AND SALARIED AWARDS (2024670)

That arising from consideration of a report by the General Manager dated 13 February 2002, approval be given to a project team being set up under the auspices of the JCC, to administer a program for negotiations between all parties aimed at reaching agreement for the introduction of Council's 2002 Wages and Salaried Awards.

Carried.

12.

**BOUNDARIES – SOUTH SYDNEY COMMUNITY ACTION GROUP -
FORMATION – USE OF NO. 60 OXFORD STREET, DARLINGHURST
(2025300)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That Council approve the temporary provision of office space, office furniture and equipment for use as a community resource centre at No. 60 Oxford Street for approximately four weeks until mid March 2002, to support the South Sydney community in their efforts to lobby against the proposed local government boundary changes at an estimated cost of \$5,000, for which funds are available in the Boundary Change Project Budget (Code No. 1515 refers).

It was moved by Councillor Mallard, seconded by the Mayor, that the motion be amended by the addition of the following words to the recommendation after the bracket in the last line, namely, "and in the interests of genuine community debate that Council would be favourable disposed to consider a similar application from a pro-joining the City Community Group".

Amendment negatived.

Motion carried.

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

13.

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY,
13 FEBRUARY 2002 COMMENCING AT 6.15 PM**

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 13 February 2002, be approved and adopted.

NOTE:

Councillor Mallard was the Acting Chairperson at the Properties Sub-Committee Meeting during Items 1, 3, 4 and 5.

13.1.**STREETS – EASTERN DISTRIBUTOR – PROPOSED TRANSFER TO COUNCIL’S CONTROL OF RESIDUE LAND, LOT 2, DP 78050 FORMER JUNCTION STREET (BOURKE STREET HOMELESS PARK) AT WOOLLOOMOOLOO – PROPOSED USE AS PUBLIC RESERVE (2025900)**

That approval be given to:-

- (1) the acceptance of the offer by the Roads and Traffic Authority (RTA) to place under Councils’ control, surplus land known as Lot 2, DP 78050, former Junction Street (Bourke Street Homeless Park), Woolloomooloo, for use as a Public Reserve at no cost to Council;
- (2) a letter being forwarded to the Roads and Traffic Authority thanking them for their offer.

(A/DCS Report 7.2.02)

Carried.

13.2.**LICENSING – MACLEAY STREET, NOS. 65 – 65B, SHOP 1, POTTS POINT – PROPOSED FOOTWAY LICENCE (2009977)**

At this stage and at 6.21 p.m., Councillor Shaw arrived at the Properties Sub-Committee Meeting during discussion on the above Item.

That approval be given to:-

- (1) the termination of the Licence Agreement dated 30 September 1998 with Walter Rosin over an area of 6.4 square metres of the footway of Challis Avenue adjacent to Spring Café at Shop 1, Nos. 65-65B Macleay Street, Potts Point;
- (2) the granting of a licence to ‘Two Peez Pty Ltd’ over an area of 6.4 square metres of the footway of Challis Avenue adjacent to Spring Espresso Bar at Shop 1, Nos. 65-65B Macleay Street, Potts Point, as shown stippled on Plan No. S4-130/614C and subject to the conditions in the schedule accompanying the Director’s report;
- (3) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993, at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (4) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director’s report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;

- (5) the erection of fencing by the applicant in accordance with the requirements of the Director of Public Works and Services prior to commencing;
- (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 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;
- (9) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (10) that appropriate signage be maintained in a visible location advising patrons to be considerate of other footpath users;
- (11) Council's Ordinance Inspectors regularly monitor the situation with respect to the non-compliance with the conditions of approval of this licence;
- (12) A Policy be developed for incorporating in licence agreements whereby licensees who constantly breach conditions of approval be fined on incremental/increasing scale and that after possibly three fines the licensee forfeit their security deposit and loose their licence on the subject premises;
- (13) At the time of renewal of licenses the report to Council include a list of breaches of licence conditions recorded against the licensee during the previous licence period.

(DPWS Report 24.1.02)

Carried.

13.3.

LICENSING – OXFORD STREET, NO. 189, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2022375)

That approval be given to:-

- (1) the granting of a licence to Crosslake Pty Limited over an area of 12.8 square metres of the footway of Bourke Street adjacent to The Court House Hotel at No. 189 Oxford Street, Darlinghurst as shown stippled

on Plan No.S4-130/816A 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 being approved to operate until construction work for the upgrade of Taylor Square commences and that the Licence Agreement be suspended with 1 months notice in writing. Thereafter the licence revert to the standard condition that 3 months notice in writing be given if the area is required for construction purposes;
- (4) that approval of appropriate furniture for the Taylor Square licencees be with the concurrence of the Director of Planning and Building and the Director of Public Works and Services;
- (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 licence being reviewed after 6 months of operation following completion of the upgrade of Taylor Square to ensure it is consistent with management objectives being developed for Taylor Square Public Domain Improvements;
- (7) the execution of all relevant documents and plans by Council's Attorney;
- (8) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (9) 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;
- (10) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (11) no advertising of any form is to be permitted within the licence area including on furniture, A-frames, menu boards or sandwich boards.

(DPWS Report 7/2/02)

Carried.

13.4.**LICENSING – KEPOS STREET, NO. 96, REDFERN – PROPOSED FOOTWAY LICENCE (2004168)**

That approval be given to:-

- (1) the granting of a licence to Chef City Pty Ltd over an area of 4 square metres of the footway of Kepos Street adjacent to Strangers with Candy at No. 96 Kepos Street, Redfern, as shown stippled on Plan No S4-130/555B and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993, at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement.
- (7) any rent that fall due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 7/2/02)

Carried.

13.5.**LICENSING – DARLINGHURST ROAD, NO. 37, POTTS POINT – PROPOSED FOOTWAY LICENCE (2025744)**

That approval be given to:-

- (1) the granting of a licence to Narga Pty Ltd over an area of 5.4 square metres of the footway of Darlinghurst Road adjacent to Krave Espresso at No. 37 Darlinghurst Road, Potts Point, as shown stippled on Plan

No S4-130/838A and subject to the conditions in the schedule accompanying the Director's report;

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

(DPWS Report 7/2/02)

Carried.

13.6.

LEASING – OXFORD STREET, NO. 100, DARLINGHURST – RENEWAL OF LEASE TO ROYLYN DRY CLEANERS PTY LTD - ASSIGNMENT OF LEASE TO EURO STAR DRY CLEANING AND LAUNDERING PTY LTD (L52-00169)

That arising from consideration of a report by the Acting Director of Corporate Services dated 12 February 2002, approval be given to the following in connection with No. 100 Oxford Street, Darlinghurst:-

- (a) Roylyn Dry Cleaners and Launderers Pty Ltd being granted a 5 year lease commencing on 1 June 2002 at a commencement rent of \$80,794.92 pa gross with an option to lease the premises for a further term of 5 years;
 - (1) The lessee is responsible for the payment of the Goods and Services Tax;

- (2) That the rent be reviewed annually in accordance with the Consumer Price Index (All Ordinaries) Sydney for the term of lease;
 - (3) At the commencement of the option period the rent to be reviewed to market;
 - (4) The lessee is to provide a Bank Guarantee or Bond equivalent to three (3) months rental;
 - (5) The lessee is to provide unconditional Personal Guarantees for the term of the lease;
 - (6) The lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
 - (7) 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;
 - (8) This approval lapses in three (3) months from the date of Council's approval to the granting of this lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents.
- (b) That approval be given to the assignment of the lease from Roylyn Dry Cleaners and Launderers Pty Ltd to Euro Star Dry Cleaning and Laundering Pty Ltd, of Council premises No. 100 Oxford Street, Darlinghurst subject to the following conditions namely:-
- (1) That the Assignee is to provide a Bank Guarantee equivalent to three (3) 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;

Carried.

The Properties Sub-Committee Meeting terminated at 6.40 p.m.

The Finance Committee Meeting terminated at 7.26 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY 13 FEBRUARY 2002 AT 7.22 P.M.

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

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

Item 1 - Personnel matters concerning particular individuals.

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

That the Report of the Finance Committee (Confidential Matter) of its meeting of 13 February 2002, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

- 1. PROFESSIONAL SERVICES – DR G K HARINATH - RENEWAL OF CONTRACT (2002087)**

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the recommendation as contained in the report by the Director of Organisational Development dated 1 February 2002, be approved and adopted.

