

293RD Meeting

Erskineville Town Hall
Erskineville
373673

Wednesday, 13 March 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.32 pm on Wednesday, 13 March 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, Gregory Shaw.

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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 20 February 2002 and the Extraordinary Meeting of Council of 28 February 2002, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

6 March 2002

**PUBLIC RELATIONS – REQUEST FOR COUNCIL'S
SUPPORT FROM THE IRIS GROUP (2019355)**

The Iris Group, a collection of merchant bankers, commercial lawyers and function organisers is tendering for the facilities at the Royal Botanic Gardens, to replace the current organisers of the Harbour Party.

They have asked for Council's support in this matter.

Over the past six years the Harbour Party has been an important source of funding for the Gay and Lesbian Rights Lobby. In this way gay and lesbian community organisations with limited funds are able to survive.

The Iris Group has stated that it will continue this use of funding from the net proceeds of this party.

RECOMMENDATION

That Council supports the application by the Iris Group to host the Harbour Party commencing February 2003 and that a letter with the Mayor's signature be forwarded to the Botanic Gardens Trust and to the relevant Minister.

Councillor John W. Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the minute by the Mayor, be deferred and a further report be prepared in respect of the IRIS Group Organisation for Finance Committee.

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

11 March 2002

**PARKS – NAMING AND DEDICATION OF FRED MILLER PARK,
SURRY HILLS (2008554)**

Council resolved at its meeting on 24 October 2001 to name a reserve adjacent to Fanny Place and between Marshall and Bourke Streets, Surry Hills in honour of the late Fred Miller MP.

It is proposed a community BBQ be held on Saturday, 13 April 2002 from Noon to 1.30 pm at which the reserve will be dedicated and named Fred Miller Park.

It is further proposed members of the local community will be invited as well members of Fred Miller's family, politicians and members of the gay and lesbian community.

The cost of the community BBQ will be covered from within the 2001/2002 Estimates.

RECOMMENDATION

That Council approves the holding of a community BBQ on Saturday, 13 April 2002 from Noon to 1.30 pm for the dedication and naming of Fred Miller Park, a reserve adjacent to Fanny Place and between Marshall and Bourke Streets, Surry Hills to which members of the local community, Fred Miller's family, politicians and the gay and lesbian community will be invited and for which funds have been provided for within the 2001/2002 Estimates.

Councillor John W. Fowler (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

4 March 2002

**PUBLIC RELATIONS - PUBLIC MEETING - 18 MARCH 2002 -
REX HOTEL – DEVELOPMENT APPLICATION –131/2001 (2017144)**

Council has received a request from the applicant for Rex Hotel redevelopment for a Public Meeting to discuss with the community the proposed modifications.

The development application calls for the conversion of the Rex Hotel to a 156 residential apartments and commercial retail tenancies with alterations and additions, including the relocation of the Kings Cross Library to the Lawrence Hargrave Reserve at 9 Elizabeth Bay Road.

It is proposed that a Public Meeting be held on Monday 18 March 2002 at 7pm sharp at the Reg Murphy Activity Club, 19 Greenknowe Avenue, Potts Point.

RECOMMENDATION

That approval be given for a Public Meeting to discuss the proposed redevelopment of the Rex Hotel on Monday 18 March 2002 starting at 7pm at the Reg Murphy Activity Club, Potts Point, involving the expenditure of \$3,000 for which provision will need to be made in the current budget (3335 account).

Councillor John W. Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

13 March 2002

**PUBLIC RELATIONS – LOCAL JOURNAL
“THE PAPER” – CONGRATULATIONS (2023643)**

It is with pleasure that I inform Council of the fifth year anniversary of the local journal, The Paper. Launched in March 1998, The Paper has become a consistent and strong voice for the local community in the South Sydney area. In an era of big

GENERAL MANAGER

media monopolies, independent outlets, even relatively small local journals like The Paper, take on an important role.

A healthy democratic society exists when citizens are informed and can have their voice heard. A successful local media business is to be congratulated. Many small businesses in our society fail in their first two years. Despite the extremely competitive suburban newspaper market, Suzanne Jones-Pritchard, Editor of The Paper, has weathered the storm.

It is recommended that a letter under the signature of the Mayor be forwarded to Ms. Suzanne Jones-Pritchard congratulating her on the success of the paper in the last five years and wishing her many more years of successful publishing.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE MAYOR

13 March 2002

PUBLIC RELATIONS – COUNCIL SPONSORSHIP OF LEUKAEMIA FOUNDATION FUNDRAISING EVENT – 15 MARCH 2002 (2019355)

This Friday, 15 March 2002, a number of Council staff will be participating in the 'World's Greatest Shave for a Cure'. The intention of this special event is to raise funds to assist the Leukaemia Foundation researching a cure for this terrible disease.

Many Council staff and residents have witnessed loved ones suffering from Leukaemia. A number of staff are currently fighting related cancers.

Participants in the 'World's Greatest Shave for a Cure' can be sponsored to have their head shaved. The added twist for our participants is that council staff volunteering will have their short crew-cuts dyed red and green. Natalie Fleith, Council's Industrial Relation's Officer, who is currently fighting cancer herself, has volunteered her services to shave heads this Friday. Marika George, a professional hairdresser from 'Grove' in Centennial Plaza has also donated her services to supervise the hair dying.

GENERAL MANAGER

It is recommended that Council sponsor staff participants in this worthwhile event for a collective total of \$4000.00.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Harcourt:-

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

Carried.

At this stage and at 6.44 pm, it was moved by Councillor Shaw, seconded by Councillor Lay:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the following matters, as they dealt with Personnel Matters.

Carried.

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

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

At 7.00 pm the Council Meeting resumed.

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

The Acting Supervising Committee Clerk read out the following recommendations, namely:

MINUTE BY THE GENERAL MANAGER

5 March 2002

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

A minute by the General Manager dated 5 March 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

GENERAL MANAGER

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

That the recommendation as contained in the report by the General Manager dated 5 March 2002, be approved and adopted and the newly appointed Directors of City Works and City Environment and the Chief Financial Officer be offered a bonus incentive percentage in line with their current Contract of Employment.

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

MINUTE BY THE GENERAL MANAGER

6 March 2002

ADMINISTRATION - DEPARTMENTS – ORGANISATIONAL REVIEW (2009377)

A minute by the General Manager dated 6 March 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.

That the recommendations as contained in the report by the General Manager dated 6 March be approved and adopted.

Michael Whittaker (SGD)
General Manager

GENERAL MANAGER

Note:

At the request of Councillor Pooley, and by consent the title "Aged and Food Services" section where appearing in the Organisational Review Structure document be amended to read "Aged, Disabled and Food Services".

Carried.

It was moved by Councillor Furness, seconded by Councillor Lennon that recommendation No. 52, in the report by the General Manager dated 6 March 2002, be deleted.

Amendment negatived.

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

MINUTE BY THE GENERAL MANAGER

12 March 2002

ADMINISTRATION - DEPARTMENTS – ORGANISATIONAL REVIEW (2009377)

A minute by the General Manager dated 12 March 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.

That the recommendation as contained in the report by the General Manager dated 12 March 2002, be approved and adopted.

Michael Whittaker (SGD)
General Manager

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

GENERAL MANAGER

PETITIONS

1.
The Mayor tabled a petition received by the General Manager with approximately 112 signatures appended from residents of the Sydney Metropolitan area, to immediately suspend and reverse the works on Bartley Street, Chippendale as it reduces parking, is affecting commercial properties in the area and is unnecessary.

Received.

2.
The Mayor tabled a petition received by the General Manager with approximately 24 signatures appended from residents of streets in the vicinity of No.288 Cleveland Street, Surry Hills objecting to the proposed use of the premises as a brothel.

Received.

3.
The Mayor tabled a petition received by the General Manager with approximately 7 signatures appended from residents of the Metropolitan area requesting that Council encourage the development of a Supermarket in the "Metro" Project at No.741 Botany Road, Rosebery.

Received.

4.
The Mayor tabled a petition received by the General Manager with approximately 39 signatures appended from residents of the Kimberley Estate Nos.89-93 Dalmeny Avenue, Rosebery, objecting to the use of Shop No.794 as a restaurant and take away shop.

Received.

5.
The Mayor tabled a petition received by the General Manager with approximately 50 signatures appended from residents of Lang Road, Centennial Park, objecting to the proposed removal of the traffic island at the northern end adjoining Moore Park Road.

Received.

Note:

Councillor Harcourt indicated that she also had a copy of petition No. 2. In respect of Premises No. 288, Cleveland Street, Surry Hills objecting to proposed use of the premises as a brothel.

Received.

QUESTIONS WITHOUT NOTICE

1.

PLANNING - STRATEGY PLANS - COMMUNITY CONSULTATION PROGRAMME - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023519)

Question:

Whilst I have indicated to the Environment Steering Committee that I will provide a report on the 'Sustaining Our Communities' Conference, I would ask that Council and the Acting Director of Planning and Building take all steps necessary to amend Council's DCP to improve internal amenity standards as a benchmark for all new residential buildings. Such amendments should address issues such as environmental performance, light and ventilation, ceiling heights, noise attenuation, recycling of building waste and the use of recyclable materials in construction. Building practices and technology now mean that more sustainable buildings are now possible and in line with this Council's commitment to Local Agenda 21 and a Sustainable South Sydney.

Could a report on the timetabling of these measures be brought forward as soon as possible?

Answer by the Mayor:

I will ask the Acting Director of Planning and Building to have a report on those issues and whether or not they can be amended to a review of the DCP.

2.

HEALTH – ROSTERS - SYSTEM FOR ORDINANCE OFFICERS – 24 HOURS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2000238)

Question:

Could the General Manager and the appropriate Officers prepare a report on the possibility of having Ordinance Officers rostered on 24 hours per day?

Answer by the Mayor:

I will have the Director of Public Works and Services liaise with the General Manager to prepare a report to Committee.

3.

TRAFFIC – EAST SURRY HILLS – LATM – CLOSURE OF BOURKE STREET AT CLEVELAND STREET, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T52-00223)**Question:**

Could I please be provided with a brief history of the closure of Bourke Street at Cleveland Street in Surry Hills, including any community lobbying or meetings?

Answer by the Mayor:

I will have Council's Strategic Planner prepare a report to Committee.

4.

PARKING – WOOLLOOMOOLOO PARKING – ENFORCEMENT OF 1 HOUR LIMIT DURING DOMAIN EVENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2002804)**Question:**

In line with our attempts to encourage public transport to events, could Ordinance Officers please be reminded to enforce the 1hr parking in Woolloomooloo, when the Domain holds its events, which we enjoy?

Answer by the Mayor:

I will have a report prepared for the Councillors Information Service.

5.

PARKING – PARKING PERMITS – NORTH WARD – NEW PARKING SCHEME POLICY – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P51-00278)**Question:**

A number of residents and resident groups in the North Ward have expressed the desire to include visitor parking in the "New Parking Scheme Policy"?

Answer by the Mayor:

That is part of the review of Council Car Parking Policy and will come back to Committee which is due by the end of June.

6.

DEVELOPMENTS – TELECOM BUILDING – HEIGHT RESTRICTIONS – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2019357)**Question:**

The Telecom building is for sale on Liverpool Street. Has immediate height restrictions bringing it down in line with streetscape, not the existing overdevelopment, noting yet another selling off of community assets by the Federal Government?

Answer by the Mayor:

Federal land is restricted in its control by its State planning control. The LEP has now been amended so that when there is anything different to the surrounding land owned by the Federal Authority, they will take on those controls.

7.

PARKING – MACLEAY STREET, POTTS POINT – LANDMARK HOTEL – ENGAGEMENT OF CONSULTANT – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P51-00316)**Question:**

As a point of urgency, could Council engage a consultant on the feasibility of maintaining the drop off bay outside the Landmark and/or moving the Government bus stop that at present impacts negatively on the pedestrian crossing and is often forced to double park?

Answer by the Mayor:

I will ask the Director of Public Works and Services to put a Committee Paper together in regards to getting a consultant.

8.

HEALTH – DANGEROUS DOGS – LIST - SOUTH SYDNEY COUNCIL AREA – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2003553)**Question:**

Following the recent dog attack on a small child in South Sydney and a history of incidents involving vicious dogs in Redfern and Waterloo areas, could we please ask the State Government to make public a list of dangerous dogs in the area so that our residents can be made aware of it and the State Government ban vicious dogs in our area?

Answer by the Mayor:

The issue of banning any type of breed is something that may be moved by Council and you might want to consider a Notice of Motion yourself. In relation to the Companion Animals Act, Council has already sought an amendment to that Act in relation to the incident previously noted in the media.

9.

LICENSE – FURNITURE – PROPOSALS – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2020709)**Question:**

The owner of the Juice Bar at No. 34 Darlinghurst Road, Kings Cross, has asked many times for a footway license and has been told that the public loo is back on at that site. Could you please ask the appropriate Officer to comment?

Answer by the Mayor:

I am not sure when the Development Application for public toilets is coming to Council, perhaps Mr Wilcoxon can assist.

Answer by the Director of Public Works and Services:

The Consultants are preparing the Development Application submissions for 12 sites throughout the city area, one of those sites is to relocate and it will be subject to a Development Application consideration, is that the site of the fruit stand in Darlinghurst Road will be swapped with the site of the proposed toilet block in Roslyn Street.

10.

TRAFFIC – MANAGEMENT – ROSLYN GARDENS AND WARATAH AVENUE – PEDESTRIAN SAFETY – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2011171)**Question:**

Can Council take immediate steps to address the pedestrian safety issues at the skewiff roundabout on the corner of Roslyn Gardens and Waratah Street. Speeding in Roslyn Gardens rat run is still a problem as identified over 12 months ago.

Answer by the Mayor:

I will have the Director of Public Works and Services report back to you through the Councillors Information Service.

11.

BUILDING – BUILDING ENERGY EFFICIENCY – NatHERS RATING – QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (P54-00140)**Question:**

In the report that is forthcoming to Councillor Lay re the environmental assessment of Development Applications, could the issue of increasing requirements of the 4 star NatHERS rating or equivalent be included?

Answer by the Mayor:

It will require an amendment to DCP and that will come back to Committee.

12.

COMMUNITY SERVICES – HACC FUNDING – REPRESENTATION TO MINISTER - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2018681)**Question:**

You may be aware of a current struggle by HACC funded services for an increase in funding to cover the recently announced SACS award. The State Government has committed to the increase. Could you write to the Federal Minister for Family and Community Services, Senator Vanstone, urging the Federal Government to match the increase so that those important services for frail aged and disabled constituents, including those in South Sydney, can be maintained at the current level?

Answer by the Mayor:

I will have an appropriate Officer from Community Services prepare the letter.

13.

PROPERTY FILE - ELIZABETH STREET NO. 673, WATERLOO – WATERLOO POST OFFICE – PURCHASE BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2020241)**Question:**

I've been approached by a number of Waterloo residents about the possibility of Council purchasing the Waterloo Post Office site. Could this suggestion be considered by the appropriate Council Officers?

Answer by the Mayor:

I will have the matter brought to the Properties Sub-Committee in order to be assessed for Council's future needs.

14.

KING STREET, NO. 145, NEWTOWN – MARLBOROUGH HOTEL – RESTORATION OF HERITAGE TILED FAÇADE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (UO1-00429)**Question:**

Arising from discussions at last month's Legal Committee, it is apparent that Council's action against the developer of the Marlborough Hotel has almost reached its finale. When can we expect to see the restoration of the heritage tiled façade?

Answer by the Acting Director of Planning and Building:

The matter is to be re heard by the Court of Appeal on 28 March 2002. Concerning the tiling, I would fully expect that the matter would be set down for a hearing or the owner may withdraw from the proceedings at that time.

15.

HEALTH – ENVIRONMENTAL PROTECTION – ENVIRONMENT MANAGEMENT SYSTEM – MOORABBIN CITY COUNCIL, VICTORIA - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2014149)**Question:**

In a recent edition of Habitat, published by the ACF, recognition was given to Moorabbin City Council, Victoria for its success in furthering the use of green

energy by using its influence as a major purchaser of power. Please could we follow up this report through our Environment Steering Committee for reference to SSROC?

Answer by the Mayor:

I am happy for that matter to come to Committee.

16.

DEVELOPMENT CONTROLS – CAR RENTAL BUSINESS – WILLIAM STREET, KINGS CROSS – CODE OF CONDUCT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026629)

Question:

My question relates to my worthy colleague Councillor Shaw's question on the operation of the William Street car rental organisations. Could Council organise a meeting of all the car rental operators with a view to establishing a Code of Conduct for their vehicle operations?

Answer by the Mayor:

I am happy to write to all those property holders which I have received information from the Acting Director of Planning and building and invite them to a stakeholders meeting.

17.

COUNCILLORS – COUNCILLORS INFORMATION SHEETS – QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026075)

Question:

Since July 2000, I have dispatched two fully laden 240 litre bins of Council papers for recycling. I ask the new General Manager can we receive Council reports, papers, minutes, etc by email and can Council papers be placed on the website and archived there as well (as a number of other Councils do)?

Answer by the General Manager:

As a result of the Organisational Review, I intend to come up with a report for your consideration which will go to Committee.

18.

DEVELOPMENT CONTROLS – CAR RENTAL BUSINESS – WILLIAM STREET, KINGS CROSS – CODE OF CONDUCT - SUPPLEMENTARY QUESTION IN RELATION TO CLR MALLARD – QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2026629)

Question:

I thank the Officers for their report which only deals with Hertz and Thrifty. I believe you actually requested a report on all the operators in that area. Does that come into it?

Answer by the Mayor:

What I suggested to Councillor Mallard in response to his question is that we invite them initially to a briefing about Council issues.

19.

PARKING – GREEN SQUARE STAGES 1 & 2 - TRANSPORT GUIDELINES FOR DEVELOPMENT – QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002621)

Question:

The Green Square Stages 1 and 2 have identified commercial zones that are not viable due to Council's Car Parking Code.

Can a report come to Council identifying special precinct zones that need re-evaluation? The planning method of back loading could be a basis for adjustments.

Answer by the Mayor:

I will ask Council's Strategic Transport Planner to inform the Consultant via a report in relation to those issues where Development Applications have been affected by the current Car Parking Code.

20.

PARKING – EUSTON ROAD AND BURROWS ROAD, ST. PETERS - REZONING – QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2025296)

Question:

Can a report on the collated information regarding the precinct rezoning to 10e in the area bounded by Euston Road and Burrows Road, St. Peters, be brought to the Planning and Development Committee?

Answer by the Mayor:

I will discuss with the Acting Director of Planning and Building in relation to the preparation of that report.

21.

**PARKS - SYDNEY PARK – CAFÉ – EXPRESSIONS OF INTEREST -
MANAGEMENT PLAN – QUESTION WITHOUT NOTICE BY COUNCILLOR
BUSH (2014535)****Question:**

Can Council call for Expressions of Interest for a café in the brick pit area of Sydney Park?

Answer by the Mayor:

I will have a report come to Committee.

Comment by the Director of Public Works and Services:

Expressions of Interest are being considered for markets within that area. One can assume an opportunity for a café or restaurant will exist at that time.

22.

**PROPERTY FILE – NOS. 2-5 PYRMONT BRIDGE ROAD, CAMPERDOWN –
FORMER ROYAL ALEXANDRA HOSPITAL – QUESTION WITHOUT
NOTICE BY COUNCILLOR BUSH (2019014)****Question:**

(1) Can the Mayor write to the Mayor of Leichhardt in regard to untruths and misinformation forwarded in a Mayoral Minute dated 26 February 2002, to:-

? The Hon. Dr. A. Refshauge

? Bob Carr

? Morris Iemma

? Harry Woods

(2) That the correct audited information under the letterhead of the Council be supplied?

Answer by the Mayor:

I will write to the Mayor informing her of the Council report.

Comment by the General Manager:

We would have to have a look and discuss it with the applicant.

Comment by the Acting Director of Planning and Building:

In advice from Sterling Estates yesterday, I believe they are happy to circulate the information.

23.

PROPERTY FILE – NOS. 2-5 PYRMONT BRIDGE ROAD, CAMPERDOWN – FORMER ROYAL ALEXANDRA HOSPITAL – QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2019014)**Question:**

Council is to receive rehabilitated land Lot 15. Can the Mayor write to Leichhardt Council requesting a Remediation Action Plan and to the Environment Protection Authority so as to request an order to clean up be issued to Leichhardt Council for this lot?

Answer by the Mayor:

I will have Officers from the Health and Community Services Department do the assessment and have a report on that assessment come to Committee.

REPORT OF THE FINANCE COMMITTEE

6 March 2002

PRESENT**Councillor Shayne Mallard (Chairperson)****Councillors – Jill Lay, Gregory Shaw**

At the commencement of business at 6.45 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 had leave of absence from Council of 20 February 2002.

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

GENERAL MANAGER

That the Report of the Finance Committee of its meeting of 6 March 2002, be received and the recommendations set out below for Items 1, 2, 4 to 19.2, inclusive, 19.5 to 19.9, inclusive, 19.11, and 19.13 to 19.18, inclusive, be adopted. The recommendations for Items 3, 19.3, 19.4, 19.10 and 19.12 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

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

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 29 January 2002, be deleted and the following new recommendation be inserted in lieu thereof, namely:-

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

- (A) Provisional intention to re-establish and enlarge the Newtown Alcohol-Free Zone for a further three years following expiry of the current zone. The proposed zone is intended to cover the following streets:
- ? King Street (eastern side) between the intersection with Wilson Street and approximately 50 metres south of the intersection of Newman Street
 - ? Thomas Street
 - ? Railway Lane commencing at Thomas Street and extending south for approximately 75 metres
 - ? Newman Street running south from the T intersection with King Street and continuing to the road closure within that street
 - ? Whitehorse Street
 - ? Norfolk Street
 - ? Hordern Street from King Street to Victoria Street
 - ? Mechanic Street from Church to Egan Streets

- (B) That notification of Council's decision be published in a newspaper circulating in the area allowing any interested persons and bodies the statutory period in which to lodge objections and representations.
- (C) That with the approval of the Local Area Commander a notice be affixed to the Alcohol-Free Zone signs with the Police logo and the telephone number of the relevant Police Station to ring to report an infringement in respect of the Alcohol-Free Zone.

Carried.

2.

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

- (A) Council confirms the establishment of an Alcohol-Free Zone in Bourke Street Darlinghurst between Foley Street and Burton Street and in Foley Street between Palmer Street and Bourke Street on and from 18 March 2002. This zone will cover all footpaths and roadway within the affected area. Any future or existing footpath area licensed by this Council for the purpose of food or alcohol consumption that may fall within the zone would be excluded from the provisions of the zone.
- (B) Council confirms the re-establishment of an Alcohol-Free Zone on and from 18 March 2002 to cover the following streets:
 - Oxford Street (north side) between Whitlam Square and Bourke Street
 - Oxford Street (southern side) between Riley Street and South Dowling Street
 - Gilligans Island at Taylor Square
 - Little Oxford Street between Crown and Bourke Streets
 - Little Bloomfield Street, Bloomfield Street and Bloomfield Lane
 - Denham Street
 - Denham lane
 - Little Bourke Street
 - Bourke Street between Taylor Square and Albion Street
 - Church Lane
 - Short Street
 - Short Place
 - Maiden Lane
 - Linden Lane
 - Patterson Lane
 - Floods Lane
 - Floods Place
 - Hill Street
 - Clare Street

This zone will cover all footpaths and roadway with the affected area. Any existing or future footpath area licensed by this Council for the purpose of food or alcohol consumption that may fall within the zone will be excluded from the provisions of the zone

- (C) That in accordance with Council's decision at its Ordinary Meeting of 12 December 2001 both of the above-identified Alcohol-Free Zones be in force until 6 December 2004.
- (D) That also in accordance with Council's decision at its Ordinary Meeting of 12 December 2001 all three Alcohol-Free Zones for the Surry Hills/Darlinghurst area be now regarded as a single entity and that during their life reviewed as such, prior to any proposed re-establishment.
- (E) That all persons and bodies who have expressed an interest in these zones be notified of Council's decision.
- (F) That notification of Council's decision be published in a newspaper circulating in the area.
- (G) That a notice be affixed to the Alcohol-Free zone signs with the Police logo and telephone number of the relevant Police Station to ring to report an infringement in respect of the Alcohol-Free Zone.

(A/DCS Report 6.2.02)

Carried.

3.

PARKS – REDFERN OVAL – ESTABLISHMENT OF REDEVELOPMENT TASKFORCE (2026467)

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Shaw:-

That:-

- (1) the Redfern Oval Redevelopment Taskforce include the following members, namely:-
 - ? The Mayor (Chairperson)
 - ? Central Ward Councillors
 - ? Chairperson Sports Liaison Committee
 - ? General Manager or his nominated Senior Officer
 - ? Mr. George Piggins, Board Chairman SSDRLFC
 - ? CEO, SSDRLFC
 - ? Chairperson Aboriginal Land Council, Sydney Area

- ? CEO, National Aboriginal Sports Corporation of Australia
- ? Local Area Commander, Redfern Police
- ? Project Director, Redfern/Waterloo Project, Premier's Department
- ? Federal Member for Sydney
- ? State Member for Bligh
- ? State Member for Heffron
- ? General Manager, Client Services, PCYC
- ? 2 x community representatives
- ? Committee Clerk to provide administrative support;

- (2) the stakeholders identified in this report be advised of the formation of the Taskforce and advised that their specialised input from time to time to the Taskforce will be essential to the successful outcome of the redevelopment process;
- (3) Council advertise the two community representative positions in the local media and a committee involving member Councillors and the General Manager be convened to select the most appropriate representatives.

(DPWS Report 13.3.02)

It was moved by Councillor Furness, seconded by Councillor Lennon, that "Central Ward Councillors" where appearing in the second line of the nominated representatives be deleted and "Interested Councillors" be inserted in lieu thereof.

Amendment negatived.

It was moved by Councillor Harcourt, seconded by Councillor Mallard, that "Central Ward Councillors" where appearing in the second line of the nominated representatives be deleted and "Ward Councillors" be inserted in lieu thereof.

Motion, as amended, carried.

(DPWS Report 13.3.02)

4.

CONFERENCES – COUNCILLORS ACCOMMODATION AND TRAVEL EXPENSES – POLICY (2002628)

That the matter be deferred for a further report to Committee following contact with SSROC and IMROC Councils on their policies in respect of Councillors' accommodation and travel expenses in conjunction with conferences and that the matter be listed as an item for consideration at the next Management Review Weekend Conference.

Carried.

5.

**ADMINISTRATION – POWER OF ATTORNEY FROM COUNCIL TO
GENERAL MANAGER (A53-00020)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 15 February 2002, approval be given to:-

- (A) (1) Power of Attorney being granted to the General Manager, Michael Whittaker, in similar form to the Power of Attorney, Registered Book 3776, No 760 and executed under the Common Seal of the Council;
 - (2) Council's Legal Officer arranging for registration of the Power of Attorney;
 - (3) the authority to use the Power of Attorney being included in the Manual of Standard Procedure.
- (B) Deed of Revocation of Power of Attorney to John William Bourke, Registered Book 3776, No 760 being executed under the Common Seal of the Council.

Carried.

6.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JANUARY 2002
(2026265)**

That Council gives confirmatory approval for the schedule of payments accompanying the report of the Director of Finance dated 7 February 2002, details of which are contained in the relevant file.

Carried.

7.

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

That for the reasons set out in the report by the Director of Public Works and Services dated 26 February 2002, approval be given to:-

- (i) Council proceeding with the reconstruction of the driveway at the rear of 28 Regent Street, Paddington, and accepting the offer of MKI to adjust the pit at their expense;

- (ii) That, if this solution is not acceptable to Dr M Kearney, owner of 28 Regent Street, then Council refund her \$440 and remove the temporary driveway.

Carried.

8.

PROPERTIES – REDFERN TOWN HALL - REQUEST FOR FREE USE – SOUTH SYDNEY HERITAGE SOCIETY – 14 APRIL 2002 (P56-00410)

That arising from consideration of a report by the Acting Director of Corporate Services dated 15 February 2002, approval being given to South Sydney Heritage Society and Australian Lebanese Historical Society, the free use of Redfern Town Hall on 14 April 2002, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$422 in income and \$390 in costs, to allow the Societies to conduct an educational lecture and display for residents.

Carried.

9.

FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 31 JANUARY 2002 (2025602)

That the report by the Director of Finance certifying completion of the Bank Reconciliation for the period ending 31 January 2002, be received and noted.

Carried.

10.

RATES – NON-RATEABILITY OF VARIOUS LANDS WITHIN THE BOUNDARIES OF SOUTH SYDNEY CITY COUNCIL (2014209, 2012677, 2015276)

That arising from consideration of a report by the Director of Finance dated 7 February 2002, and the schedule accompanying the beforementioned report detailing items (1) to (3) of land which has been determined as non-rateable, approval be given to the appropriate amendments to the Rate Book and consequential refund of rates where applicable.

It was moved by Councillor Furness, seconded by Councillor Lennon, that Items (1) and (3) in the schedule accompanying the Director of Finance's report be deleted, as being non-rateable and the State Government be requested to review their criteria for non-rateable status of properties.

Amendment negatived.

Motion carried.

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

11.

PARKS – SYDNEY PARK – PROVISION OF PUBLIC TOILET – QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD

- (1) That the information contained in the report by the Director of Public Works and Services dated 26 February 2002, on the installation of a Public Toilet in Sydney Park, be received and noted;
- (2) That a further report come back to the Finance Committee after the Development Application for the seven E.D.A.W. sites for the installation of the Automatic Public Toilets, has been resolved.

At the request of Councillor Harcourt, and by consent, the motion be amended by the insertion of the words “before the closure of the Budget period” between the words “Committee” and “after” where appearing in the first line of clause (2) of the recommendation.

Motion, as amended by consent, carried.

12.

STREETS – BURROWS ROAD, ST PETERS – REQUEST FOR COUNCIL TO MEET HALF COST OF KERBSIDE ISLANDS - POLICY (2012315)

That for the reasons set out in the report by the Director of Public Works and Services dated 27 February 2002, a Policy be established that:-

- (1) requires property owners to meet the full cost of construction of kerbside islands where they are requested to prohibit drivers from parking close to an industrial driveway;
- (2) the cost of providing such kerbside islands be set annually through the adopted annual fees and charges and that the fee for 2001/2002 be based on a cost per island of \$3,000 per island or \$6,000 per driveway plus GST and that the costs be advertised for 28 days;
- (3) the Body Corporate for property 24-26 Burrows Road, St Peters be advised of Council's decision.