The Finance Committee (Confidential Matter) Meeting terminated at 7.23 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

13 February 2002

PRESENT

Councillor Jill Lay (Acting Chairperson)

Councillors –Shayne Mallard and Gregory Shaw

At the commencement of business at 7.22 pm those present were -

Councillors:- Lay, Mallard and Shaw

Apology:

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler, who was officiating as Chairperson in the Planning and Development Committee.

Moved by the Acting Chairperson (Councillor Lay), seconded by Councillor Shaw:-

That the Report of the Community Services Committee of its meeting of 13 February 2002, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

PUBLIC RELATIONS – COMMUNITY CONSULTATION MEETINGS – 2002 DATES (P58-00295)

That arising from consideration of a minute by the Civic Affairs Manager/Public Officer dated 24 January 2002, approval be given to:-

(1) eight Community Consultation Meetings being conducted in 2002 as per the following dates:-

North Ward	11 March	Reg Murphy Activity Club
South Ward	8 April	Harry Burland Activity Club
Central Ward	6 May	Ron Williams Activity Club
South Ward	3 June	Erskineville Town Hall
North Ward	1 July	King Cross Library
South Ward	19 August	Newtown Community Hall
Central Ward	9 September	Waterloo Town Hall
South Ward	21 October	Gardeners Road Public School

- involving an expenditure of \$32,000, for which \$16,000 has been provided for in the 2001/2002 estimates and provision will be made in the 2002/2003 estimates for the balance of the expenditure (3335. account).

- (2) the continuation of the Community Consultation Program under the revised arrangements and basis outlined above.
- (3) That all dates and venues with street addresses, be put on Council's website.
- (4) That all local State Members of Parliament be notified of the dates and locations of the meetings.

At the request of the Mayor, and by consent, the motion was amended by the deletion of:-

- (1) the date "1 July" and the location "Kings Cross Library" where appearing in the fifth line of the schedule of meeting dates in the recommendation in the before mentioned report and the insertion in lieu thereof of the following new date and location namely, "22 July" and "Paddington Town Hall";
- (2) the location "Newtown Community Hall" where appearing in the sixth line of the schedule of meeting dates in the recommendation in the before mentioned report and the insertion in lieu thereof of the new location "Alexandria Town Hall";

- (3) clause (4) of the recommendation and the insertion in lieu thereof of a new clause (4) to the recommendation and the addition of a clause (5) to the recommendation, namely:-
- (4) that all local members of Parliament be notified of the dates and locations of the meetings to avoid conflict with other meetings.
 - (5) that the relevant Police Superintendents of the Local Area Commands of Kings Cross, Redfern, Surry Hills and Newtown be invited to the Community Consultation meetings.

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 7.26 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

13 February 2002

PRESENT

Councillor The Mayor John Fowler (Chairperson)

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

At the commencement of business at 6.35 pm, those present were -

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

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

That the Report of the Planning and Development Committee of its meeting of 13 February 2002, be received and the recommendations set out below for Items 1,3,6,7,9 to 11 inclusive, 15 ,18 to 20, inclusive, be adopted. The recommendations for Items 2,4,5,8,12-14 inclusive 16, and 17, inclusive, having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

MACLEAY STREET, SHOP 33, NOS. 67 – 69, POTTS POINT – CHANGE OF USE TO LAUNDROMAT AND DRYCLEANING AGENCY AND THE ERECTION OF SIGNAGE – DEVELOPMENT APPLICATION (U01-00712)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to 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, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans drawn by James Nethery and submitted with DA U01-00712 dated May 2001 and stamped and endorsed by council in compliance with the following conditions;
 - (2) That the washing machines and dryers installed on the site shall all have a minimum 4 ½ star energy rating;
 - (3) 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;
 - (4) 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;
 - (5) 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;
 - (6) 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;
 - (7) 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);

- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (9) 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;
- (10) That an approved mechanical exhaust system being installed over the laundry clothes dryers in accordance with AS1668
- (11) That the mechanical exhaust ventilation system to the laundry clothes dryers being fitted with an approved lint filter easily accessible and detachable for cleaning and maintenance purposes to ensure that the effluent air discharge to the atmosphere is free of lint;
- (12) The exhaust vents serving the laundry clothes dryers being designed to discharge the effluent air in a vertical direction above roof level so that the amenity of the neighbourhood, including the outdoor air at doors and windows of adjacent buildings is preserved;
- (13) That unless naturally ventilated the male and disable toilets being provided with a mechanical exhaust ventilation system exhausting at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s per sanitary fixture
- (14) 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;
- (15) 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 recycables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (16) That the applicant shall enter into a commercial contract for the collection of trade waste. A copy of the agreement shall be lodged at Council's One Stop Shop for referral to the Health Services Manager, prior to the issue of a Construction Certificate;

- (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;
- (18) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:-
- (a) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (b) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (c) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
 - (d) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (e) 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;
 - (f) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
 - (g) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance

level of > or protected in accordance with C3.15 of the BCA;

- (h) That the ceiling to the laundromat shall be constructed of material having resistance to the incipient spread of fire of one hour;
 - (i) That smoke hazard management shall comply fully with the requirements of Part E.2.2 of the BCA.
- (19) That all relevant sections of the BCA shall be complied with;
- (a) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (20) That 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;
- (21) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (22) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (23) 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.

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

That the application be deferred in relation to SEPP4 consideration and legal advice regarding the application in this respect being obtained.

Carried.

In connection with the matter, Councillor Pooley suggested that Council, also look at the list of approvals for the fruit and vegetable stores between Redfern Street and Raglan Street as an example of use of shops for the same business.

The Mayor asked that this information be incorporated in the report to be submitted to Council.

2.

RIDGE STREET, NO. 46, SURRY HILLS – CONSTRUCT UPPER LEVEL DECK WITH PRIVACY SCREENS AT REAR OF DWELLING – DEVELOPMENT APPLICATION (U01-00944)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Michael Munro (Owner) to “erect an upper level deck”, subject to the following conditions, namely:-
- (1) That the development shall generally be in accordance with plans numbered 1240, dated September 2001, stamped approved by Council, and held on Council’s file U01-00944, 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 \$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 a 1.8m high privacy screen shall be erected on the eastern and western sides of the deck. Amended details shall be submitted to the principal certifying authority prior to release of the Construction Certificate;
 - (4) That the applicant shall comply with the following conditions or otherwise provide an alternate solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:-
 - (a) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

- (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
- (c) That balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;

and the following standard conditions:

- (5) Obstruction of the public way³¹⁰¹
- (6) Delivery of construction materials³¹⁰⁴
- (7) Refuse skips⁶¹⁰²
- (8) Construction noise⁷⁰⁰⁸
- (9) Compliance with BCA⁹¹⁰⁴
- (10) Construction Certificate required⁹¹⁵⁵
- (11) Structural Design Certificate⁹⁰⁰⁶
- (12) Construction hours⁹¹⁵¹
- (13) Building/demolition noise control⁹¹⁵⁶
- (14) Maintain existing building in a stable condition⁹¹⁵⁷
- (15) Stormwater details⁹⁰⁰³
- (16) Works to be within allotment boundaries⁹¹⁵⁸

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

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

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

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

Carried.

3.

PLANNING - DRAFT SEPP 66 – INTEGRATION OF LAND USE AND TRANSPORT (2026246)

That the report by the Acting Director of Planning and Building dated 6 February 2002 be received and noted and Council continue to play a leading role in the integration of land use and transport.

Carried.

4.