Carried.

13.

SWIMMING - VICTORIA PARK POOL – NEW OPERATIONAL PLANTROOM AND EQUIPMENT – TENDER APPROVAL FOR DESIGN AND CONSTRUCTION DOCUMENTATION – PETER HUNT ARCHITECTS – ACCEPTANCE OF TENDER (2023337)

That the submission from Peter Hunt Architects be accepted for the design and preparation of construction documentation for new operational plant and equipment for Victoria Park Pool in the amount of \$164,300 plus \$16,430 (GST) plus \$25,000 Contingency plus \$2,500 (GST) for a total of \$208,230 GST inclusive for which funds are available in the 2001/2002 Works Programme; Victoria Park Pool Aquatic Centre Plant Room; Project Reference 22010/Budget Reference 45-107 (\$500,000).

(DPWS Report 20.02.02)

Carried.

14.

PROPERTIES – PADDINGTON TOWN HALL – REQUEST FOR FREE USE, 23 AND 30 JUNE 2002 – RESERVE FORCES DAY COUNCIL INC (2003711)

That arising from consideration of a report by the Acting Director of Corporate Services dated 18 February 2002, approval be given to the Reserve Forces Day Council Inc. the free use of Paddington Town Hall on 23rd and 30th June 2002, and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$5,700 in income and \$1,300 in costs to allow the Reserve Forces Day Council Inc to conduct a fundraising Concert and Rehearsal.

Carried.

15.

STREETS – 2001/2002 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME – LATM/URBAN VILLAGE – CHIPPENDALE (2023574)

(This matter is also listed as Item No. 26 on the Planning and Development Committee.)

That approval be given to:-

- (a) the full closure of Shepherd Street, Chippendale between Broadway and Grafton Lane, at a cost of \$40,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program;

- (b) the construction of a Shared Zone in Dick Street, Chippendale, at a cost of \$50,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program;
- (c) the construction of landscaped kerbside islands in Abercrombie Street between Cleveland Street and O'Connor Street at a cost of \$48,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program.

(DPWS Report 6/2/02)

Carried.

16.

PARKING - METERS – COLLECTION OF PROCEEDS – ACCEPTANCE OF TENDER (533951)

That for the reasons set out in the report by the Acting Director of Corporate Services dated 20 February 2002, Council accepts the Tender from Nycon Security Group for the provision of a security service for the Collection of Electronic Parking Meter proceeds for a 24 Month period with an option of a further 12 months subject to satisfactory performance for the GST inclusive sum of \$153,273.12 per annum with funds provided as in Council's adopted budget.

It was moved by Councillor Lennon, that the matter be deferred.

Motion lapsed through want of a seconder.

Motion carried.

17.

PUBLIC RELATIONS – SOUTH SYDNEY RUGBY LEAGUE CLUB – 2002 SEASON LAUNCH OF CLUB – 2002 SEASON LAUNCH OF CLUB AT AJC FUNCTION CENTRE, RANDWICK – FRIDAY MARCH 8, 2002 – SPONSORSHIP BY COUNCIL OF CORPORATE TABLE (2019355)

That the actions of the Finance Committee in approving the sponsorship of a South Sydney City Council table at the South Sydney Rugby League Football Club Launch to be held on Friday, 8th March, 2002 at the AJC Function Centre, Randwick, and that interested Councillors and Senior Staff be invited to attend, for which funds are available in the 2001/2002 Budget, be confirmed.

Carried.

18.

CONFERENCE – FLEETMEX USER GROUP – CONFERENCE AT MELBOURNE, VICTORIA, BETWEEN 20-22 MARCH 2002 (2013513)

That arising from consideration of a report by the Director of Public Works and Services dated 6 March 2002, approval be given to the Fleet Management Administrator to attend the FleetMEX user Group conference at Melbourne, Victoria, between 20-22 March 2002, at a total approximate cost of \$2,200, and funds will be provided from Account 1.44.2515.0 of 2002/2002 Budget.

Carried.

19.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 6 MARCH 2002 COMMENCING AT 6.27 PM

At the commencement of business 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 had leave of absence from Council of 20 February 2002.

NOTE:

Councillor Mallard was the Acting Chairperson for the Properties Sub-Committee Meeting.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 6 March 2002, be approved and adopted.

19.1.

LICENSING – SURREY STREET, NO. 116, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2012587)

That approval be given to:-

- (1) the termination of the Licence Agreement dated 15 December 1996, with Bo Hanna and Andrea Wrobel over an area of 4 square metres of the footway of Surrey Street adjacent to Burgerman at No 116 Surrey Street, Darlinghurst, as shown on Plan No S4-130/642A;
- (2) the granting of a licence to Inekone Pty Limited over an area of 4 square metres of the footway of Surrey Street adjacent to Burgerman at No 116 Surrey Street, Darlinghurst, as shown stippled on Plan

No S4-130/642B and subject to the conditions in the schedule accompanying the Director's report;

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

(DPWS Report 27.02.02)

Carried.

19.2.

LICENSING – KIRKETON ROAD, NO. 13, DARLINGHURST – PROPOSED FOOTWAY LICENCE (NEW) (2015758)

That approval be given to:-

- (1) the granting of a licence to FTB Group Consulting Pty Ltd over an area of 44.4 square metres of the footway of William Street at No. 13 Kirketon Road, Darlinghurst as shown stippled on Plan No S4-130/831A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;

- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) any rent that fall due as a result of commencing the footway licence is paid by the due date;
- (8) the licensee providing a special bond of \$10,000 refundable after the transfer of licence rights to the adjacent strata unit owner;
- (9) a Development Application should be submitted to Council to allow a proper assessment of the proposed restaurant fitout relative to the combined restaurant and licence area.

(DPWS Report 25/02/02)

Carried.

19.3.

LICENSING – OXFORD STREET, NOS. 34 – 36, DARLINGHURST – PROPOSED FOOTWAY LICENCE (NEW) (2025792)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the matter be deferred to the next Properties Sub-Committee Meeting to be held on 20 March 2002.

(DPWS Report 13.3.02)

Carried.

19.4.**PROPERTIES – LEASING – NO. 3 WATKIN LANE, NEWTOWN – PROPOSED LEASING OF LEVEL 1 (2015531)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

- (1) That the report by the Acting Director of Corporate Services dated 13 March 2002, that was circulated to Councillors prior to the Council Meeting commencing, be received and noted;
- (2) That the matter be deferred for Council's Officers to examine the usage of No. 94 Oxford Street, Darlinghurst, or the Burland Hall, King Street, Newtown.

Carried.

19.5.**LEASING - NORMAN STREET, NO. 11, DARLINGHURST – LEASE TO MR COL DUNLOP (2017577)**

That for the reasons set out in the report by the Acting Director of Corporate Services dated 26 February 2002, approval be given to Mr. Col Dunlop to be relocated to Council's residential premises No.11 Norman Street, Darlinghurst, subject to a new lease to be prepared under the same terms and conditions as the existing week to week lease and his rental to remain at \$60.55 per week until the next Council Residential subsidised annual rent review in June 2002.

Carried.

19.6.**LICENSING – ROSLYN STREET, SHOP 3C, NOS. 1 – 3, POTTS POINT – FOOTWAY LICENCE (EXTENSION) (2010920)**

That approval be given to:-

- (1) the granting of a licence to Decky Anwar over an area of 4.7 square metres of the footway of Roslyn Street adjacent to Oporto Portuguese Chicken Bar at No. Shop 3C, No. 1-3 Roslyn Street, Potts Point as shown stippled on Plan No S4-130/624A 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;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement.
- (7) any rent that fall due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 20/02/02)

Carried.

19.7.

LICENSING – VICTORIA STREET, NOS. 75 – 99, POTTS POINT (AKA SHOP 1, NO. 87 VICTORIA STREET) – PROPOSED FOOTWAY LICENCE (NEW) (2026066)

That the matter be deferred for a further report on clarification of noise from air conditioning systems, noise from patrons attending the restaurant, the aroma of foods being prepared permeating into residential units above the restaurant, the disposal of waste from the restaurant, the unauthorised use of fire hydrants and hours of operation of the restaurant relative to the Development Application consent.

Carried.

19.8.

PROPERTIES – LICENSING – NOS. 5 – 15 ORWELL STREET, POTTS POINT (FRONTING SPRINGFIELD GARDENS) – FOOTWAY LICENCE TO SPRINGFIELD RETAIL PTY LTD (2024272)

That arising from consideration of a report by the Acting Director of Corporate Services dated 12 February 2002, in connection with Springfield Gardens Pty Ltd., use of a footway licence at 5-15 Orwell Street, Potts Point (fronting Springfield Gardens), Council approves the following:-

- (1) The Company's requests for a "rent free" period be refused.

- (2) The Acting General Manager's approval of 2 January 2002 to cancel the footway licence, be confirmed.

(ADCS Report 12.2.02)

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

That the matter be deferred as requested in the facsimile dated 13 March 2002, from Springfield Retail Pty Ltd so that a full submission may be submitted to Council for consideration.

Motion, as amended by consent, carried.

19.9.

LICENSING – VICTORIA STREET, NO. 269, DARLINGHURST – PROPOSED FOOTWAY LICENCE (CHANGE OVER) (2019377)

That approval be given to:-

- (1) the termination of the Licence Agreement dated 6 July 2001 with George Lambros and Catherine Lambros over an area of 2 square metres of the footway of Victoria Street adjacent to Cafenion at No. 269 Victoria Street, Darlinghurst as shown on Plan No. S4-130/807A;
- (2) the granting of a licence to Lyudmila Kuziner over an area of 2 square metres of the footway of Victoria Street adjacent to Cafenion at No. 269 Victoria Street, Darlinghurst, as shown stippled on Plan No S4-130/807B and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence in (1) above terminating on 29 November 2001 and the licence in (2) commencing on 30 November 2001;
- (4) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (5) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;

- (8) this approval lapsing three months from the date of Council's approval to the granting of the licence if the applicant has failed to 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 fall due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 15/02/02)

Carried.

19.10.

LICENSING – MOBILE VENDORS LICENCE – POLICY (2026024)

This matter was submitted to Council without recommendation.

Moved by Councillor Lennon, seconded by Councillor Lay:-

That the matter be deferred and referred to the Environmental Steering Committee so that the types of drinking cups to be used, the disposal of used coffee grounds and the placement of disposal bins for the collection of waste material from the Mobile Vendor (Coffee Cart), be investigated.

Motion carried.

19.11.

PROPERTIES – MANAGEMENT – FLORENCE BARTLEY LIBRARY, KINGS CROSS – RELOCATION TO NOS. 50 – 58 MACLEAY STREET, ELIZABETH BAY (2012353)

That arising from consideration of a report by the Acting Director of Corporate Services dated 27 February 2002, the property that comprises the Kings Cross Library, Community Centre and Child Care Centre, as noted on the copy of the Certificate of Title accompanying the beforementioned report, be classified as Operational land.

Carried.

19.12.

PROPERTIES – LEASING – WATKIN LANE, NO. 3, NEWTOWN – LEASE TO THE WOMEN'S LIBRARY INC – REMAIN ON MONTH-TO-MONTH LEASE (2015531)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

That approval be given for The Women's Library Inc. remaining on a month-to-month lease of Council premises, No. 3 Watkin Lane, Newtown, at a rental of \$21,016 per annum gross, plus the GST component, commencing on 1 April 2002, subject to the following conditions, namely:-

- (1) That the Subsidy of \$16,708 as approved by Council on 4 July 2001 be applicable to the lease until the 30 June 2002.
- (2) That the requirement to provide a Bank Guarantee and Personal Guarantees is waived in this instance.
- (3) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of Indemnity of not less than Ten Million Dollars indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease.
- (4) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs, etc, by the Lessee during the term of the Lease period, must first be submitted to the Property Branch Manager prior to any submission of plans, etc, to Council's Planning and Building Department for Statutory approvals.
- (5) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer, are to be borne by the Lessee.
- (6) That all relevant documents are to be executed by Council's Attorney.
- (7) That this lease is subject to the Goods and Services Tax on the actual rent portion only.

(A/DCS Report 20.2.02)

It was moved by Councillor Lennon, that the lease of No. 3 Watkin Lane, Newtown, be on a 3 month x 3 month lease arrangement.

Motion lapsed through want of a seconder.

Motion carried.

19.13.**PROPERTIES – HEFFRON HALL, BURTON STREET, NOS. 34 – 40,
DARLINGHURST – DAMAGE TO HALL AND FUTURE USE – QUESTION
WITHOUT NOTICE BY COUNCILLOR FURNESS (C57-00010)**

That the report by the Acting Director of Corporate Services dated 27 February 2002, detailing information in respect of Heffron Hall, Nos. 34 – 40 Burton Street, Darlinghurst, be received and noted.

(ADCS Report 27.2.02)

Carried.

19.14.**STREETS – LEASING – ANZAC PARADE, MOORE PARK – PROPOSED
RENEWAL OF LEASE OF PART (2009112)**

That approval be given to:-

- (1) Sydney Girls High School being granted a lease under Part 10 Division 2 of the Roads Act 1993, over part of Anzac Parade, Moore Park, adjacent to Sydney Girls High School as shown on Plan No S4-130/607 for a period of 5 years and subject to the conditions in the schedule accompanying the Director's report;
- (2) the date of commencement of the lease being 25 October 2000;
- (3) all relevant documents and plans being signed by Council's Attorney;
- (4) this approval lapsing 3 months from the date of Council's approval to the granting of a lease if the applicant has failed to sign the Lease Agreement;
- (5) the rental being set at \$1 per annum.

(DPWS Report 20/02/02)

Carried.

19.15.**LICENSING – OXFORD STREET, NOS. 110 – 122, DARLINGHURST (AKA
NO. 114 OXFORD STREET) – PROPOSED FOOTWAY LICENCE (NEW)
(2025255)**

That approval be given to:-

- (1) the granting of a licence to Paris Mavropoulos over an area of 4 square metres of the footway of Oxford Street adjacent to Paris Juice Bar at

Nos. 110-122 Oxford Street (also known as 114 Oxford Street)
Darlinghurst as shown stippled on Plan No S4-130/822 and subject to
the conditions in the schedule accompanying the Director's report;

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

(DPWS Report 19/02/02)

Carried.

19.16.

LEASING – COUNCIL'S RESIDENTIAL SUBSIDISED PROPERTIES – ANNUAL RENT REVIEW (L52-00010)

That arising from consideration of a report by the Acting Director of Corporate Services dated 25 February 2002, approval be given to adopt the rental subsidies reviewed, subject to the following terms and conditions:-

- (1) As outlined in the Schedule accompanying the beforementioned report, which has been reviewed in accordance with the Department of Social Security's "Deemed Interest Rate".
- (2) Tenants being notified in writing of the increase Sixty (60) days in advance of the increase.

Carried.

19.17.**PROPERTIES – PADDINGTON TOWN HALL - REQUEST BY THE AUSTRALIAN TIBET COUNCIL TO FLY THE TIBETAN FLAG ON 11 MARCH 2002 (2011367)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 28 February 2002, Council approves the flying of the Tibetan Flag from one of the Paddington Town Hall horizontal flags poles on Monday 11 March 2002.

Carried.

19.18.**LEASING – BILLYARD AVENUE, ADJACENT TO NO. 15, ELIZABETH BAY – PROPOSED RENEWAL OF LEASE OF PART OF BILLYARD AVENUE (L52-00042)**

That approval be given to:-

- (1) the Owners Corporation of Strata Plan 14107 being granted a lease under Part 10 Division 2 of the Roads Act 1993, over part of Billyard Avenue adjacent to No. 15 Billyard Avenue as shown on Plan No. S4-130/475 for a period of 5 years and subject to the conditions in the schedule accompanying the Director's report;
- (2) the date of commencement of the lease being 27 August 1999;
- (3) all relevant documents and plans being signed by Council's Attorney;
- (4) this approval lapsing 3 months from the date of Council's approval to the grant of a lease if the applicant has failed to sign the Lease Agreement;
- (5) the rental being set at \$1 per annum.

(DPWS Report 20.2.02)

Carried.

The Properties Sub-Committee Meeting terminated at 7.15 p.m.

The Finance Committee Meeting terminated at 7.40 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**WEDNESDAY 6 MARCH 2002 AT 7.41 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 Matters) during consideration of the undermentioned items, and further, access to correspondence and reports being withheld in respect of such Items 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 Items in accordance with section 10A(2)(a) and (d) of the Local Government Act, 1993, is as follows, namely:-

Items 1 & 3- Personnel matters concerning particular individuals.
Item 2 – Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 6 March 2002, be received and the recommendation set out below for Items 1 – 3, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

DEPARTMENTS - PLANNING AND BUILDING DEPARTMENT - CREATION OF AN ADDITIONAL HERITAGE PLANNER – GRADE 13 – POSITION (2012591)

That the recommendation as contained in the report by the Acting Director of Planning and Building dated 15 February 2002, in respect of the creation of a second full time Heritage Planner, be approved and adopted.

Carried.

2.

PLANNING – STRATEGY PLANS – GREEN SQUARE – STORMWATER MANAGEMENT STRATEGY, FEASIBILITY STUDY FOR NOS. 132 – 138 & 140 JOYNTON AVENUE AND NOS. 94 – 104 EPSOM ROAD, ZETLAND – APPROVAL TO ENGAGE PREFERRED TENDERER (2024621)

That the recommendation as contained in the report by the Acting Director of Planning and Building dated 27 February 2002, regarding accepting the Preferred Tenderer for the Stormwater Management Strategy for Green Square, be approved and adopted.

Carried.

3.

PERSONNEL – PUBLIC WORKS AND SERVICES DEPARTMENT – WASTE PROJECT OFFICER MULTIPLE OCCUPANCY DWELLINGS (TEMPORARY) TO BE RE-PROFILED AND MADE A PERMANENT POSITION WITH THE CURRENT INCUMBENT (2002867)

That the recommendation as contained in the report by the Director of Public Works and Services dated 11 February 2002, regarding the re-profiling of the Waste Project Officer, Multiple Occupancy Dwellings (Temporary) to be made a permanent position in the Public Works and Services Department, be approved and adopted.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 7.43 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

6 March 2002

PRESENT

Councillor Gregory Shaw (Acting Chairperson)

Councillors – Jill Lay and Shayne Mallard

At the commencement of business at 8.06 pm those present were -

Councillors:- Lay, Mallard and Shaw.

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Apology:

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler, who had leave of absence from Council of 20 February 2002.

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

That the Report of the Community Services Committee of its meeting of 6 March 2002, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

INSURANCES – PUBLIC LIABILITY - INSURANCE FOR COMMUNITY GROUPS – REPRESENTATIONS FROM ZETLAND COMMUNITY ACTION GROUP (2013381)

That for the reasons set out in the report by the Acting Director of Corporate Services dated 22 February 2002, it be resolved that:-

- (1) Council make representations to the Local State and Federal members expressing concern about the plight of community groups in the current public liability climate,
- (2) Council requests the SSROC, of which it is member, to make representations to the State and Federal Governments in support of legislative protection against liability that might otherwise attach to community groups.

Carried.

The Community Services Committee Meeting terminated at 8.07 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

6 March 2002

PRESENT**Councillor John Bush (Chairperson)****Councillors – Peter Furness, Christine Harcourt, Amanda Lennon, and Tony Pooley**

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

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

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

That the Report of the Planning and Development Committee of its meeting of 6 March 2002, be received and the recommendations set out below for Items 1-3, inclusive, 5,6,8 to 10 inclusive 12,16,17,19,22,23,26 and 28 be adopted. The recommendations for Items 4,7,11,13 to 15 inclusive, 18, 20, 21,24,25 and 27 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PLANNING – QUESTION WITHOUT NOTICE BY COUNCILLORS LENNON AND MALLARD – HERITAGE LISTINGS DARLINGHURST ROAD AREA, KINGS CROSS AND PROTECTION OF WOOLWORTHS BUILDING, NOS. 50 – 52 DARLINGHURST ROAD (2015740)

That the report by the Acting Director of Planning and Building dated 28 February 2002, regarding the abovementioned premises be received and noted.

At the request of Councillor Lennon 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 report by the Acting Director of Planning and Building be deferred to allow for a review of DCP height and a limit on the Darlington ridge.

Motion, as amended by consent, carried.

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2.

PYRMONT BRIDGE ROAD, NOS. 2 – 50, CAMPERDOWN (CITY QUARTER – FORMER CAMPERDOWN CHILDREN’S HOSPITAL SITE) – CONSTRUCTION OF 59 UNITS WITHIN TWO BUILDINGS, CAR PARKING FOR 48 CARS WITHIN THE BUILDINGS, COMMUNAL OPEN SPACE AND MODIFICATION TO APPROVED MASTERPLAN – BUILDINGS L AND M – DEVELOPMENT APPLICATION (U01-01331)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002.

3.

FOVEAUX STREET, NOS. 2 – 12, SURRY HILLS – REFURBISHMENT OF EXISTING BUILDING, INTERNAL WORKS, ADDITION OF NEW FLOOR ABOVE EXISTING ROOF – DEVELOPMENT APPLICATION (U01-00403)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002.

Carried.

4.

GOWRIE STREET, NO. 64, NEWTOWN – ROOF GARDEN AND DECK AT THE REAR OF DWELLING – DEVELOPMENT APPLICATION (U01-01057)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr CJ Nash (Owner), to “erect a roof garden and deck at the rear of the dwelling, including a gazebo, water feature and garden areas at 66 Gowrie Street, Newtown” for the following reasons, namely:-
- (1) That the proposed development does not satisfy Clause 12(1)(c) of South Sydney Local Environmental Plan 1998 as the erection of the proposed roof deck is out of character with neighbouring

properties and may detract from the amenity enjoyed by near by residents;

- (2) That the proposed development does not satisfy Clause 28(1)(c) of South Sydney Local Environmental Plan 1998 as the size and bulk of the proposed roof deck is not compatible with the scale and design of the neighbouring developments;
 - (3) That the proposed development does not satisfy Clause 28(1)(d)(ii) of South Sydney Local Environmental Plan 1998 having regard to the resultant loss of privacy for adjoining and adjacent property owners;
 - (4) That the proposed development does not satisfy Part F 1.2.5 in South Sydney Development Control Plan 1997, as the size of the proposed roof deck is above the maximum requirement of 3m² and fails to address the performance objectives of the DCP;
 - (5) That the proposed development does not satisfy the objectives of Part E 4.1 of South Sydney Development Control Plan 1997 – Urban Design as the acoustic privacy of neighbouring properties will potentially be compromised by use of the deck;
 - (6) That the proposal represents a significant variation from South Sydney Development Control Plan 1997 – Urban Design and may set an undesirable precedent within the locality;
 - (7) That the proposed development does not satisfy the objectives of Part E 2.3 and Part F 1.2.1 and 1.2.5 in South Sydney Development Control Plan 1997, as the bulk and scale of the development is not compatible with the surrounding area;
 - (8) That the proposed development is not in the public interest.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

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

5.

TRANSPORT – EASTERN SUBURBS BETTER BUS ROUTES – CROWN STREET AND BAPTIST STREET, SURRY HILLS (2009308)

Deferred for this matter to be forwarded to the Public Meeting to be held by the Member for Bligh, Clover Moore on Thursday, 14 March 2002.

It was moved by the Mayor, seconded by Councillor Lay that the motion be amended to read:-

That this matter be deferred back to the next Planning and Development Committee Meeting in order for a response to the Council on the public meeting to be held by Member for Bligh, Clover Moore on Thursday 14 March 2002.

Motion, as amended, carried.

6.

LACHLAN STREET, NO. 11A, WATERLOO – MASTERPLAN AND DEVELOPMENT APPLICATION – MIXED USE COMMERCIAL/ RESIDENTIAL DEVELOPMENT COMPRISING 4,026SQM NON-RESIDENTIAL FLOOR SPACE AND 75 RESIDENTIAL UNITS (U01-00962)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002 and subject to:

- (1) design criteria being attached to the deferred commencement by the applicant to the satisfaction of the Acting Director of Planning and Building;
- (2) the additional conditions to (B)(1) of the recommendation, namely:-
 - (i) That the high quality finish of exterior materials and finishes be verified to Council's approval;
 - (j) That an energy performance report is provided for Council verification indicating that the building meet an equivalent of a minimum 3.5 star NatHERS energy efficiency rating;
 - (k) That verification be provided that RTA concurrence has been obtained in regard to road widening and setbacks to Lachlan Street.

Carried.

7.

WILLIAM STREET, NOS. 196 – 214, SHOPS 3 & 4, WOOLLOOMOOLOO – USE OF TENANCY AS A CONVENIENCE STORE – DEVELOPMENT APPLICATION (U02-00036)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the application be deferred to the next Planning and Development Committee Meeting to be held on 20 March 2002, as requested by the applicant.

Carried.

8.

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 submitted by Sterling Estates Development Corporation Pty Ltd (as owners), for a Stage 1 Masterplan at Lots 4, 5 and 7 at 2-50 Pyrmont Bridge Road, Camperdown, as it relates to Building 'A' only, be deferred to the meeting of the Planning and Development Committee to be held on 20 March 2002.

It was moved by Councillor Furness, seconded by Councillor Lennon, 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 deferred to allow for reasons for refusal to be drafted.

Negatived.

At this stage, Councillor Furness made a derogative comment towards the Labor Party.

Councillor Lay requested that Councillor Furness withdraw and apologies without reservation.

Councillor Furness withdrew his comment and apologised without reservation.

Motion carried.

Carried.

9.

ABERCROMBIE STREET, NO. 370, DARLINGTON (ROYAL HOTEL) – BRICKING UP OF REAR GARAGE DOORS, SIGNAGE ERECTION AND INSTALLATION OF SECURITY CAMERAS – DEVELOPMENT APPLICATION (U01-01230)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 25 February 2002, subject to the addition of a new condition (1)(a) after the description, clause (A) of the recommendation, namely:-

- (1) That, pursuant to Section 80 (3) of the Environmental Planning and Assessment Act 1979, the consent shall not operate until the applicant has provided details relating to the following matters and has obtained the written approval of the Director of Planning and Building:
 - (a) That a sign, legible from the street, one located at the corner of Abercrombie and Codrington Streets and the other located at the corner of Codrington Street and Wilson Lane shall be permanently displayed to indicate that surveillance cameras are installed, and filming the public domain;

-and that the numbers 1 to 18 be renumbered accordingly.

Carried.

10.

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

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002.

Carried.

11.

MCELHONE STREET, NO. 44, WOOLLOOMOOLOO – REGULARISE EXISTING USE OF SITE FOR THE PURPOSE OF A BOARDING HOUSE – DEVELOPMENT APPLICATION (U01-00900)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Finbob Pty Ltd, with the authority of Finbob Pty Ltd, to regularise the use of the premises as a boarding house subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans titled Mariners Court level 1,2,3 & 4, roof, section F.F, West Elevation D.D, South Elevation G.G, South Elevation H.H, East Elevation I.I, Section J.J, North Elevation A.A, all dated, stamped and endorsed by Council, subject to compliance with the conditions below;
 - (2) That a separate development application shall be submitted at the appropriate time for any proposed signs;
 - (3) That the proposed development is to comply with all aspects of the plan of management;
 - (4) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
 - (5) That the minimum length of stay for residents is to be no less than 28 days;
 - (6) That at no time shall the premises be used for tourist accommodation such as a backpackers, private hotel or bed and breakfast;
 - (7) That the Plan of Management submitted with the application shall be complied with all times;
 - (8) That the use and operation of the premises shall comply with the requirements of Schedule 1 (Standards for Places of Shared Accommodation) of the Local Government (Orders) Regulation, 1999 under the Local Government Act, 1993, Councils adopted policy, the Public Health Act, 1991 and regulations thereunder;

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- (9) 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;
- (10) 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;
- (11) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (12) That the maximum number of persons accommodated in any bedroom must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle of 5.5 square metres for each person staying for more than twenty-eight (28) consecutive days (Ref: South Sydney City Council Health Policy for "Places of Shared Accommodation" November, 2000, Section 4: Bedroom Occupancy Requirements);
- (13) 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 or garbage receptacle storage area:
STANDARD REQUIREMENT - SSCC Waste
Management / Minimisation Facts Sheets;

NOTE: This approval is for a boarding house only and at no time shall the site be used for the purpose of a backpackers, serviced apartments, private hotel or bed and breakfast without the prior consent of 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 Council advise the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

PALMER STREET, NOS. 186 – 186A, DARLINGHURST – TWO LOT SUBDIVISION – DEVELOPMENT APPLICATION (U00-00159)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Lovegrove Oxley Consultants Pty Ltd, with the authority of Joy and Peter Long, to create a two lot subdivision, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with titled "plan of subdivision of Lot 1 DP 842716" reference 21412, (date stamped 18 February 2000), stamped and endorsed by Council, subject to compliance with the conditions below;
- (2) That all relevant sections of the BCA shall be complied with.

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.

13.

CHURCH STREET, NO. 13, PADDINGTON – ALTERATIONS AND ADDITIONS TO REAR OF TERRACE – DEVELOPMENT APPLICATION (U01-01209)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard.

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Haiku Underscore Two, with the authority of Rimonda Badran & Greg Ohlsson, for alterations and additions to a terrace dwelling, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans numbered 0113 (WD101, WD102, WD201 & WD301) and dated November 2001 as stamped and endorsed by Council, subject to the following conditions;
 - (2) That the proposed parapet shall be deleted from the plans and replaced with flashing that matches the colouring of the proposed sheet metal roofing;
 - (3) That the new first floor rear window is to have a centrally located mullion so that it reads as two adjoining windows with vertical proportions;
 - (4) That details of the colour of the sheet metal roofing shall be submitted with the application for a construction certificate;
 - (5) That the façade of the terrace is to be painted in a traditional heritage colour scheme which is appropriate to the Victorian architectural character and style of construction;
 - (6) 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;
 - (7) 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

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value of \$160, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

and the following standard conditions:

- (8) Ventilation and natural light (class 1)⁹⁶¹³
- (9) Noise and vibration⁷⁰²⁸
- (10) Emissions⁷⁰⁰⁴
- (11) Obstruction of the public way³¹⁰¹
- (12) Work zones³¹⁰²
- (13) Delivery of construction materials³¹⁰⁴
- (14) Associated roadway costs³¹¹¹
- (15) Stormwater (general)⁴¹⁰¹
- (16) Refuse skips⁶¹⁰²

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

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

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

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

It was moved by Councillor Harcourt, seconded by Councillor Pooley, that condition (2) of the motion be deleted and a new condition (2) be inserted in lieu thereof, namely:-

- (17) That the proposed parapet shall be reduced by 500 millimetres in height and the length of the extension be reduced by 1 metre.