**WATTLE STREET, NOS. 445 – 459, ULTIMO – PART 1: UNAUTHORISED WORKS, INSTALLATION OF CANOPY (PAINT PREPARATION AREA), FLUES, COMPRESSOR ROOM ENCLOSURE AND MECHANICAL VENTILATION (DUST EXTRACTION) WITHIN AND ADJACENT TO PAINT SHOP, USE OF AREA FOR SPRAY PAINTING AND DUST EXTRACTION – DEVELOPMENT APPLICATION
PART 2: INDEPENDENT SITE AUDIT (UOO-01429)**

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by M. Zammit, with the authority of Chippendale Smash Repairs Pty Ltd, for an internal canopy (dust extraction and preparation area) within the existing paint shop (as described by the applicant), two chimney flues, mechanical ventilation and enclosure of the compressor at 445-459 Wattle Street, Ultimo for the following reasons, namely:-
- (1) The works have been constructed without the prior consent of Council and is therefore in breach of the Environmental Planning Assessment Act, 1979.
- (2) Council has no authority to retrospectively grant consent to the works.
- (B) The applicant is further advised that, without prejudice to any action deemed necessary by Council should a nuisance arise, no further

action will be taken in relation to the unauthorised works (the subject of this DA), subject to the following, namely:-

- (i) the works shall comply with all NSW Environment Protection Authority and WorkCover Authority of NSW requirements in respect of installation and operation;
- (ii) compliance with Conditions of Consent to previous development and building applications where relevant, particularly in regard to hours of operation;
- (iii) the canopy shall comply in all respects with the definition of "booth" as outlined at Clause 4 of the Factories (Health and Safety-Spray Painting) Regulation 1977;
- (iv) all preparations for spray painting shall be carried out in accordance with the requirements of the NSW WorkCover Authority and the Motor Vehicle Industry Repair Council;
- (v) compliance with the requirements of the following Acts and Regulations:-
 - ? Factories (Health and Safety-Spray Painting) Regulation 1977
 - ? Occupational Health and Safety (Confined Spaces) Regulation 1990
 - ? Occupational Health and Safety Act NSW 1983
- (vi) that any gaseous emissions from the development shall comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulation thereunder. Processes including airborne particulate matter shall incorporate a suitable dust collection system;
- (vii) that the direction and velocity of the effluent air discharged from the exhaust vents shall be such that the amenity of the neighbourhood, including the outdoor air at doors and windows of adjacent buildings and in the vicinity of the exhaust vent at ground level, is preserved;
- (viii) 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;
- (ix) 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, 15 min 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.
- (C) That the Council as the consent authority grants its consent pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by M. Zammit, with the authority of Chippendale Smash Repairs Pty Ltd, for use of the enclosed canopy area at 445-459 Wattle Street, Ultimo, to undertake dust extraction and the undercoating of vehicles, subject to the following conditions, namely:-
- (1) The use being carried out in accordance with recognised Australian Standards, with regard to the health and safety of surrounding residents and employees of the company;
 - (2) That the canopy being maintained as a "booth" as defined by the Factories (Health and Safety-Spray Painting) Regulation 1977;
 - (3) The applicant shall investigate the potential use of high-volume, low-pressure spray guns, rather than conventional spray guns. This would have the dual benefits of less impacts on the environment as well as being safer for workers;
 - (4) That the height of the exhaust ducts from the two booths shall be increased in accordance with the AS4114 and the NSW EPA guidelines. The height shall be to a minimum of three metres above the roof of the premises upon which it is erected;
 - (5) The applicant shall ensure that the location of the air supply duct to the enclosed booths complies with AS/NZS 4114;
 - (6) That the measure of the face velocity of the open booth is 0.5m/s. The airflow rate in both booths and ventilation systems should be measured initially and on a regular basis (i.e. at least on an annual basis). Additionally, airflow rates shall comply at all times with AS4114 and NSW EPA guidelines;

- (7) That in order to ensure that emissions comply with industry practices, ambient monitoring of the potential toxic contaminants near the exhaust outlets and the site boundary common to the closest sensitive (residential property) is to be undertaken as a precautionary measure;
- (8) That Dangerous Goods, paints and other flammable products shall be stored in accordance with AS1940-1993 '*The storage and handling of flammable and combustible liquids*' and the Dangerous Goods (General) Regulation;
- (9) That Health and safety in respect to the use of hazardous substances shall at all times comply with the Occupational Health and Safety Regulation 2000;
- (10) That consideration should be given to review new technologies and developments in relation to alternative coatings, which have less organic solvents and appropriate and cost effective filtration systems in which to reduce the discharge of air emissions to the atmosphere;
- (11) That the applicant shall install an adequate and ducted extraction ventilation system from the current paint room. Consideration should also be given to duct the exhaust air from this room above the roof of the building (similar to the booths in the central part of the site).;
- (12) That air gun activities in the awning area situated at the northern end of the site shall cease;
- (13) The roller door to the open spray booth should be partially closed to marginally reduce break put noise from the operations. It should be noted that a marginal; reduction of between 1-2dB(A) is required to achieve compliance with the recommended assessment criteria;
- (14) That appropriately detailed and ventilated acoustic enclosure shall be installed in the vicinity of the compressor in order to assist in minimising noise emissions from this equipment;
- (15) That the applicant shall install and use containers with close-fitting lids for storage of waste and cleaning rags within this area;
- (16) That the applicant shall display the common diamond-shaped Class 3 dangerous goods sign and the 'No Smoking or Ignition Sources' sign at appropriate locations within this area.
- (17) That no combustible materials or dining facilities shall be located within this area;

- (18) That ensure all fire extinguishers are inspected and serviced on a regular basis in accordance with relevant standards (usually every six months);
 - (19) That conduct a comprehensive review of dangerous goods storage within the area be conducted;
 - (20) That the applicant shall procure and ensure operators wear an air-supplied respirator with full face piece for eye protection, appropriate clothing, gloves and other appropriate personal protective equipment (e.g. hearing protective devices);
 - (21) That the applicant shall ensure that the storage of respirators and other personal protective equipment is appropriate (i.e. in designated areas and in containers where appropriate);
 - (22) That the applicant shall display the diamond-shaped Class 3 dangerous goods sign and the 'No Smoking or Ignition Sources' sign at the appropriate locations;
 - (23) That the applicant shall prepare a chemical/hazardous substances register for all paint systems stored and used;
 - (24) That the applicant shall obtain Material Safety Data Sheets for all paint systems and chemicals used in the area and prepare an inventory of the Hazardous Substances;
 - (25) That the applicant shall conduct a risk assessment of the hazardous substances used at the site;
 - (26) Ensure spray painting operators undertake the appropriate health surveillance/ medical examinations on a regular basis (at least annually) and/or conduct occupational exposure monitoring of these operators and possibly biological monitoring;
- (D) That the applicant's attention is drawn to the provisions of Section 125 and 126 of the Environmental Planning and Assessment Act, 1979.

SECTION 125 - Offences against this Act and the regulations

- 125. (1)** Where any matter or thing is by or under this Act, other than by or under the regulations, directed or forbidden to be done, or where the Minister, the Director, a council or any other person is authorised by or under this Act, other than by or under the regulations, to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direction or prohibition shall be guilty of an offence against this Act.

- (2) Where any matter or thing is by or under the regulations directed or forbidden to be done, or where the Minister, the Director a council or any other person is authorised by the regulations to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direct or prohibition shall be guilty of an offence against the regulations.
- (3) Nothing in subsection (1) or (2) applies in respect of a direction given under this Act by the Minister to a public authority.
- (4) It is a sufficient defence to a prosecution for an offence that arises from a failure to comply with an order under Division 2A if the defendant satisfies the Court that the defendant was unaware of the fact that the matter in respect of which the offence arose was the subject of an order.

25SECTION 126 - Penalties

- 126.** (1) A person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 10,000 penalty units and to a further daily penalty not exceeding 1000 penalty units.
- (2) A person guilty of an offence against the regulations is liable to a penalty not exceeding 1000 penalty units.
 - (3) Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct to that person —
 - (a) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth; and
 - (b) to provide security for the performance of any obligation imposed under paragraph (a).

Note: A penalty unit is equal to one hundred and ten dollars (\$110).

- (E) That Council seek Dibbs and Associates to undertake a further audit of the site, having regard to the previous recommendations of their report

dated September-October 2001 and the recommendations contained above.