Motion, as amended, carried.

14.

**FORBES STREET, NOS. 99 – 135, WOOLLOOMOOLOO –
REGULARISATION OF OPERATING HOURS FOR PRIVATE COLLEGE –
DEVELOPMENT APPLICATION (U01-01275)**

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Lay:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Alpha Beta Colleges with the authority of Kohld P/L to regularise the hours of operation to 8:00am to 8:30pm on a permanent basis, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans numbered 545/01 and 545/02 dated 17 December 2000; stamped and endorsed by Council, subject to compliance with the following conditions;
 - (2) That the hours of operation shall be restricted to between 8:00am and 8:30pm from Monday to Friday;
 - (3) That a minimum of two bins designed for extinguishing and storage of cigarette butts shall be placed within the open area of the recessed entrance on Forbes Street during operating hours. These bins shall be emptied as is required to prevent overflow and shall be removed at the close of operations.
 - (4) 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.
- (B) That a report be prepared and submitted to the Traffic Committee to investigate the option of increase parking restrictions to 8:00 p.m within the areas accessible to resident parking scheme holders within Forbes Street between William Street and Cathedral Street.

- (C) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (D) That a report be submitted to Council on the commercial activities on the ground floor and the condition for the hours of operation.
- (E) That Council resolves to prepare a car rental policy for the area.
- (F) That the use of the ground and first floors be referred to Council's compliance unit in the Planning and Development Department to ensure that the existing uses have consent and that they are operating in accordance with any consent.

Carried.

15.

ABERCROMBIE STREET, NOS. 116 – 120, CHIPPENDALE – DELETION OF CONDITION (A)(17) OF PREVIOUS CONSENT CONDITION FOR A NEWSAGENCY – DEVELOPMENT APPLICATION – SECTION 96 MODIFICATION (U01-00339)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lennon:-

That the application be refused.

Negatived.

Moved by Councillor Lay, seconded by Councillor Mallard:-

- (A) That the Council, as consent authority, in accordance with Section 96 of the Environmental Planning and Assessment Act 1979, modify the consent granted by Council dated 1 August, 2001, to DA U01-00339, insofar as it will provide for the following, namely:-

deleting Condition (17):

- (17) That the existing roller shutter shall be removed within one month of the date of this consent.

-that the existing roller shutter not be replaced with a new shutter and that any new measures be subject to a Development Application.

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

Carried.

16.

BAY STREET, NOS. 56 – 58, SHOP 1, ULTIMO – FITOUT FOR USE AS CAFÉ/DELICATESSEN/TAKE-AWAY WITH OPERATING HOURS 8.00AM TO 9.00PM SEVEN DAYS A WEEK – DEVELOPMENT APPLICATION (U01-01119)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002.

Carried.

17.

RILEY STREET, NO. 98, DARLINGHURST – CHANGE OF USE FROM A PRINTERS TO A STORAGE WAREHOUSE – DEVELOPMENT APPLICATION (U01-00217)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002.

Carried.

18.

FRANCIS STREET, NOS. 2 – 6, DARLINGHURST – CONSTRUCT FOUR RESIDENTIAL UNITS ON THE ROOF OF AN EXISTING HOTEL – DEVELOPMENT APPLICATION (U01-00790)

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 Peter Chivers, with the authority of Domain Investments, to demolish the existing structures on the roof and construct 3 x 1 bedroom units and 1 x 2 bedroom unit, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:
 - (a) That the remnant of what appears to be a painted sign on the eastern façade shall be retained and conserved. A method statement prepared by a suitably qualified practitioner shall be submitted to Council's satisfaction prior to the issuing of a Construction Certificate;
 - (b) That an interpretative presentation panel acknowledging the original use of the building as a hotel and the existence of the now demolished night refuge on the site should be prominently displayed in the public area near the entrance. This display could take the form of plaque or be a photographic, written and or written display. Details of the panel including its proposed location shall be prepared by a suitably qualified practitioner and submitted to Council prior to the issue of a construction certificate;
- (2) That the development shall be generally in accordance with plans numbered 2102/DA01 – 2102/DA11, dated 15 February 2001 stamped and endorsed by Council, and supporting documentation, including the Deed of Agreement signed by Domain Developments and dated February 2002, 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 instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$800, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$1,343	2E97003.BGY0
Open Space: New Parks	\$6,232	2E97009.BGY0
Accessibility And Transport	\$40	2E97006.BGY0
Management	\$100	2E97007.BGY0
Total	\$7,715	

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being September Quarter 01/02.

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

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

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

Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$2,006	2E97008.BGY0

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

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the September Quarter 01/02.

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

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

- (7) A solar hot water heating system shall be provided on the site and shall serve the hot water requirements of all the residential units. Details of which shall be submitted with the application for a Construction Certificate;
- (8) Where a solar hot water system cannot be provided for all units due to the orientation and/or size of the roof, a 3.5 star hot water heating system (gas or heat pump) shall be provided for all remaining units.

NOTE: A statement from an appropriately qualified energy adviser shall be submitted with the application for a Construction Certificate to detail why a solar hot water heating system cannot be provided for all residential units (the cost of installing the system is not deemed as adequate exemption criteria);

- (9) A statement shall be submitted with the application for a Construction Certificate by an appropriately qualified energy adviser indicating the type of hot water system available to each of the residential units and its capacity of meeting all hot water needs of the unit;

- (10) That the face brickwork of the existing building shall not be coated, painted or rendered;
- (11) That to minimise the impact of the addition there shall be no use of dark tinted or mirror reflective glass;
- (12) That the chimney of the eastern façade of the stairwell roof structure shall be retained;
- (13) That a schedule of materials and colours shall be submitted to the Principal Certifying Authority and shall be consistent with the heritage and streetscape qualities of the area;
- (14) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (c) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
 - (d) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
 - (e) 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;
 - (f) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
 - (g) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;

- (h) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of 90/90/90 or protected in accordance with C3.15 of the BCA;
- (i) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (j) That the discharge from exits shall comply with D1.10 of the BCA;
- (k) 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;
- (l) 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;
- (m) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (n) 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;
- (o) That notices outlining the "offences relating to Fire Exits" shall be displayed in a conspicuous position adjacent to each doorway providing access to the fire isolated stairway in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000;
- (p) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (q) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (r) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (s) 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;
- (t) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (u) That Automatic Fire Alarms with photo-optical type detectors shall be installed throughout the building complying in all respects with the requirements of Australian Standard AS1670. In kitchens and other approved areas thermal type detectors may be installed;
- (v) 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;
- (w) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (x) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (y) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (z) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (aa) 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;

- (bb) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (cc) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (dd) 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;
- (ee) That existing floor throughout the building shall be constructed of material having a minimum fire resistance level of 90/90/90;
- (ff) That exit travel distances shall be redesigned to comply fully with the requirements of Clause D.11.4 of the BCA;
- (gg) That all relevant sections of the Fire Safety Order reference number 2010838 dated 23 January 2000 shall be fully complied with;

and the following standard conditions:

- (15) Compliance with BCA⁹¹⁰⁴
- (16) Construction Certificate required⁹¹⁵⁵
- (17) Stormwater details⁹⁰⁰³
- (18) Structural Design Certificate⁹⁰⁰⁶
- (19) Issue of occupation certificate⁹¹⁰¹
- (20) Comply with the WorkCover Authority⁹¹⁰⁵
- (21) Construction hours⁹¹⁵¹
- (22) Hours of work and use of cranes⁹¹⁵³
- (23) Building/demolition noise control⁹¹⁵⁶
- (24) Maintain existing building in a stable condition⁹¹⁵⁷
- (25) Works to be within allotment boundaries⁹¹⁵⁸
- (26) Demolition to comply with Australian standard⁹¹⁶¹

- (27) Pedestrian safety³¹¹⁰
- (28) Associated roadway costs³¹¹¹
- (29) Stormwater (general)⁴¹⁰¹
- (30) Connection to council's stormwater system⁴¹⁰⁴
- (31) Garbage on the public way⁶¹⁰¹
- (32) Refuse skips⁶¹⁰²
- (33) Builders hoarding permit³⁰
- (34) Obstruction of the public way³¹⁰¹
- (35) Work zones³¹⁰²
- (36) Delivery of construction materials³¹⁰⁴
- (37) Resident parking restrictions for new residential flats³¹⁰⁵
- (38) Construction traffic management³¹⁰⁷
- (39) Off-street car parking for construction workers³¹⁰⁹
- (40) Ventilation and natural light (class 2 to 9)⁹⁶¹⁴
- (41) Sanitary facilities⁷⁰¹⁶
- (42) Planting on slab⁵¹⁰²
- (43) Construction noise⁷⁰⁰⁸
- (44) Emissions⁷⁰⁰⁴

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

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

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

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

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That Mr Tim Moore of Sydney City Council be advised of Council's decision.

Carried.

19.

CROWN STREET, NO. 104, WOOLLOOMOOLOO – COMMERCIAL BROTHEL – DEVELOPMENT APPLICATION (U01-00604)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Acting Director of Planning and Building dated 26 February 2002.

Carried.

20.

SWANSON STREET, NO. 108, ERSKINEVILLE (KURRAJONG HOTEL) – ALTERATIONS AND ADDITIONS TO AN EXISTING HOTEL – DEVELOPMENT APPLICATION (U01-01019)

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 under Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Design Associates Pty Ltd, with the authority of Peter & Beverley Campbell, Don Cornell, Mark & Cherie Davies and Russel Maragret Mills, to alter the existing hotel at 108 Swanson Street, Erskineville, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided further details responding to the following matters within 60 days of this deferred commencement consent. The details shall be to the satisfaction of the Director of Planning and Building and shall be approved in writing before the consent becomes operative:
 - (a) Details of garbage storage area, which is compliant with (37) and (38);
 - (b) Heritage details in accordance with Conditions (12) and (18);
 - (c) That a Plan of Management for the premises shall be lodged with Council, and shall address and identify:
 - ? The dual functions of the restaurant and bar areas, detailing broad management procedures, including hours of operation and staffing arrangements;
 - ? Methods to be employed to mitigate any external noise impacts;
 - ? Methods to minimise any anti social behaviour on or in vicinity of the site arising from the use;
 - ? Details of security arrangements, including any surveillance systems put in place and the number of security personnel to be employed;
 - ? The means with which vehicular usage by patrons will be discouraged, such as the use of advertising materials and the on site promotion of the State Government's No Drink Driving Policy;
 - ? Details of garbage storage and collections times, as well as waste minimisation methods;
 - ? Site servicing arrangements, including details of the numbers of deliveries to the site, and timeframe for those deliveries.

The Plan of Management shall be signed by the licensee for the Hotel and Restaurant and shall be complied with at all times. The modification of the Plan of Management shall be subject to a further Application to be lodged with Council.

- (2) That the development shall be in accordance with plans KH0120 DA-01, Issue A, drawn by PM and dated October 2001, stamped and endorsed by Council dated 8 October 2001 except as conditioned elsewhere;
- (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 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 \$700, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the hours of operation for restaurant shall be restricted to those shown in the table below:

Day	Start time	End time
Monday	10.00am	Midnight
Tuesday	10.00am	Midnight
Wednesday	10.00am	Midnight
Thursday	10.00am	Midnight
Friday	10.00am	Midnight
Saturday	10.00am	Midnight
Sunday	10.00am	10.00pm

Please note that the hours of operation are **not** trading hours of the premises but are the times in which the first staff member or employer arrives for work on the premises and the last staff member or employer must leave the premises. This includes all persons contracted to work on the site, such as cleaners;

- (6) That the number of seats for patrons of the restaurant shall be limited to 60;
- (7) That the first floor windows of the restaurant shall remain closed after 10pm each night;
- (8) That security staff shall be employed for Friday and Saturday nights;
- (9) That staff shall be trained in the responsible service of alcohol as required by the Liquor Administration Board;
- (10) That there shall be no external alterations to the building without the prior approval of Council;
- (11) That the ground floor ceilings including the bulkhead over the bar are to be retained and conserved;

- (12) That given the substantial alterations proposed to the first floor of the building and to ensure that the facade does not collapse during construction works, prior to the commencement of any works on the site, an Engineers Report is to be submitted to Council, prepared by a suitably qualified engineer experienced in dealing with heritage buildings. The report is to indicate how the building is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the building fabric. Details of all temporary supports and hoarding are also to be provided;
- (13) That where walls are to be knocked out at first floor level, a nib is to remain in order to be able interpret the original planning configuration of the building;
- (14) That where the ground floor bar is to be altered, original materials are to be salvaged and re-used;
- (15) That panels of original wall tiling to the ground floor front bar are to be retained and conserved;
- (16) That any new floor and wall tiling shall replicate the size and pattern of the remnant original tiling;
- (17) The existing main staircase including the original wall tiling is not to be altered in any way;
- (18) That an archival photographic record of the building is to be prepared in accordance with the NSW Heritage Office guidelines prior to the issue of a Construction Certificate. One copy of the record is to lodged with Council;
- (19) That a management plan submitted with the application shall be complied with at all times;
- (20) 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 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;

- (c) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (d) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
 - (e) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
 - (f) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
 - (g) 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;
 - (h) 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;
 - (i) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
 - (j) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (a) a door which can at all times be opened from inside without a key;
 - (b) an approved alarm device located outside but controllable only from within the chamber;
- The door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;
- (k) 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;

- (l) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (m) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
 - (n) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
 - (o) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (p) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
 - (q) 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;
 - (r) 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;
 - (s) That the proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
 - (t) That access for people with disabilities shall comply fully with the requirements of Part D.3;
 - (u) That required exit doorways shall be redesigned to open in the direction of travel and comply with requirements of Part D.2.20 of the BCA;
 - (v) That the proposed manager's flat at first floor level shall be separated from the first floor in accordance with the requirements of Clause C.2.8 and C.2.9 of the BCA;
- (21) 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 coolroom: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;

and the following standard conditions:

- (22) Compliance with BCA⁹¹⁰⁴
- (23) Construction Certificate required⁹¹⁵⁵
- (24) Stormwater details⁹⁰⁰³
- (25) Structural Design Certificate⁹⁰⁰⁶
- (26) Comply with the WorkCover Authority⁹¹⁰⁵
- (27) Construction hours⁹¹⁵¹
- (28) Hours of work and use of cranes⁹¹⁵³
- (29) Building/demolition noise control⁹¹⁵⁶
- (30) Maintain existing building in a stable condition⁹¹⁵⁷
- (31) Guarding of excavations⁹¹⁶⁰
- (32) Demolition to comply with Australian standard⁹¹⁶¹
- (33) Support for neighbouring buildings⁹¹⁶³
- (34) Obstruction of the public way³¹⁰¹

- (35) Delivery of construction materials³¹⁰⁴
- (36) Refuse skips⁶¹⁰²
- (37) Construction noise⁷⁰⁰⁸
- (38) Garbage on the public way⁶¹⁰¹
- (39) Commercial garbage storage area⁶¹⁰⁴
- (40) Fitout of food premises⁷⁰²⁰
- (41) Air handling - food⁷⁰²²
- (42) Noise and vibration⁷⁰²⁸
- (43) Noise⁷⁰³⁰
- (44) Soil and sediment control⁷⁰⁸⁵
- (45) Soil and sediment: drains, gutters etc⁷⁰⁸⁷
- (46) Soil and sediment control/building operations⁷⁰⁸⁸
- (47) Ventilation⁷⁰²⁵

NOTE 1: 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 2: Your attention is drawn to the requirements of the Smoke-Free Environment Act 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas. (Some exemptions do apply).

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.

21.

(A) MARYS PLACE, NO.1, SURRY HILLS – DEMOLISH EXISTING BUILDING AND ERECT 3 STOREY RESIDENTIAL FLAT BUILDING (SITE D AT FORMER HPM INDUSTRIES) – DEVELOPMENT APPLICATION (U01-00315)

(B) FLINDERS STREET, NO.59, SURRY HILLS – REFURBISH EXISTING 2 STOREY SHOP FOR CAFÉ/RETAIL PURPOSES (SITE E AT FORMER HPM INDUSTRIES) – DEVELOPMENT APPLICATION (U01-00316)

(C) HILL STREET, NOS.5-9, 11, & 13-15, SURRY HILLS – DEMOLISH EXISTING BUILDING AND ERECT 2 TERRACES, 4 STOREY RESIDENTIAL FLAT BUILDING, AND SINGLE STOREY DWELLING ABOVE CAR PARK ENTRY (SITE C AT FORMER HPM INDUSTRIES) – DEVELOPMENT APPLICATION (U01-00317)

(D) HILL STREET, NOS. 4-12, SURRY HILLS & BOURKE STREET NOS. 350-352, SURRY HILLS – DEMOLISH BUILDINGS AND CONSTRUCT NEW 10 STOREY BUILDING CONTAINING RESIDENTIAL, COMMERCIAL AND RETAIL SPACE (SITE A/B AT FORMER HPM INDUSTRIES) – DEVELOPMENT APPLICATION (U01-00318)

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 (U01-00318) submitted by HPM Industries (owner) to "Alter existing building at 350-352 Bourke Street and incorporate into an eight storey building containing 2 retail units and 20 residential units (16 x 1 bedroom and 2 x 4 bedroom units), and 24 car spaces (accessible via basement vehicular corridors from 4-12 Hill Street) and Demolish existing buildings (save the HPM building) at 4-12 Hill Street and construct a 10 storey building with 1,138.5 square metres of retail/commercial space over 2 storeys, 52 residential units (23 x 1 bedroom, 18 x 2 bedroom, 10 x 3 bedroom, and 1 x 4 bedroom

units), and 58 car parking spaces”, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 6 months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:
 - (a) That Condition 7 shall be complied with to the satisfaction of the Director for Planning and Building;
- (2) That the consent shall not operate until such time as details are provided and authorised by the Director of Planning and Building with respect to the type and quality of external finishes to be used in the development. The consent shall not become operative until such time as written authorisation of such details are issued by the Director of Planning and Building.
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$62,700 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$34,000, or first instalment (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 monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 31,702	2E97003.BGY0
Open Space: New Parks	\$144,110	2E97009.BGY0
Accessibility And Transport Management	\$ 948	2E97006.BGY0
	\$ 2,491	2E97007.BGY0
Total	\$179,251	

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;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$43,062	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;

- (7) That the development shall be generally consistent with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U01-00318, except as conditioned elsewhere;

<i>Drawing Number</i>	<i>Revision</i>	<i>Dated</i>
DA A01	B	22/11/01
DA A02	B	22/11/01
DA A03	B	22/11/01
DA A04	B	22/11/01
DA A05	B	22/11/01
DA A06	B	22/11/01
DA A07	B	22/11/01
DA B01	B	22/11/01
DA B02	B	22/11/01
DA B03	B	22/11/01
DA B04	B	22/11/01
DA B05	B	22/11/01
DA B06	B	22/11/01
DA B07	B	22/11/01
DA B08	B	22/11/01
DA B09	B	22/11/01
DA B10	B	22/11/01
DA B11	B	22/11/01
DA B12	B	22/11/01
DA B13	B	22/11/01

- (8) That a Deed shall be duly signed by both the owner of the site and Council in relation to the dedication of and improvement to

public spaces around the site and shown on the plan listed in the table below and relevant to the deed. The deed shall be submitted to the Department of Planning and Building and is to be to the satisfaction of the Director of Planning and Building;

<i>Drawing Number</i>	<i>Revision</i>	<i>Dated</i>
DA PD01	A	November 2001

NOTE 1: That the flow of traffic proposed on the plans listed in the table must be notified and approved by the Roads and Traffic Authority under the Roads Act, 1993. Any condition arising from the Roads and Traffic Authority that varies this plan or may potentially conflict with a condition of this consent or similar will require the lodgement of a Section 96 modification.

NOTE 2: That any art work undertaken under this condition shall not commence without first having consulted and received a written response from Council's Director of Health and Community Services;

- (9) That the Contamination and Preliminary Geotechnical Investigation Report listed in Appendix K of the Statement of the Environmental Effects prepared by JBA Planning consultants shall be reviewed by an EPA Accredited Auditor and a Site Audit Statement shall be provided stating that the land is suitable for the proposed use. The site audit statement is to be submitted to Council prior to the issue of a construction certificate. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

NOTE: Where remediation is required, the applicant is advised that a separate development consent may be required to the Environmental Planning and Assessment Act, 1979 and SEPP55.

- (10) That the substation shown on the plan DA A03 Revision B as adjacent to Short Lane shall be contained wholly within a room setback no further than 1 metre from the boundary with Short Lane and are accessible from a door opening to Short Lane. Details shall be submitted on the application for the Construction Certificate;
- (11) That the wall containing the doors of the fire exit shall be redesigned such that they are no less than 1 metre from the boundary with Short Lane. Details shall be submitted with the application for a Construction Certificate;
- (12) That access to the garbage room on Site A shall be by electronic means only and restricted to access by residents and Council

only. The means of providing this access shall be detailed in the application for a Construction Certificate;

- (13) That the driveway widths should be wide enough to accommodate the turning circles of the largest vehicle capable of entering the site. Details shall be provided in the application for a Construction Certificate;
- (14) That all units within the development shall have private open space that is at least 8 square metres in area and has a minimum depth of 2 metres from the wall face providing access to the open space. Details shall be submitted with the application for the Construction Certificate;
- (15) That the masonry wall separating the retail/café on Level 1 and the setback in front of the residential foyer to the 10 level tower of Site B (4-12 Hill Street) shall be redesigned such that it is constructed of glass and masonry and allows views to be had of this setback area from within the café. Details shall be submitted with the application for the Construction Certificate;
- (16) That the fire exit to Short Lane at Sites A (350-352 Bourke Street) and Site B (4-12 Hill Street) shall have lighting and/or mirrors installed to minimise potential security problems from places where someone may conceal themselves. Details shall be submitted with the Construction Certificate;
- (17) That the fire exit to Hill Street at Site B (4-12 Hill Street) shall have lighting and/or mirrors installed to minimise potential security problems from places where someone may conceal themselves. Details shall be submitted with the Construction Certificate;
- (18) That, in addition to the residents of Site A (350-352 Bourke Street), the communal open space on level 7 of Site A (350-352 Bourke Street) shall also be accessible by residents of Site B (4-12 Hill Street), Site C (5-9,11, and13-15 Hill Street) and Site D (1 Marys Place). A covenant to this effect shall be registered with Land and Property Information imposing this requirement on the Certificate of Title and shall expire only upon the demolition of the development.
- (19) That, in addition to the residents of Site B (4-12 Hill Street), the communal open space consisting of the gymnasium and landscaped open space on Level 1 of Site B (4-12 Hill Street) shall also be accessible by residents of Site A (350-352 Bourke Street), Site C (5-9,11, and13-15 Hill Street) and Site D (1 Marys Place). A covenant to this effect shall be registered with Land and Property Information imposing this requirement on the

Certificate of Title and shall expire only upon the demolition of the development.

- (20) That the ground floor façade of the retained building on the corner of Hill and Short Streets shall be altered such that:
- (a) a timber framed door shall be inserted at the splayed corner; and
 - (b) the glass shop front facing Bourke Street shall be broken up with mullions and transoms in a manner consistent with the architectural character of the first floor facade.

-details shall be submitted with the application for the Construction Certificate;

- (21) prior to the commencement of any works on site, an application for a Section 140 Excavation Permit is made to the NSW Heritage Office, in accordance with the findings and recommendation of the Archaeological Assessment prepared by Cultural Resource Management, dated August 2001. It should be noted that there is to be no excavation of any kind until the application is notified by the NSW Heritage Office of the permit's approval;
- (22) That, where possible, the rubbish collection should be carried out wholly within the confines of the site;
- (23) That the minimum carriageway width of the internal aisles for two-way operation should be 6.5 metres or, if unachievable, in accordance with AS 2890.1 – 1993
- (24) That the desire line of pedestrian crossings in the basement car parking shall be flood lit. Details shall be submitted in the Construction Certificate;
- (25) That pedestrian ramps shall be initialled at each pedestrian crossing inside the car park and near all lifts. Details shall be submitted with the Construction Certificate;
- (26) That clothes dryers installed in the subject site shall have a minimum Energy Efficiency rating of 3.5 stars;

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

- (27) That any proposed hot water system shall be in accordance with the solar/ gas hot water heating system approved to have a minimum 3.5 star rating;

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

- (28) That prior to the release of the Construction Certificate, the applicant shall confirm a NatHERS rating of at least 3.5 stars by an accredited NatHERS assessor for all units within the development.

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

- (29) 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;
- (30) That a maximum of 24 off-street car parking spaces shall be provided on Site A (350-352 Bourke Street) and 58 off-street car parking spaces shall be provided on Site B (4-12 Hill Street) and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (31) That of the required car parking spaces in Site A (350-352 Bourke Street), 1 space shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking. All disabled parking spaces shall be within easy access and short distance of a lift;;
- (32) That of the required car parking spaces in Site B (4-12 Hill Street), 3 spaces shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking. All disabled parking spaces shall be within easy access and short distance of a lift;
- (33) That the combined accessible/carwash parking bay on Level 1 of Site B (4-12 Hill Street) shall be made a carwash parking bay only;

- (34) That a one metre wide pedestrian walkway shall be provided on the southern side of the Basement Level 1 and Basement Level 2 tunnels beneath Short Lane that connects Site A and Site B. Details shall be provided with the application for the Construction Certificate;
- (35) That the parking spaces in Site A (350-352 Bourke Street) shall be allocated on the basis of 22 for residents and 2 for retail tenancies appropriately line-marked and labelled prior to issuing an Occupation Certificate;
- (36) That of the 22 spaces for residents in Site A (350-352 Bourke Street), eight spaces against the southern wall on Level 2 shall be allocated to units within Site B (4-12 Hill Street);
- (37) That the parking spaces in Site B (4-12 Hill Street) shall be allocated on the basis of 66 for residents, 9 for retail tenancies, and 18 for visitors appropriately line-marked and labelled prior to issuing an Occupation Certificate;
- (38) That of the 18 spaces for visitors in Site B (4-12 Hill Street) 8 shall be visitor spaces shared by both visitors to residential and retail/commercial units. Details on the location of spaces within Site B (4-12 Hill Street) shall be submitted with the application for the Construction Certificate;
- (39) That each residential and retail unit within Site A (350-352 Bourke Street) and Site B (4-12 Hill Street) shall be allocated 1 space only.
- (40) That of the 9 retail/commercial spaces in Site B (4-12 Hill Street) one space each shall be allocated to the retail tenancies at Site A (350-352 Bourke Street), Site C (5-9, 11, 13-15 Hill Street), and Site E (59 Flinders Street).
- (41) That a Class 1 bicycle facility capable shall be constructed in the basement of Site A (350-352 Bourke Street) capable of accommodating 7 bicycles and in the basements of Site B (4-12 Hill Street) capable of accommodating 17 bicycles. Details shall be submitted with the application for a Construction Certificate;
- (42) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly with the site and not encroach upon public roads;
- (43) That the development must satisfy the requirements in Council's DCP No.11, Transport Guidelines for Development 1996;

- (44) That the applicant shall make a separate application to the Director of Public Works and Services to enter into a lease agreement with Council under Section 149 of the Roads Act, 1993, for that part of stratum under Short Place. The applicant shall be responsible for all costs involved with the preparation of the lease;
- (45) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 18 x 240-litre sulo bins for domestic refuse and 12 x 240 litre sulo recycling bins
- (46) That on the Bourke Street façade of Site A (350-352 Bourke Street), all glass shopfronts shall have a masonry wall of no less than 0.3 metres high when measured from the level of Bourke Street. Details shall be submitted with the application for a construction certificate;
- (47) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) on Site A (350-352 Bourke Street) shall not exceed 3.8:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (48) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) on Site B (4-12 Hill Street) shall not exceed 4.06:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (49) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (50) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (51) 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 and garbage chute: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

- (c) 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 And the Food Act, 1989 and Regulations thereunder;
- (52) That, prior to the issuing of a subdivision certificate, evidence of compliance shall be shall be provided of the following matters:
- (a) that each unit either:
 - (i) corresponds to the proposed lot number in the Strata plan; **or**
 - (ii) has a permanent tag or plaque displayed on the door architrave adjacent to the hanging stile;
 - (b) that all utility lots are appropriately identified, line marked, and correspond to a lot shown on the strata plan;
 - (c) that any utility lots not allocated as part of a proposed strata lot within the development shall be restricted under section 39 of the Strata Titles Act, 1973;
 - (d) that all existing encroachments on Council land shown on the existing certificate of title shall be transferred to the proposed strata plan; and
 - (e) that any encroachments over existing or proposed Council property greater than 0.025 metres shall be made a positive covenant in accordance with Council's encroachment policy. (A copy of this policy is available from Council upon request).

and the following standard conditions:

- (53) Stormwater Connection Fee⁵
- (54) Builders hoarding permit³⁰
- (55) Alignment levels³²
- (56) Road opening permit³⁴
- (57) Substation¹²²
- (58) Consolidate lots¹¹⁰⁹

- (59) One television aerial¹¹⁴
- (60) Glazing reflectivity less than 20%¹¹⁸
- (61) Street number application³³
- (62) Display street number¹¹¹⁰
- (63) Separate application for signs²⁰⁰¹
- (64) Lighting on signs²⁰⁰²
- (65) Signs/goods on footpath²⁰⁰³
- (66) Intensity of sign lighting²⁰⁰⁴
- (67) Limits on signage²⁰⁰⁵
- (68) Signal system³⁰⁰⁶
- (69) Sign for visitor parking³⁰¹⁰
- (70) Intercom for visitors³⁰¹¹
- (71) Loading within site³⁰¹⁴
- (72) Signs at egress³⁰²²
- (73) Obstruction of the public way³¹⁰¹
- (74) Work zones³¹⁰²
- (75) Vehicular footway crossing³¹⁰³
- (76) Delivery of construction materials³¹⁰⁴
- (77) Construction traffic management³¹⁰⁷
- (78) Off-street car parking for construction workers³¹⁰⁹
- (79) Pedestrian safety³¹¹⁰
- (80) Associated roadway costs³¹¹¹
- (81) Stormwater (general)⁴¹⁰¹
- (82) Clean water discharge⁴¹⁰²
- (83) Connection to Council's stormwater system⁴¹⁰⁴