- (F) That in respect to the other parts of the site, not relevant to this application, the applicant's attention is drawn to the following matters which require attention:-
- (i) That all spray painting booths being maintained as such as defined by the Factories (Health and Safety-Spray Painting) Regulation 1977;
 - (ii) The applicant shall investigate the potential use of high-volume, low-pressure spray guns, rather than conventional spray guns. This would have the dual benefits of less impacts on the environment as well as being safer for workers;
 - (iii) That exhaust ducts from the spray booths shall be in accordance with AS4114 and the NSW EPA guidelines;
 - (iv) The applicant shall ensure that the location of the air supply duct to the enclosed booths complies with AS/NZS 4114;
 - (v) Dangerous Goods, paints and other flammable products shall be stored in accordance with AS1940-1993 *'The storage and handling of flammable and combustible liquids'* and the Dangerous Goods (General) Regulation;
 - (vi) Health and safety in respect to the use of hazardous substances shall at all times comply with the Occupational Health and Safety Regulation 2000;
 - (vii) Consideration should be given to review new technologies and developments in relation to alternative coatings, which have less organic solvents and appropriate and cost effective filtration systems in which to reduce the discharge of air emissions to the atmosphere;
 - (viii) That the applicant shall install and use containers with close-fitting lids for storage of waste and cleaning rags within this premises;
 - (ix) That the applicant shall display the common diamond-shaped Class 3 dangerous goods sign and the 'No Smoking or Ignition Sources' sign at appropriate locations within the premises;
 - (x) No combustible materials or dining facilities shall be located within spray painting or paint preparation areas;

- (xi) Ensure all fire extinguishers are inspected and serviced on a regular basis in accordance with relevant standards (usually every six months);
 - (xii) Conduct a comprehensive review of dangerous goods storage within the premises;
 - (xiii) That the applicant shall procure and ensure operators wear an air-supplied respirator with full face piece for eye protection, appropriate clothing, gloves and other appropriate personal protective equipment (e.g. hearing protective devices);
 - (xiv) That the applicant shall ensure that the storage of respirators and other personal protective equipment is appropriate (i.e. in designated areas and in containers where appropriate);
 - (xv) That the applicant shall display the diamond-shaped Class 3 dangerous goods sign and the 'No Smoking or Ignition Sources' sign at the appropriate locations;
 - (xvi) That the applicant shall prepare a chemical/hazardous substances register for all paint systems stored and used;
 - (xvii) That the applicant shall obtain Material Safety Data Sheets for all paint systems and chemicals used in the area and prepare an inventory of the Hazardous Substances;
 - (xviii) That the applicant shall conduct a risk assessment of the hazardous substances used at the site;
 - (xix) The applicant shall ensure that spray painting operators undertake the appropriate health surveillance/ medical examinations on a regular basis (at least annually) and/or conduct occupational exposure monitoring of these operators and possibly biological monitoring;
- (G) That Council undertake it's own monitoring of the premises at three monthly intervals for a period of twelve months.

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

- (A) That the Council refuses to grant its consent under the environmental Planning and Assessment Act, 1979 to the development application submitted by M. Zammit, with the authority of Chippendale Smash Repairs Pty Ltd., for an internal canopy (dust extraction and preparation area) within the existing paint shop (as described by the applicant), two chimney flues, mechanical ventilation and enclosures of the

compressor and the subsequent use for the spray painting of vehicles at No.445-459 Wattle Street, Ultimo for the following reasons:-

- (1) The works have been constructed without the prior consent of Council and is therefore in breach of the Environmental Planning Assessment Act, 1979.
 - (2) Council has no authority to retrospectively grant consent to the works.
 - (3) The location of the unauthorised spray booth is considered to be inappropriate, having regard to the proximity of nearby dwellings.
 - (4) That there are more suitable locations for the spray both within the premises.
 - (5) The circumstances of the case
 - (6) The proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council instruct the owner to demolish the unauthorised structure from receipt of Council's determination.
- (D) That Council seek Dibbs and Associates to undertake a further audit of the site, having regard to the previous recommendations of their report dated September-October 2001 and the recommendations contained above.
- (E) That in respect to the other parts of the site, not relevant to this application, the applicant's attention is drawn to the following matters which require attention:-
- (i) That all spray painting booths being maintained as such as defined by the Factories (Health and Safety-Spray Painting) Regulation 1977;
 - (ii) That the applicant shall investigate the potential use of high-volume, low-pressure spray guns, rather than conventional spray guns. This would have the dual benefits of less impacts on the environment as well as being safer for workers;
 - (iii) That exhaust ducts from the spray booths shall be in accordance with AS4114 and the NSW EPA guidelines;
 - (iv) That the applicant shall ensure that the location of the air supply duct to the enclosed booths complies with AS/NZS 4114;

- (v) That Dangerous Goods, paints and other flammable products shall be stored in accordance with AS1940-1993 *'The storage and handling of flammable and combustible liquids'* and the Dangerous Goods (General) Regulation;
- (vi) That health and safety in respect to the use of hazardous substances shall at all times comply with the Occupational Health and Safety Regulation 2000;
- (vii) That consideration should be given to review new technologies and developments in relation to alternative coatings, which have less organic solvents and appropriate and cost effective filtration systems in which to reduce the discharge of air emissions to the atmosphere;
- (viii) That the applicant shall install and use containers with close-fitting lids for storage of waste and cleaning rags within this premises;
- (ix) That the applicant shall display the common diamond-shaped Class 3 dangerous goods sign and the 'No Smoking or Ignition Sources' sign at appropriate locations within the premises;
- (x) That no combustible materials or dining facilities shall be located within spray painting or paint preparation areas;
- (xi) That ensure all fire extinguishers are inspected and serviced on a regular basis in accordance with relevant standards (usually every six months);
- (xii) That conduct a comprehensive review of dangerous goods storage within the premises be conducted;
- (xiii) That the applicant shall procure and ensure operators wear an air-supplied respirator with full face piece for eye protection, appropriate clothing, gloves and other appropriate personal protective equipment (e.g. hearing protective devices);
- (xiv) That the applicant shall ensure that the storage of respirators and other personal protective equipment is appropriate (i.e. in designated areas and in containers where appropriate);
- (xv) That the applicant shall display the diamond-shaped Class 3 dangerous goods sign and the 'No Smoking or Ignition Sources' sign at the appropriate locations;
- (xvi) That the applicant shall prepare a chemical/hazardous substances register for all paint systems stored and used;

- (xvii) That the applicant shall obtain Material Safety Data Sheets for all paint systems and chemicals used in the area and prepare an inventory of the Hazardous Substances;
 - (xviii) That the applicant shall conduct a risk assessment of the hazardous substances used at the site;
 - (xix) That the applicant shall ensure that spray painting operators undertake the appropriate health surveillance/ medical examinations on a regular basis (at least annually) and/or conduct occupational exposure monitoring of these operators and possibly biological monitoring;
- (F) That Council undertake it's own monitoring of the premises at three monthly intervals for a period of twelve months.

Motion, as amended by consent carried.

5.

DEVONSHIRE STREET, NOS. 156 – 158, SURRY HILLS – THE “O” BAR – EXTENDING TRADING HOURS OF GROUND FLOOR BAR AND FIRST FLOOR RESTAURANT –DEVELOPMENT APPLICATION (U01-00656)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That Council grants its consent pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, to the development application submitted by Saleh White Enterprises, 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 Mondays to Thursday, 10.00am to 2.00am Fridays and Saturdays and 10.00am to midnight Sundays and for the first floor restaurant to 1.00am Tuesdays to Sundays, subject to the following conditions:-
- (1) That the increased hours of the hotel shall be commenced within six (6) months of this consent (or as determined having regard to Condition 4 of this consent) and shall cease after a period of twelve (12) months from the date of commencement. A further development application may be lodged before the expiration of the twelve months trial period for Council's consideration of the continuation of the proposed use (it should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trail period). In this regard, Council will be able to

determine whether the proposed increased hours will have an impact on the amenity of the area;

- (2) That the development shall generally be in accordance with the Plan of Management and accompanying documents prepared and submitted by Jonathon Donald dated 29 January, 2002;
- (3) That at least one licensed uniformed security personnel shall be employed by the applicant to patrol the area in the immediate vicinity of the hotel and ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood when the hotel is trading. Such personnel are to have suitable arrangements for communications with Surry Hills Police (being a telephone, two-way radio or the like) and shall hold appropriate qualifications and licensing and shall patrol the exterior of the premises between the hours of 11.00pm and 3.30am, Thursday, Friday and Saturday nights, or at least until 30 minutes after the last patron has left the premises;
- (4) That the applicant shall obtain relevant approvals from the Licensing Court of NSW prior to the extension of trading hours. Evidence in this regard shall be submitted to Council prior to the commencement of the extension of trading hours;
- (5) That the hours of operation of the ground floor of the hotel shall be restricted to the following:-
 - ? Mondays to Thursdays 10.00am to 1.00am;
 - ? Fridays and Saturdays 10.00am to 2.00am; and
 - ? Sundays 10.00am to midnight.
- (6) That the hours of operation of the first floor of the hotel shall be restricted to the following:-
 - ? Tuesday to Saturdays 10.00am to 1.00am;
 - ? Sundays 10.00am to 10.00pm (as existing).
- (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668, Parts 1 and 2;
- (8) That appropriate signage shall be displayed within the hotel at all normal egress points advising patrons that they shall respect the amenity of the surrounding area upon departure from the hotel and shall act in a quiet and orderly manner;
- (9) That windows within the premises shall remain shut after 10.00pm in order to prevent the transmission of internal noise to surrounding residential properties;

- (10) That ingress and egress after 10.00pm shall be limited to one door off Devonshire Street;
 - (11) That where any of the conditions of this consent are inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent condition(s) shall apply;
 - (12) That all staff (including management) of the premises shall be aware of the contents of the approved Management Plan and the terms of this consent and that a condition of their employment shall include adherence to those contents and conditions at all times;
 - (13) 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.
 - (14) That noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria:-
 - (a) The L10 noise level emitted from the licensed premises shall not exceed 5dB above the background (L90) noise level in any octave band centre frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
 - (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any octave band centre frequency (31.5Hz to 8KHz inclusive) between the hours of midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
 - (c) Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7.00am.
- (B) That persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

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

6.

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

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 6 February 2002, subject to the deletion of condition (2)(f) in the recommendation and the insertion in lieu thereof of the following new condition (2)(f), namely:-

(2)(f) disabled access in accordance with condition (12).

7.

CHALMERS STREET, NOS. 208 – 214, SURRY HILLS – PROPOSED CONVENIENCE STORE – DEVELOPMENT APPLICATION (U01-01213)

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 7 February 2002.

Carried.

8.

LITTLE SELWYN STREET, NO. 4A, PADDINGTON – DEMOLITION OF EXISTING TERRACE AND ERECTION OF A NEW TWO STOREY RESIDENTIAL DWELLING – DEVELOPMENT APPLICATION (U01-01123)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That the application be refused and that the Acting Director of Planning and Building prepare suitable reasons for refusal.

Negatived.

Moved by Councillor Harcourt, seconded by the Mayor:-

That the application be deferred for amended plans for the clarification of the weatherboard cottage wall and the report include after consultation with Council's Solicitors legal condition re the cottage being built.

Carried.

9.

KING STREET, NOS. 196 – 198, NEWTOWN (THE TOOLSHED) – CONTINUED USE OF UNAUTHORISED SEX ON PREMISES FACILITY – DEVELOPMENT APPLICATION (U01-00991)

Deferred to the next Planning and Development Committee Meeting to be held on 6 March 2002, for a further report by Council's Sex Industry Liaison Officer and the Strategic Planning Manager detailing all restricted and semi-restricted sex premises on King Street.

Carried.

10.

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

Deferred to the next Planning and Development Committee Meeting to be held on 6 March 2002, for a further report by the Acting Director of Planning and Building in liaison with Council's Sex Industry Liaison Officer and the Strategic Planning Manager detailing all restricted and semi-restricted sex premises on King Street to allow for proper assessment.

Carried.

11.

REGENT STREET, NOS. 144 – 152, REDFERN – DEMOLITION OF THE EXISTING BUILDING, ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING 29 UNITS AND 2 RETAIL UNITS AND ASSOCIATED CAR PARKING – DEVELOPMENT APPLICATION (U01-00718)

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 30 January 2002.

Carried.

12.

ROSEHILL STREET, NOS. 32 – 42, REDFERN – CONSTRUCTION OF MIXED RESIDENTIAL/COMMERCIAL DEVELOPMENT – SECTION 96 MODIFICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00911)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council, as responsible authority, grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Lawrence Kalnin, for permission to vary a consent granted for the demolition of an existing factory and construct 40 residential apartments with four ground floor retail/commercial units by:-
- (1) deleting the proposed development description and replacing it with the following:

“demolition of an existing factory and construction of 54 residential apartments with one ground floor commercial tenancy”.
 - (2) deleting conditions (3), (4), (5), (8), (19), (20) and (27) and replacing them with the following conditions:
 - (3) That the development shall be generally in accordance with plans numbered S96-01 to 17 all dated September 2001, as stamped and dated stamped by Council;
 - (4) That no part of the development within 15m of the Watertower building shall extend above the height of any existing lower window sill on the southern boundary wall of the Watertower building at 1-9 Marian Street;
 - (5) That the balcony of unit 24 shall not be glazed flush with the façade;
 - (8) That the number of car parking spaces provided with the development shall total no more than 47. These shall be provided with appropriate marking and signage and individually allocated on the following basis:
 - (a) 37 spaces allocated to individual units so that no unit has more than one space;
 - (b) 9 visitor spaces to be kept available for the use of visitors, tradesmen and the like, and not to be leased or to be the subject of a license to use at any time. One of these

spaces shall be a disabled space. All visitor spaces shall be located on the upper garage floor near to the lift;

- (c) one space for use in conjunction with the commercial unit;
- (d) a suitably drained area shall be designed as a wash bay and provided with a tap;

(19) 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	\$21,322	2E97003.BGY0
Open Space: New Parks	\$98,351	2E97009.BGY0
Accessibility And Transport Management	\$639	2E97006.BGY0
	\$1567	2E97007.BGY0
Total	\$121,879	

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 December Quarter 2001/2002.

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

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

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

Part B

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

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

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

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

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

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section

94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

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

- (20) 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	\$32,151	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 December Quarter 2001/2002.

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

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

- (27) That a suitable garbage storage area shall be provided to accommodate 10 x 360 litre Sulo bins for domestic refuse and 8 x 240 litre Sulo recycling bins;

(3) Inserting the following conditions, namely:-

- (79) That the raised roof lights above units 29-33 shall be deleted or replaced with roof lights flush with the roof;
- (80) That the screening structure above units 36 and 37 be reduced in height as deleted in red on the stamped approved plans;
- (81) That the approved schedule of materials and finishes be amended in accordance within the amended plans and submitted to Council prior to the certification of the construction certificate;

(B) The applicant is to note that conditions other than those to be deleted remain in force.

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

Carried.

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

13.

ERSKINEVILLE ROAD, NOS. 35 – 37, ERSKINEVILLE – EXTENSION OF EXISTING HOTEL TO CONTAIN RESIDENTIAL UNITS – DEVELOPMENT APPLICATION (U01-00932)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the application be deferred to the next Planning and Development Committee Meeting to be held on 6 March 2002 to allow for further notification of objectors and residents.

Carried.

14.

BOURKE STREET, NO. 395, SURRY HILLS – EXTENSION OF EXISTING BUILDING FOR USE AS MEDICAL CENTRE – CONTRIBUTION INCLUDED IN CONSENT (U01-01135)

At the Committee and Council Meeting, Councillor Harcourt declared an interest and left the Council Chamber during discussion and voting on the matter.

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Mallard:-

That the Council as the responsible authority grant its deferred commencement consent under Clause 80(3) of the Environmental Planning and Assessment Act 1999 to an application by the Cupid and Psyche Trust to construct two additional levels above an existing building, all for use as a medical clinic with associated laboratories, subject to the following:-

- (1) That the consent shall not operate until the applicant has executed agreement for the payment of money to the Council for the provision of public domain improvements in accordance with condition (6).
- (2) That the development shall be generally in accordance with plans numbered 001.1 to 001.6, all dated October 2001, subject to compliance with the conditions below;
- (3) 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;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) 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

GENERAL MANAGER

monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$1,191	2E97003.BGY0
Open Space: New Parks	\$4,657	2E97009.BGY0
Accessibility And Transport	\$34	2E97006.BGY0
Management	\$150	2E97007.BGY0
Total	\$6,032.00	

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

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

where:

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

- (6) That in order to qualify for a floor space bonus in accordance with Development Control Plan 1997, the applicant/developer shall bear the cost of design and construction of public domain improvements at Taylor Square or Frog Hollow or both at the discretion of Council to a value of \$33,370, with such monies to be paid within 12 months of the date of occupation of the building by 12 equal monthly payments in accordance with the letter from Mr G Rowe dated 14 February 2002.
- (7) That external finishes to the building's Bourke Street and Little Bourke Street facades shall be coloured in accordance with the sample of materials submitted by the applicant on 6 February 2002;
- (8) That glazing on the Bourke Street façade shall be of untinted glass, framed in a dark material in vertical panels;
- (9) That glazing to Little Bourke Street shall be of translucent glass;