- (84) Landscape Plan⁵¹⁰¹
- (85) On slab planting⁵¹⁰²
- (86) Maintenance of landscaping⁵¹¹⁴
- (87) Final Inspection⁵¹¹⁵
- (88) Lighting⁵¹¹³
- (89) Garbage on the public way⁶¹⁰¹
- (90) Refuse skips⁶¹⁰²
- (91) Garbage storage area⁶¹⁰³
- (92) Commercial garbage storage area⁶¹⁰⁴
- (93) Commercial garbage contract⁶¹⁰⁵
- (94) Environmental Management Plan⁷⁰⁹¹
- (95) No smoking in enclosed public places⁷¹⁰⁵
- (96) Sydney Water Certificate (s73)⁸⁰⁰¹
- (97) Sewer discharge⁸⁰⁰⁴
- (98) Noise⁷⁰³⁰
- (99) Construction noise⁷⁰⁰⁸
- (100) Soil and sediment prosecution note⁷⁰⁸⁶
- (101) Sanitary facilities⁷⁰¹⁶
- (102) Ventilation⁷⁰²⁵
- (103) Fitout for food premises⁷⁰²⁰
- (104) Air handling – food⁷⁰²²
- (105) Stormwater details⁹⁰⁰³
- (106) Stormwater design certificate⁹⁹⁰¹⁴
- (107) Stormwater certificate at completion⁹⁹⁰¹⁶
- (108) Smoke Control⁹⁹⁵¹²

- (109) Comply with BCA⁹⁹¹⁰⁴
- (110) Construction Certificate required⁹⁹¹⁵⁵
- (111) Comply with the WorkCover Authority⁹⁹¹⁰⁵
- (112) Hours of work and use of cranes⁹⁹¹⁵³
- (113) Construction hours⁹⁹¹⁵¹
- (114) Works within boundary⁹⁹¹⁵²
- (115) Building/demolition noise control⁹⁹¹⁵⁶
- (116) Maintain existing building in a stable condition⁹⁹¹⁵⁷
- (117) Excavations and backfilling⁹⁹¹⁶⁰
- (118) Excavations and backfilling safely⁹⁹¹⁶¹
- (119) Guarding of excavations⁹⁹¹⁶²
- (120) Demolition to comply with Australian Standards⁹⁹¹⁶³
- (121) Structural design certificate⁹⁹⁰⁰⁶
- (122) Issue of Occupation Certificate⁹⁹¹⁰¹

NOTE: Council suggests that, given the existing care and relief work for marginalised groups at two locations adjacent to this site, the applicant/developer should inform prospective owners (both owners and occupiers of retail, commercial, and residential properties) of activities performed by these site. Furthermore, Council asks that the applicant/developer respectfully request these future owner and occupiers support and tolerate the continuance of these activities as long as they are carried out in a lawful and decent manner.

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 Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application (U01-00317) submitted by HPM Industries P/L (owner) to "Refurbish two existing terraces and demolish a shop and two storey terrace style building at 5-9, 11, 13-15 Hill Street to construct a four storey a building containing 2 retail units and 12 units (2 x 1 bedroom, 7 x 2 bedroom, and 1 x 3

bedroom units) with 11 car parking spaces“, subject to the following conditions, namely:-

- (1) That the consent shall not operate until such time as details are provided and authorised by the Director of Planning and Building with respect to the type and quality of external finishes to be used in the development. The consent shall not become operative until such time as written authorisation of such details are issued by the Director of Planning and Building.
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$14,850 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$5,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

(4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 5,937	2E97003.BGY0
Open Space: New Parks	\$27,205	2E97009.BGY0
Accessibility And Transport Management	\$ 177	2E97006.BGY0
	\$ 450	2E97007.BGY0
Total	\$33,769	

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;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$8,580	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;

- (6) That the development shall be generally consistent with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U01-00315, except as conditioned elsewhere;

<i>Drawing Number</i>	<i>Revision</i>	<i>Dated</i>
DA C01	B	27/11/01
DA C02	B	27/11/01
DA C03	B	27/11/01
DA C04	B	27/11/01
DA C05	B	27/11/01

- (7) The Contamination and Preliminary Geotechnical Investigation Report listed in Appendix K of the Statement of the Environmental Effects prepared by JBA Planning consultants shall be reviewed by an EPA Accredited Auditor and a Site Audit Statement shall be provided stating that the land is suitable for the proposed use. The site audit statement is to be submitted to Council prior to the issue of a construction certificate. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

Note: Where remediation is required the applicant is advised that a separate development consent may be required to the Environmental Planning and Assessment Act, 1979 and SEPP55.

- (8) Prior to the commencement of any works on site, an application for a Section 140 Excavation Permit is made to the NSW Heritage Office, in accordance with the findings and recommendation of the Archaeological Assessment prepared by Cultural Resource Management, dated August 2001. It should be noted that there is to be no excavation of any kind until the application is notified by the NSW Heritage Office of the permit's approval;
- (9) That all units within the development shall have private open space that is at least 8 square metres in area and has a minimum depth of 2 metres from the wall face providing access to the open space. Details shall be submitted with the application for the Construction Certificate;
- (10) That the entry to the residential foyer from Hill Street and the entry to the landscaped area from Marys Place shall have

lighting and/or mirrors installed to minimise potential security problems from places where someone may conceal themselves. Details shall be submitted with the Construction Certificate;

- (11) That in addition to the residents of the site, the landscaped area fronting Marys Place shall be accessible only by residents of Site A (350-352 Bourke Street), Site B (4-12 Hill Street), and Site D (1 Marys Place). A covenant on this site shall be registered with Land and Property Information imposing this requirement on the Certificate of Title and shall expire only upon the demolition of the proposed development.
- (12) That a fence with a single gate shall be constructed to a height of 1.5 metres along the Marys Place frontage and shall be a palisade fence with a stone plinth. Access to this gate shall be restricted to those people set out in Condition (9). Details shall be submitted with the application for a Construction Certificate;
- (13) That entry without steps and useable by people in wheelchairs shall be provided from the public way into the site from both Flinders Street and Clare Street in accordance with the design requirements of the relevant Australian Standard. Details shall be submitted with the application for the Construction Certificate
- (14) That clothes dryers installed in the subject site shall have a minimum Energy Efficiency rating of 3.5 stars;

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

- (15) That any proposed hot water system shall be in accordance with the solar/ gas hot water heating system approved to have a minimum 3.5 star rating;

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

- (16) Prior to the release of the Construction Certificate, the applicant shall confirm a NatHERS rating of at least 3.5 stars by an accredited NatHERS assessor for all units within the development.

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

- (17) That entry without steps and useable by people in wheelchairs shall be provided from the public way into both retail uses facing Hill Street from both Flinders Street and Clare Street in accordance with the design requirements of the relevant Australian Standard. Details shall be submitted with the application for the Construction Certificate
- (18) 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;
- (19) That the driveway widths should be wide enough to accommodate the turning circles of the largest vehicle capable of entering the site. Details shall be provided in the application for a Construction Certificate;
- (20) That, where possible, the rubbish collection should be carried out wholly within the confines of the site;
- (21) That the minimum carriageway width of the internal aisles for two-way operation should be 6.5 metres or, if unachievable, in accordance with AS 2890.1 – 1993
- (22) That the desire line of pedestrian crossings in the basement car parking shall be flood lit. Details shall be submitted in the Construction Certificate;
- (23) That pedestrian ramps shall be initialled at each pedestrian crossing inside the car park and near all lifts. Details shall be submitted with the Construction Certificate;
- (24) Prior to the release of the Construction Certificate, a plan shall be submitted shoring the Kerb line of Marys Place opposite the driveway leading to the basement of Site C (5-9, 11, 13-15 Hill Street). Details shall also be submitted confirming that vehicular traffic can manoeuvre safely in a single movement to and from the driveway.
- (25) That a maximum of 11 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

- (26) That the parking spaces shall be allocated on the basis of 11 for residents appropriately line-marked and labelled prior to issuing an Occupation Certificate;
- (27) That of the 11 spaces for residents in Site A (350-352 Bourke Street), car spaces 1, 2, and 3 shown on the car park plan shall be allocated to units within Site C (5-9,11,13-15 Hill Street);
- (28) That each unit shall have no more than 1 car space allocated to it;
- (29) That of the required car parking spaces 1 space shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking. All disabled parking spaces shall be within easy access of the lift;
- (30) That all loading and unloading operations shall be carried out via the vehicular entrance to Site B (4-12 Hill Street)
- (31) That the vehicular ramp shall comply with DCP 11 or be in accordance with AS 2890.1.
- (32) That a Class 1 bicycle facility capable of accommodating at least 4 bicycles shall be constructed in the underground car park for the sole use of residents within the development. Details shall be submitted with the application for a Construction Certificate;
- (33) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.7:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (34) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (35) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (36) 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 and garbage chute: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (37) That, prior to the issuing of a subdivision certificate, evidence of compliance shall be provided of the following matters:
- (a) that each unit either:
 - (i) corresponds to the proposed lot number in the Strata plan; **or**
 - (ii) has a permanent tag or plaque displayed on the door architrave adjacent to the hanging stile;
 - (b) that eight resident car parking areas or any utility lots are appropriately identified, line marked, and correspond to a lot shown on the strata plan;
 - (c) that no more than 1 car parking space is allocated to each residential unit within the development;
 - (d) that three car parking spaces are restricted for sale to three units in Site D (1 Marys Place);
 - (e) that any car parking or utility lots not allocated as part of a proposed strata lot within the development shall be restricted under section 39 of the Strata Titles Act, 1973;
 - (f) that all existing encroachments on Council land shown on the existing certificate of title shall be transferred to the proposed strata plan; and
 - (g) that, except for fences, any encroachments over existing or proposed Council property greater than 0.025 metres shall be made a positive covenant in accordance with Council's encroachment policy. (A copy of this policy is available from Council upon request); and
 - (h) that a positive covenant is imposed on the site in accordance with Condition (9);
- (38) That the owners and occupiers of the residential units shall be informed that they have access and are provided access to the communal open space areas at the addresses of Site A (350-352 Bourke Street), Site B (4-12 Hill Street), and Site C (5-9, 11, 13-15 Hill Street).

- (39) The retail tenancies shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (40) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 18 x 240-litre sulo bins for domestic refuse and 12 x 240 litre sulo recycling bins

and the following standard conditions:

- (41) Stormwater connection fee⁵
- (42) Builders hoarding permit³⁰
- (43) Alignment Levels³²
- (44) Road opening permit³⁴
- (45) One television aerial¹¹⁴
- (46) Glazing reflectivity less than 20%¹¹⁸
- (47) Consolidate lots¹¹⁰⁹
- (48) Display street number¹¹¹⁰
- (49) Separate application for signs²⁰⁰¹
- (50) Lighting on signs²⁰⁰²
- (51) Signs/goods on footpath²⁰⁰³
- (52) Intensity of sign lighting²⁰⁰⁴
- (53) Limits on signage²⁰⁰⁵
- (54) Signal system³⁰⁰⁶
- (55) Vehicles enter/leave in forward direction³⁰²⁰
- (56) Signs at egress³⁰²²
- (57) Obstruction of the public way³¹⁰¹
- (58) Work zones³¹⁰²
- (59) Vehicular footway crossing³¹⁰³
- (60) Delivery of construction materials³¹⁰⁴

- (61) Off-street car parking for construction workers³¹⁰⁹
- (62) Pedestrian safety³¹¹⁰
- (63) Associated roadway costs³¹¹¹
- (64) Stormwater (general)⁴¹⁰¹
- (65) Clean water discharge⁴¹⁰²
- (66) Connection to Council's stormwater system⁴¹⁰⁴
- (67) Landscape Plan⁵¹⁰¹
- (68) On slab planting⁵¹⁰²
- (69) Maintenance of landscaping⁵¹¹⁴
- (70) Final Inspection⁵¹¹⁵
- (71) Lighting⁵¹¹³
- (72) Garbage on the public way⁶¹⁰¹
- (73) Refuse skips⁶¹⁰²
- (74) Garbage storage area⁶¹⁰³
- (75) Commercial garbage storage area⁶¹⁰⁴
- (76) Commercial garbage contract⁶¹⁰⁵
- (77) Construction noise⁷⁰⁰⁸
- (78) Fitout for food premises⁷⁰²⁰
- (79) Environmental Management Plan⁷⁰⁹¹
- (80) No smoking in enclosed public places⁷¹⁰⁵
- (81) Sydney Water Certificate (s73)⁸⁰⁰¹
- (82) Sewer discharge⁸⁰⁰⁴
- (83) Noise⁷⁰³⁰
- (84) Soil and sediment prosecution note⁷⁰⁸⁶
- (85) No smoking in enclosed public places⁷¹⁰⁵

- (86) Stormwater details³¹⁰⁴
- (87) Stormwater design certificate⁹⁹⁰¹⁴
- (88) Stormwater certificate at completion⁹⁹⁰¹⁶
- (89) Fire detection and alarm system⁹⁵²²
- (90) Comply with BCA⁹⁹¹⁰⁴
- (91) Construction Certificate required⁹⁹¹⁵⁵
- (92) Comply with the WorkCover Authority⁹⁹¹⁰⁵
- (93) Hours of work and use of cranes⁹⁹¹⁵³
- (94) Construction hours⁹⁹¹⁵¹
- (95) Works within boundary⁹⁹¹⁵²
- (96) Building/demolition noise control⁹⁹¹⁵⁶
- (97) Maintain existing building in a stable condition⁹⁹¹⁵⁷
- (98) Excavations and backfilling⁹⁹¹⁶⁰
- (99) Excavations and backfilling safely⁹⁹¹⁶¹
- (100) Guarding of excavations⁹⁹¹⁶²
- (101) Demolition to comply with Australian Standards⁹⁹¹⁶³
- (102) Structural design certificate⁹⁹⁰⁰⁶
- (103) Issue of Occupation Certificate⁹⁹¹⁰¹

NOTE: Council suggests that, given the existing care and relief work for marginalised groups at two locations adjacent to this site, the applicant/developer should inform prospective owners (both owners and occupiers of retail, commercial, and residential properties) of activities performed by these site. Furthermore, Council asks that the applicant/developer respectfully request these future owner and occupiers support and tolerate the continuance of these activities as long as they are carried out in a lawful and decent manner.

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.

(C) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application (U01-00315) submitted by HPM Industries P/L (owner) to “Demolish existing buildings at 1 Marys Place and construct a three storey walk up containing 9 x 1 bedroom units“, subject to the following conditions:

- (1) That the consent shall not operate until such time as details are provided and authorised by the Director of Planning and Building with respect to the type and quality of external finishes to be used in the development. The consent shall not become operative until such time as written authorisation of such details are issued by the Director of Planning and Building.
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$9,900 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 2,685	2E97003.BGY0
Open Space: New Parks	\$12,379	2E97009.BGY0
Accessibility And Transport Management	\$ 82	2E97006.BGY0
	\$ 198	2E97007.BGY0
Total	\$15,344	

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;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$4,012	2E97008.BGY0

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

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

GENERAL MANAGER

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;

- (6) That the development shall be generally consistent with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U01-00315, except as conditioned elsewhere;

<i>Drawing Number</i>	<i>Revision</i>	<i>Dated</i>	<i>Drawn by</i>
DA D01	A	March 2001	DN
DA D02	A	March 2001	DN
DA D03	A	March 2001	DN

- (7) That the development shall be generally consistent with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U01-00315, except as conditioned elsewhere;

<i>Drawing Number</i>	<i>Revision</i>	<i>Dated</i>	<i>Drawn by</i>
DA D01	A	March 2001	DN

- (8) The Contamination and Preliminary Geotechnical Investigation Report listed in Appendix K of the Statement of the Environmental Effects prepared by JBA Planning consultants shall be reviewed by an EPA Accredited Auditor and a Site Audit Statement shall be provided stating that the land is suitable for the proposed use. The site audit statement is to be submitted to Council prior to the issue of a construction certificate. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

Note: Where remediation is required the applicant is advised that a separate development consent may be required to the

Environmental Planning and Assessment Act, 1979 and SEPP55.