- (10) That any front roller shutter shall not be solid but of visually permeable materials;
- (11) That an archival photographic record shall be made of the signage and details of the northern wall of "Kingsgate" 397-405 Bourke Street and a copy provided to Council;
- (12) That the exposed northern wall of the building shall be finished in a light colour to maximise light to the side windows on the southern side of "Belgenny", 389-393 Bourke Street;
- (13) That the rooftop air conditioning unit shall be designed and constructed so as to create no noise nuisance to residents of nearby buildings;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (15) That the garbage room be designed and constructed in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (16) That suitably constructed waste disposal containers with securely fitting lids shall be left on the premises for the reception of any clinical, contaminated or related waste and, final disposal of the material shall be effected at a facility approved by the Environmental Protection Authority;
- (17) 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;
- (18) That the use of the premises shall not give rise to:
 - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
 - (b) A sound pressure level at any affected premises that exceeds the background (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 LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
 - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (19) 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;

- (20) 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;
- (21) 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;
- (22) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (23) That the 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;
- (24) 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;
- (25) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (26) 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;
- (27) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m² of landscaped area.

- (28) The owner /applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;
- (29) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (30) 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);
- (31) That stairways shall be redesigned to be fire isolated and comply with the requirements of Part D of the BCA;
- (32) That the proposed atrium shall be redesigned to comply with the requirements of Part G.3 with specific attention directed to Clause G.3.i(b)(ii) of the BCA;
- (33) 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;
- (34) 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;
- (35) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (36) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (37) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (38) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (39) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (40) 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;

- (41) 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;
- (42) 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;
- (43) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
- (44) 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;
- (45) 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;
- (46) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (47) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (48) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (49) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (50) 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;
- (51) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (52) That the storage cupboard under the stairs shall be completely removed from the fire-isolated stairway;

- (53) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (54) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (55) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (56) 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;
- (57) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (58) 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;
- (59) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.
- (60) The system shall comply with a standard of Installation and Maintenance in accordance with the requirements of Australian Standard 2118 and be connected to the NSW Fire Brigade.
- (61) Certification shall be provided by the installer of the sprinkler system that the entire system is installed in accordance with the provisions of Australian Standard 2118;
- (62) That the proposed garbage area shall be relocated so as not to be in the stairway;
- (63) Access for people with disabilities shall comply fully with the requirements of Part D.3 of the B.C.A.;
- (64) That all relevant sections of the BCA shall be complied with;
- (65) 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;
- (66) 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;

- (67) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (68) 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;
- (69) That the requirements of the Work Cover Authority shall be complied with;
- (70) 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;
- (71) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (72) 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;
- (73) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (74) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (75) That the demolition work shall comply with Australian Standard 2601-1991;

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 a submission in respect of the matter be advised of Council's decision.

Carried.

15.

**PYRMONT BRIDGE ROAD, NOS. 2 – 50, CAMPERDOWN – STAGE 1
MASTERPLAN LOTS 4, 5, AND 7, INCLUDING A 25 STOREY BUILDING
AT THE CORNER OF PYRMONT BRIDGE ROAD AND BOOTH STREET
AND THREE BUILDINGS ALONG THE BOOTH STREET FRONTAGE OF
15, 11 AND 7 STOREYS, ADDITIONAL 1,000M² OF PUBLIC OPEN SPACE
ADJACENT TO JOHNSTON'S CREEK – MASTERPLAN APPLICATION
(U01-01143)**

That the application be deferred to the next Planning and Development Committee Meeting to be held on 6 March 2002, and in the interim, Council request that Sterling Estates meet with the defined community reference group for clarification of the land swap proposal and an explanation for the request of additional height by the applicant, and whether a suitable compromise can be found for the Booth Street site.

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

That the application be refused.

Negatived.

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

- (1) That the General Manager seek additional information on the economic validity of the proposed land swap deal.
- (2) That Council's Planner prepare a further report detailing the Urban planning considerations raised by this DA. The report should detail the strategic planning implications of such a large breach of our heights and FSR controls and discuss the impact on other developments within the Masterplan and in the wider locality.

Amendment negatived.

Substantive motion carried.

16.

**MACLEAY STREET, NO. 81, POTTS POINT (LANDMARK PARKROYAL) –
CONVERSION OF EXISTING HOTEL TO 195 RESIDENTIAL UNITS PLUS
RETAIL OUTLETS, AND STRATA SUBDIVISION – DEVELOPMENT
APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-01137)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mirvac Projects Pty Ltd, with the authority of Success City Pty Ltd, to convert the existing hotel into 195 apartments with retail premises, subject to the following conditions:
- (1) The consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within six (6) months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building:
 - (a) Signed Deed of Agreement incorporating the requirements of Conditions (8) and (9);
 - (b) Draft covenant in accordance with Conditions (10), (11) and (12) of the consent;
 - (2) That the development shall be generally in accordance with plans numbered Job No. 011317; 0100A, 0101A, 0102A, 0001A, 0011A, 0012A, 0013A, 0014A, 0015A, 0016A, 0017A, 0018A, 0019A, 0020A, 0021A, 0022A, 0023A, 0024A, 0025A, 0026A, 0027A, 0028A, 0029A, 0030A, 0031A, 0032A, 0033A, 0034A, 0035A, 0036A, 0037A, 0041A, 0042A, 0043A, 0051A, LA01 and LA02 and dated November 2001, stamped and endorsed by Council, the Statement of Environmental Effects prepared by JBA Planning Consultants dated November 2001, and supporting documentation held on Council's file submitted by Mirvac and JBA, subject to compliance with the conditions below;
 - (3) That this consent does not authorise any specific uses for the retail premises, including the supermarket premises; separate development applications must be lodged with Council for the

use and fitout of each premises, unless consistent with Council's Complying Development provisions in LEP 1998;

Fees

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$145,184 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 \$83,990, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) 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;

Section 94 Contributions

- (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	\$119,690	2E97008.BGY0

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

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;
CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the September Quarter 2001/02.

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;

Floor Space Ratio and Public Domain Contribution

- (8) That in order to qualify for the 296 square metre floorspace bonus in addition to the existing floor space on the site, the following is to be provided:
- (a) \$139,120 contribution to Council for the purpose of funding the South Sydney Pedestrian Plan and Pedestrian and Mobility Access Plan;
- (9) A Deed of Agreement signed by the owner of the land shall be lodged with Council and must contain obligations on the owner of the land to make the contribution to Council for the abovementioned purpose prior to issuing of the Construction Certificate;

Public Positive Covenant

- (10) That the applicant shall ensure that suitable easements for public access, positive covenants and rights of way shall be created for the open space adjacent to Manning Street in accordance with the Development Application documentation. All notations are to be registered on the certificate of title at the Land and Property Information Centre (formerly Land Titles Office) prior to the issuing of an occupation certificate, free of cost to Council;
- (11) That a draft Public Positive Covenant reflecting the requirements of Condition (10) above and the details included in the Development Application documentation, is to be submitted to Council by the applicant and must clearly state that the open space has unimpeded public access, between 8am and 10pm, seven days a week, or other times agreed to by Council;

- (12) The draft Public Positive Covenant must be to the satisfaction of Council's Director of Planning and Building prior to the consent being operative;
- (13) That a Management Plan shall be submitted to Council for approval, detailing how the publicly accessible space is to be maintained. This shall be appropriately registered as an ongoing obligation of the Body Corporate prior to the release of the occupation certificate. The Management Plan is to be complied with in perpetuity;

Footpath Widening

- (14) That the Macleay Street footpath shall be widened so that the whole bus bay is deleted, consistent with Council's Streetscape Masterplan and Specifications for footpath treatment. Appropriate Approvals shall be obtained from Council's Director of Public Works and Services prior to the commencement of works;
- (15) That an application shall be made to the Director of Public Works and Services for new signage at the Macleay street footpath/ roadway which enables a change in parking conditions in the location of the existing bus bay, namely for the provision of 2 disabled parking spaces, and provision for drop off/ pick up zones;

Building Design- Compliance

- (16) 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) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (c) the location of exhaust and intake vents: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (d) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