- (9) That all units within the development shall have private open space that is at least 8 square metres in area and has a minimum depth of 2 metres from the wall face providing access to the open space. Details shall be submitted with the application for the Construction Certificate;
- (10) That the fence to Marys Place shall be constructed to a height of 1.5 metres and shall be a palisade fence with a stone plinth. Details shall be submitted with the application for a Construction Certificate;
- (11) That a fence with a gate consistent with Condition (7) shall be constructed at the intersection of Marys Place and Floods Place and at the entrance to the residential foyer off Floods Place. Details shall be submitted with the application for a Construction Certificate
- (12) That the entries to the open space of residential units from Marys Place and the entry to the residential foyer from Floods Place shall have lighting and/or mirrors installed to minimise potential security problems from places where someone may conceal themselves. Details shall be submitted with the Construction Certificate;
- (13) Prior to the commencement of any works on site, an application for a Section 140 Excavation Permit is made to the NSW Heritage Office, in accordance with the findings and recommendation of the Archaeological Assessment prepared by Cultural Resource Management, dated August 2001. It should be noted that there is to be no excavation of any kind until the application is notified by the NSW Heritage Office of the permit's approval;
- (14) That clothes dryers installed in the subject site shall have a minimum Energy Efficiency rating of 3.5 stars;

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

- (15) That any proposed hot water system shall be in accordance with the solar/ gas hot water heating system approved to have a minimum 3.5 star rating;

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

- (16) Prior to the release of the Construction Certificate, the applicant shall confirm a NatHERS rating of at least 3.5 stars by an accredited NatHERS assessor for all units within the development.

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

- (17) 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;
- (18) That no less than three residential units within Site D (1 Marys Place) shall have access to the three car parking spaces available in Site C (5-9, 11, 13-15 Hill Street). Details shall be submitted with the Construction Certificate;
- (19) That, where possible, the rubbish collection should be carried out wholly within the confines of the site;
- (20) That a Class 1 bicycle facility capable shall be constructed in the residential foyer adjacent to the electrical box for the sole use of residents within the development. Details shall be submitted with the application for a Construction Certificate;
- (21) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.652:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (22) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (23) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (24) 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);
- (25) That, prior to the issuing of a subdivision certificate, evidence of compliance shall be provided of the following matters:
- (a) that each unit either:
- (i) corresponds to the proposed lot number in the Strata plan; **or**
- (ii) has a permanent tag or plaque displayed on the door architrave adjacent to the hanging stile;
- (b) that all utility lots are appropriately identified, line marked, and correspond to a lot shown on the strata plan;
- (c) that any utility lots not allocated as part of a proposed strata lot within the development shall be restricted under section 39 of the Strata Titles Act, 1973;
- (d) that all existing encroachments on Council land shown on the existing certificate of title shall be transferred to the proposed strata plan; and
- (e) that any encroachments over existing or proposed Council property greater than 0.025 metres shall be made a positive covenant in accordance with Council's encroachment policy. (A copy of this policy is available from Council upon request).
- (26) That the owners and occupiers of the residential units shall be informed that they have access and are provided access to the communal open space areas at the addresses of Site A (350-352 Bourke Street), Site B (4-12 Hill Street), and Site C (5-9, 11, 13-15 Hill Street).
- (27) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 18 x 240-litre sulo bins for domestic refuse and 12 x 240 litre sulo recycling bins

and the following standard conditions:

- (28) Stormwater connection fee⁵
- (29) Builders hoarding permit³⁰

- (30) Alignment levels³²
- (31) Road opening permit³⁴
- (32) One television aerial¹¹⁴
- (33) Glazing reflectivity less than 20%¹¹⁸
- (34) Display street number¹¹¹⁰
- (35) Obstruction of the public way³¹⁰¹
- (36) Work zones³¹⁰²
- (37) Vehicular footway crossing³¹⁰³
- (38) Delivery of construction materials³¹⁰⁴
- (39) Construction traffic management³¹⁰⁷
- (40) Off-street car parking for construction workers³¹⁰⁹
- (41) Pedestrian safety³¹¹⁰
- (42) Associated roadway costs³¹¹¹
- (43) Stormwater (general)⁴¹⁰¹
- (44) Clean water discharge⁴¹⁰²
- (45) Connection to Council's stormwater system⁴¹⁰⁴
- (46) Landscape Plan⁵¹⁰¹
- (47) On slab planting⁵¹⁰²
- (48) Maintenance of landscaping⁵¹¹⁴
- (49) Final Inspection⁵¹¹⁵
- (50) Garbage on public way⁶¹⁰¹
- (51) Refuse skips⁶¹⁰²
- (52) Garbage storage area⁶¹⁰³
- (53) Garbage storage area⁶¹⁰³
- (54) Environmental Management Plan⁷⁰⁹¹

- (55) Sydney Water Certificate (s73)⁸⁰⁰¹
- (56) Sewer discharge⁸⁰⁰⁴
- (57) Noise⁷⁰³⁰
- (58) Construction noise⁷⁰⁰⁸
- (59) Soil and sediment prosecution note⁷⁰⁸⁶
- (60) Stormwater details⁹⁰⁰³
- (61) Stormwater design certificate⁹⁹⁰¹⁴
- (62) Stormwater certificate at completion⁹⁹⁰¹⁶
- (63) Comply with BCA⁹⁹¹⁰⁴
- (64) Construction Certificate required⁹⁹¹⁵⁵
- (65) Comply with the WorkCover Authority⁹⁹¹⁰⁵
- (66) Hours of work and use of cranes⁹⁹¹⁵³
- (67) Construction hours⁹⁹¹⁵¹
- (68) Works within boundary⁹⁹¹⁵²
- (69) Building/demolition noise control⁹⁹¹⁵⁶
- (70) Maintain existing building in a stable condition⁹⁹¹⁵⁷
- (71) Excavations and backfilling⁹⁹¹⁶⁰
- (72) Excavations and backfilling safely⁹⁹¹⁶¹
- (73) Guarding of excavations⁹⁹¹⁶²
- (74) Demolition to comply with Australian Standards⁹⁹¹⁶³
- (75) Structural design certificate⁹⁹⁰⁰⁶
- (76) Issue of Occupation Certificate⁹⁹¹⁰¹

NOTE: Council suggests that, given the existing care and relief work for marginalised groups at two locations adjacent to this site, the applicant/developer should inform prospective owners (both owners and occupiers of retail, commercial, and residential properties) of activities performed by these site. Furthermore, Council asks that the applicant/developer respectfully request these future owner and

occupiers support and tolerate the continuance of these activities as long as they are carried out in a lawful and decent manner.

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.

(D) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application (U01-00316) submitted by HPM Industries P/L (owner) to "Refurbish existing shop at 59 Flinders Street for future use as café/retail space over both levels and construct new frontage to Clare Street", subject to the following conditions, namely:-

- (1) That the consent shall not operate until such time as details are provided and authorised by the Director of Planning and Building with respect to the type and quality of external finishes to be used in the development. The consent shall not become operative until such time as written authorisation of such details are issued by the Director of Planning and Building.
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$400, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 328	2E97003.BGY0
Open Space: New Parks	\$1,284	2E97009.BGY0
Accessibility And Transport	\$ 9	2E97006.BGY0
Management	\$ 41	2E97007.BGY0
Total	\$1,663	

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;

- (5) That the development shall be generally consistent with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U01-00316, except as conditioned elsewhere;

<i>Drawing Number</i>	<i>Revision</i>	<i>Dated</i>
DA E01	A	March 2001
DA E02	A	March 2001

- (6) That the entry to the premises from Clare Street shall have lighting and/or mirrors installed to minimise potential security problems from places where someone may conceal themselves. Details shall be submitted with the Construction Certificate;

- (7) 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 AS2444;
 - (b) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
 - (c) 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;
 - (d) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293.1
 - (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 all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;
 - (g) Balustrades shall comply fully with the requirements of Clause D.2.16 of the BCA;
 - (h) Access and facilities for people with disabilities shall comply fully with the requirements of Parts D.3 and F2.4 of the BCA;
- (8) The Contamination and Preliminary Geotechnical Investigation Report listed in Appendix K of the Statement of the Environmental Effects prepared by JBA Planning consultants shall be reviewed by an EPA Accredited Auditor and a Site Audit Statement shall be provided stating that the land is suitable for the proposed use. The site audit statement is to be submitted to Council prior to the issue of a construction certificate. Council reserves the right to require a site audit to be submitted to Council at any stage of the investigatory and/or remediation process.

Note: Where remediation is required the applicant is advised that a separate development consent may be required to the Environmental Planning and Assessment Act, 1979 and SEPP55.

- (9) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.92:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (10) That entry without steps and useable by people in wheelchairs shall be provided from the public way into the site from both Flinders Street and Clare Street in accordance with the design requirements of the relevant Australian Standard. Details shall be submitted with the application for the Construction Certificate
- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (12) The retail/café shall be provided with sanitary facilities in accordance with the requirements of the Building Code of Australia, Part F2.
- (13) 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 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 And the Food Act, 1989 and Regulations thereunder;

and the following standard conditions:

- (14) Stormwater connection fee⁵
- (15) Alignment levels³²

- (16) Road opening permit³⁴
- (17) Glazing reflectivity less than 20%¹¹⁸
- (18) Display street number¹¹¹⁰
- (19) Separate application for signs²⁰⁰¹
- (20) Lighting on signs²⁰⁰²
- (21) Signs/goods on footpath²⁰⁰³
- (22) Intensity of sign lighting²⁰⁰⁴
- (23) Limits on signage²⁰⁰⁵
- (24) Obstruction of the public way³¹⁰¹
- (25) Work zones³¹⁰²
- (26) Delivery of construction materials³¹⁰⁴
- (27) Construction traffic management³¹⁰⁷
- (28) Off-street car parking for construction workers³¹⁰⁹⁺
- (29) Pedestrian safety³¹¹⁰
- (30) Associated roadway costs³¹¹¹
- (31) Stormwater (general)⁴¹⁰¹
- (32) Lighting⁵¹¹³
- (33) Garbage on the public way⁶¹⁰¹
- (34) Refuse skips⁶¹⁰²
- (35) Commercial garbage storage area⁶¹⁰⁴
- (36) Commercial garbage contract⁶¹⁰⁵
- (37) No smoking in enclosed public places⁷¹⁰⁵
- (38) Sydney Water Certificate (s73)⁸⁰⁰¹
- (39) Construction noise⁷⁰⁰⁸
- (40) Fitout for food premises⁷⁰²⁰

- (41) Air handling – food⁷⁰²²
- (42) Noise⁷⁰³⁰
- (43) Sewer discharge⁸⁰⁰⁴
- (44) Soil and sediment prosecution note⁷⁰⁸⁶
- (45) Comply with BCA⁹⁹¹⁰⁴
- (46) Construction Certificate required⁹⁹¹⁵⁵
- (47) Comply with the WorkCover Authority⁹⁹¹⁰⁵
- (48) Structural design certificate⁹⁹⁰⁰⁶
- (49) Drainage details with Construction Certificate⁹⁹⁰¹³
- (50) Construction hours⁹⁹¹⁵¹
- (51) Works within boundary⁹⁹¹⁵²
- (52) Building/demolition noise control⁹⁹¹⁵⁶
- (53) Maintain existing building in a stable condition⁹⁹¹⁵⁷
- (54) Commencement of structural works⁹⁹²⁰²
- (55) Issue of Occupation Certificate⁹⁹¹⁰¹
- (56) Glazing provisions⁹⁹³³⁰

NOTE: Council suggests that, given the existing care and relief work for marginalised groups at two locations adjacent to this site, the applicant/developer should inform prospective owners (both owners and occupiers of retail, commercial, and residential properties) of activities performed by these site. Furthermore, Council asks that the applicant/developer respectfully request these future owner and occupiers support and tolerate the continuance of these activities as long as they are carried out in a lawful and decent manner.

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.

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

Carried.

22.

PLANNING – AMENDMENT TO SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 (AMENDMENT NO. 14) AND SOUTH SYDNEY DEVELOPMENT CONTROL PLAN 1999 – EXEMPT AND COMPLYING DEVELOPMENT TO ALLOW GENERAL ADVERTISING ON COUNCIL’S OUTDOOR FURNITURE (2026446)

That Council:-

- (1) resolve under Section 54 of the Environmental Planning and Assessment Act, 1979 to prepare an amendment to South Sydney Local Environmental Plan 1998 as attached;
- (2) resolve to prepare an amendment to South Sydney Development Control Plan 1999 - Exempt and Complying Development as attached;
- (3) exhibit the draft amendments in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and associated Regulations;
- (4) prepare a further report for consideration by the Planning and Development Committee detailing any submissions to the proposed amendments to:
 - (i) South Sydney Local Environmental Plan 1998;
 - (ii) South Sydney Development Control Plan 1999 – Exempt and Complying Development.

(ADPB Report 26.2.02)

Carried.

23.

PLANNING – CONFERENCES – IMPACTS 2002 – ANNUAL PLANNING CONFERENCE OF THE ROYAL AUSTRALIAN PLANNING INSTITUTE/ PLANNING INSTITUTE OF AUSTRALIA & NEW ZEALAND PLANNING INSTITUTE

That Council resolves to authorise three officers from the Planning and Building Department and interested Councillors to attend the annual conference of the Royal Australian Planning Institute/Planning Institute of

Australia and New Zealand Planning Institute ("Impacts 2002") from 8 to 12 April 2002 in Wellington, New Zealand, and that costs incurred associated with travel, accommodation, sustenance and registration be met, for which funds are available within the 2001/2002 Budget Estimates.

Carried.

24.

PLANNING – GREEN SQUARE STAGE 2 – DRAFT LEP AND DCP – POST-EXHIBITION REPORT – ADOPTION SUBJECT TO ANY FURTHER SUBMISSIONS BEING REPORTED TO COUNCIL (2025774)

That matter was submitted to Council without recommendation.

Moved by the Mayor Councillor John Fowler, seconded by Councillor Lay:-

That the matter be deferred and referred to the next Planning and Development Committee to allow for further discussion between Councillors and Council's Officers on bonus floor space ratios.

Carried.

25.

DARLINGHURST ROAD, NOS. 32 – 32A, POTTS POINT (EMPIRE HOTEL) – CHANGE LEVEL ONE (STREET LEVEL) WINDOWS FROM FIXED TO OPENABLE – SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION (U99-01319)

That matter was submitted to Council without recommendation.

Moved by the Mayor Councillor Shaw, seconded by the Mayor, John Fowler:-

- (A) That Council as the responsible authority, approves