- (e) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (f) 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;
- (17) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
 - (18) That all relevant sections of the BCA shall be complied with;
 - (19) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
 - (20) That 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;
 - (21) 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;
 - (22) That the requirements of the Work Cover Authority shall be complied with;
 - (23) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
 - (24) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
 - (25) 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;

- (26) 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.
- (27) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (28) Any such hoarding, fence or awning is to be removed when the work has been completed;

Future Uses and Development Applications

- (29) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (30) That no Conditions of the previous consent for the existing restaurant and café uses shall be contravened by this development and its consent;
- (31) That all high wall signage on the site shall be removed;

Traffic and Parking

- (32) That a maximum of 259 off-street car parking spaces shall be provided. Each space (except for disabled spaces) shall be a minimum of 2.5m x 5.5m with a minimum headroom of 1.9m, unless stated otherwise within these conditions;
- (33) That, of the 259 off-street car parking spaces provided, the spaces shall be allocated on the basis of:
 - ? 212 residential spaces (including 4 spaces for the exclusive use of people with disabilities);
 - ? 2 dedicated residential wash bays;
 - ? 33 residential visitor spaces (including 2 spaces for the exclusive use of people with disabilities); and
 - ? 12 retail, restaurant, café, tavern occupant spaces;
- (34) That, with respect to the requirements of DCP 11, the above allocation constitutes a reallocation of 70 car spaces from retail to residential, and is conditional upon the area of reallocated residential spaces above the maximum guideline rate of DCP 11 being added to floorspace;
- (35) That each of the 6 spaces provided for the exclusive use of people with disabilities be dimensioned and marked in accordance with AS 2890.1 Section 2.4.5 and AS 1428.1, and located such that the headroom is maximised given the constraints of existing internal levels.

- (36) That 2 spaces measuring a minimum of 3.5m x 5.5m shall be provided for the exclusive use as car wash bays for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (37) That, with reference to DA drawing No. 0011A, the stacked car park No. 39 on level 6 be allocated with carpark No. 21 on level 6 for a single residential tenancy only prior to issuing an Occupation certificate;
- (38) That the carpark shall meet the requirements of AS 2890 Parking Facilities – Part 1:Off-Street Car Parking and South Sydney DCP No.11 – Transport Guidelines for Development. The following aspects require modification and shall be shown on the plans to be submitted with the construction certificate:
- ? Where existing car spaces do not meet all the necessary dimensions / clearance requirements for standard vehicles, but are suitable to meet the requirements of 'small car space', such spaces must be clearly defined as such, and space dimensions and definition included on the certificate of title of the tenancy;
 - ? Where existing spaces do not meet the requirements of 'small car space', then such spaces may not be included as off-street car parks for the development, and shall be removed from the residential occupant provision and utilised for storage only;
 - ? Pedestrian movements across the access driveways for the loading dock entry/exit and the residential entry from Rockwall Crescent, and the exit into Manning Street require better attention with respect to pedestrian safety. Provisions should include the installation of concave mirrors on walls inside the building line to give motorists a better view of approaching pedestrians, and installation of electronic signals triggered by vehicles, accompanied with appropriate signage, to warn pedestrians/drivers of approaching traffic. Particularly at the Manning Street exit, a suitable system would be a green and red walk signal, triggered to red by an approaching vehicle with signage instructing the pedestrian to await for passing vehicle upon red signal;
- (39) That the existing directional signage at the entrance off Rockwall Crescent be modified to clearly identify access to Rockwall Gardens Apartments, the proposed residential use and the loading dock;

- (40) That an additional 12 bicycle parking spaces be provided on level B6, bringing the total number of off-street bicycle parking spaces to 97;
- (41) That of the 97 off-street bicycle spaces provided, the spaces shall be allocated on the basis of:
- ? 65 residential bicycle parking spaces;
 - ? 20 residential visitor bicycle parking spaces; and
 - ? 12 retail, restaurant, café, tavern occupant bicycle parking spaces;
- (42) That, of the bicycle parking spaces provided, at least 50% of all residential bicycle parking should be Class 1 as specified in AS 2890.3 Bicycle Parking Facilities. Other areas should be minimum Class 3;
- (43) That the existing loading dock area shall be maintained for use in connection with the proposed development along with the dock and level adjustments proposed, and all loading and unloading operations shall be carried out using this loading dock via the entrance / exit in Rockwall Crescent;
- (44) That a low clearance sign including the loading dock entry clearance be provided in conjunction with an appropriate warning device such as a flexible striker bar at the loading dock entrance where vehicles first enter undercover or encounter an overhead obstruction;
- (45) That a low clearance sign including the words 'Low Clearance 1.9m' in accordance with the requirements of AS 2890.1 Section 4.3.4 be installed. Also, a flexible striker bar for the basement carpark entrance shall be installed where vehicles first enter undercover or encounter an overhead obstruction;
- (46) That all retail, commercial and residential delivery and removals be managed off-street within the loading dock area to ensure all users have equitable access to the facility. A detailed management plan explaining application procedures to utilise the dock for residential delivery / removals, commercial and retail loading/ unloading and garbage collection, and authorisation procedures and roles, shall be provided with the application for an occupation certificate;
- (47) That the intended path for pedestrians through the parking facility (after parking a vehicle through to the entry point of a development facility) be clearly identified. The minimum requirement for identification of pedestrian paths is appropriate signage (refer AS 2890.1 4.3.3(a)), and linemarking. Particular attention should be given to avoiding the need for pedestrians to

walk across internal ramp entrances / exits. A detailed pedestrian management plan, including all linemarking and signage required, shall be provided with the application for a construction certificate;

- (48) That the applicant will produce a transport access guide, identifying how to travel to the site by public transport, walking and cycling, and include this guide with real estate advertising;
- (49) That all construction worker vehicles shall be accommodated in the carpark area on the site during the construction period;
- (50) That the size of trucks servicing the premises shall be a maximum length of 12.5m;
- (51) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (52) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (53) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (54) That at no time shall the premises be serviced by articulated vehicles or vehicles bearing containers;
- (55) That all loading and unloading operations (including garbage collection) shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (56) That all vehicles shall always be driven onto and off the site in a forward direction;
- (57) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
- (58) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;

- (59) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2);
- (60) That the vehicular crossing shall, prior to occupation, be treated in such a manner as to provide a safe walking surface;
- (61) 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;
- (62) 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;
- (63) 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;

Stormwater

- (64) 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;
- (65) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;

Open Space and Landscaping

- (66) That a detailed landscape plan and specification for the site in accordance with the submitted DA landscape plans shall be

prepared by a qualified Landscape Architect, and 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 of 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 complement the architecture and character of the development;
- (ii) **Levels and Drainage** - Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points;
- (iii) **Planting Plan** - Plan and schedules indicating layout, location, species, 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 to be as follows:

Material	Mature Height	Min. Spacing	Min. Size
Trees			(2.0m tall)
Shrubs	>3.0m	1/4m ²	10L
Shrubs	1.0-3.0m	1/2m ²	5L
Groundcovers	<1.0m	6/ per m ²	150mm pot

- (67) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab 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 approximately 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (68) 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 for the approved building;

- (69) That the applicant shall provide a fully automatic irrigation system to the Manning Street courtyard area. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m² of landscaped area.
- (70) 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;
- (71) That the intensity and nature of lighting of the Manning Street courtyard shall be modified at the request of Council if the amenity of the area is being adversely affected or if the intensity of lighting does not ensure adequate sightlines for pedestrians and residents during the evening;
- (72) That any trees on the public way shall be protected from construction works by the erection of a safety fence or barricade hoarding around the drip line (canopy edge) of each tree;

Waste Management

- (73) That suitable access for Council's garbage trucks to the internal residential garbage area shall be provided;
- (74) That a separate garbage /recycling storage facility for commercial use shall be located within the site 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;
- (75) That the applicant is advised that the future operators of the retail tenancies shall enter into a commercial contract for the daily collection of trade waste for the supermarket and other retail tenancies on the site;
- (76) That the applicant shall ensure that the entrance to the residential garbage storage area is fitted with a council compatible-locking device, if the area is to be locked;
- (77) That the Registered Proprietors / Owners Corporation of the site is to indemnify the Council of the City of South Sydney in respect of any claims for loss or damage made against the Council being claims for loss or damage arising as a consequence of accessing the site for the purposes of garbage collection;

- (78) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (79) That provision be made for the adequate storage of recyclable material within all garbage rooms;
- (80) That a Construction Waste Management Plan shall be submitted with the application for a Construction Certificate. The Plan is to detail and comply with:
 - (a) The method of disposing waste arising from excavation and construction; and
 - (b) The methods in which to maximise recycling of construction materials;
- (81) That the Body Corporate shall be responsible for the cleansing of the Manning Street courtyard which remains in private ownership;

Construction Management and Excavation

- (82) 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;
- (83) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and

- (b) adequate provision must be made for drainage;
- (84) 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 on-site by the developer and shall be adequately 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;

- (85) That construction/demolition/site operations incorporate all reasonable, practicable and necessary noise mitigation measures to ensure that 'offensive noise' within the meaning of the Protection of the Environment Operations Act, 1997 is not emitted when assessed at or on any premises of different occupancy;
- (86) 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;
- (87) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (88) 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;

- (89) 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);
- (90) 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;
- (91) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (92) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (93) That the requirements of the Work Cover Authority shall be complied with;
- (94) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (95) That the demolition work shall comply with Australian Standard 2601-1991;
- (96) 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 or 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. Any such hoarding, fence or awning is to be removed when the work has been completed;

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 or on adjoining properties;

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

(97) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:-

- ? stating that unauthorised entry to the work site is prohibited; and
- ? showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

(98) That construction trucks and other service vehicles shall not wait unduly in Macleay Street or any other nearby Street;

(99) That the applicant shall monitor noise and vibration arising from the construction activities on the site and the monitoring results of noise, dust and vibration from the works shall be provided to Council on a monthly basis throughout the construction process;

(100) That the applicant shall report any incidences of rubble or debris being projecting from the works to Council;

(101) That adequate measures be taken to ensure no sediment, including soil, excavated material, building materials, wastes, or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system, or waterways;

(102) That adequate environment management training be provided to staff involved in work on the site during the course of construction;

(103) 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);

(104) 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;

(105) That a complaint hotline be provided advertised at the entry of the site;

Operational Controls and Water Requirements

- (106) That intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the Protection of the Environment Operation Act, 1997;
- (107) 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;
- (108) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
- (109) That only one common television aerial (for each building where relevant) shall be provided;
- (110) 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;
- (111) 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;
- (112) That a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Council or Sydney Water (call 1320 92).

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/ sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the linen plans for subdivision;

- (113) That commercial premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (114) That swimming and/or spa pool/s and pool surrounds shall be maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000. Note: Guidance may

also be obtained from the NSW Health Department's "Skin Penetration Guidelines";

- (115) That all water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000 before being commissioned;
- (116) That all cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000;
- (117) That a true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2000 that certifies the effectiveness of the process of disinfection used for the water cooling system, be submitted to Council prior to the period ending 30 June each year.

Note: Attention is directed to the requirements of the Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and NSW Health Code of Practice for the control of Legionnaires Disease. The Act, Regulations and Code include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems;

- (118) That the owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation thereunder. Registration forms are available from Councils Department of Health and Community Services;
- (119) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (120) That the mechanical exhaust ventilation system to the toilets must exhaust at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s from each sanitary fixture and at least 5 l/s per square metre of floor area from each privacy lock. Each 0.6m length of urinal or part thereof shall be equivalent to one fixture;

Alignment Levels

- (121) 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 work commencing. 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);

Energy Efficiency

- (122) A solar hotwater heating system, and where not possible, a 3.5 star hotwater heating system (gas or heat pump), shall be provided on the site and shall serve the hotwater requirements of all the proposed residential units. Details of which shall be submitted with the Application for a Construction certificate;
- (123) That all clothes dryers installed in the residential units must have a minimum Greenhouse Score of 3.5 stars;

Street Numbers

- (124) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;

NOTE 1: The Cleansing Section of the Public Works and Services Department must be contacted for removal/access of domestic waste.

NOTE 2: Attention is directed to the requirements of the Public Health Act, 1991, Public Health Regulation, 1991 and NSW Department of Health, Code of Practice for the Control of Legionnaires Disease. The Act, Regulation and Code include microbial control requirements for the installation, operation and maintenance of air handling, hot water, warm water and water cooling systems.

NOTE 3: All grease trap requirements should be referred to Sydney Water.

NOTE 4: The owner's attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

NOTE 5: The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's

stormwater drainage system during construction/demolition. Measures must include:

- (a) Siltation fencing.
- (b) Protection of the public stormwater system, and
- (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

NOTE 6: 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 7: A future proposal for the supermarket must include a delivery service.

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.

17.

MISSENDEN ROAD, NO. 8B, CAMPERDOWN – USE OF EXISTING BUILDING AS MCDONALDS RESTAURANT, CONVENIENCE STORE AND POST OFFICE SHOP – DEVELOPMENT APPLICATION (U01-01040)

Note: This matter was dealt with at the commencement of the Meeting.

The decision of Council was:-

This matter was submitted to Council without recommendation:

GENERAL MANAGER

Moved by Councillor Lay, seconded by Councillor Furness:-

- (A) That Council as the consent authority refuses its consent to the proposed development for the following reasons:-
- (1) That the development will significantly increase traffic generation and detrimentally restrict the movement of vehicles on Missenden Road.
 - (2) That vehicles visiting the restaurant and seeking to park nearby will impede ambulance access to Royal Prince Alfred Hospital, the operation of the nearby taxi rank and the movement of other vehicles using Missenden Road
 - (3) That patronage of the restaurant at night will cause an uncontrollable amenity nuisance to patients and other users of Royal Prince Alfred Hospital and nearby residents by way of noise, traffic, litter and loitering.
 - (4) That the establishment of a restaurant in this location is inconsistent with the zone objectives of Zone No.5: University and Zone No.5 Hospital, and as such is prohibited.
 - (5) That the increased pedestrian flows crossing Missenden Road will detrimentally restrict the movement of vehicles on Missenden Road and will decrease pedestrian safety in the vicinity of the restaurant.
 - (6) That there will be unacceptable traffic conflict between the proposed restaurant and the main entry point for Royal Prince Alfred Hospital.
 - (7) That the proposed development 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.

18.

**TRAFFIC – ST PETER’S STREET AND FORBES STREET,
DARLINGHURST – CLOSURE OF STREETS TO OVERCOME KERB
CRAWLING TRAFFIC PROBLEM (2009957)**

Note: This matter was dealt with in conjunction with a minute by the Mayor at the commencement of the Meeting, which resolved that the recommendation of the Mayor be carried.

That Council resolve to:-

- (1) proceed with the closures of St Peter’s Street, at Forbes Street and of Forbes Street between St Peter’s Street and St Peter’s Lane, Darlinghurst;
- (2) proceed with an appeal against the Roads and Traffic Authority’s refusal of the closures;
- (3) formally notify the Roads and Traffic Authority of the above decision and Council’s determination to proceed with the closures after 14 days from the date of its advice as allowed under the Delegations to Councils.

(DPWS Report 7/2/02)

Carried.

19.

**PLANNING - SPRUIKING ACTIVITIES IN KINGS CROSS – POSSIBLE
CONTROLS BY COUNCIL (2025750)**

That Council adopt Option B Model Conditions and Operating Procedures (MCOP) as outlined in this report as a regime to control spruiking in Darlinghurst Road and at the same time pursue Option C Legislative Change.

(ADPB Report 12.2.02)

Carried.

20.

**LOCAL TRAFFIC MANAGEMENT STRATEGIES FOR EAST SYDNEY AND
DARLINGHURST AREAS – RECOMMENDATION FROM STREET
PROSTITUTION WORKING PARTY, 5 FEBRUARY 2002 (2023605)**

Note: This matter was dealt with in conjunction with a minute by the Mayor at the commencement of the Meeting which resolved that the recommendation of the Mayor be carried.

That Council resolve:-

- (1) resolve to support the trial of local traffic management strategies by the Police for a period of one month
- (2) for a report on the evaluation of the strategies be tabled for discussion at the Traffic Committee and the Street Prostitution Working Party
- (3) the Street Prostitution Working Party incorporate Police traffic management strategies into plans to relocate street sex work activities to more appropriate areas.

(ADPB Report 11.2.02)

Carried.

The Planning and Building meeting terminated at 9.20 p.m.

The Council Meeting terminated at 8.47 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER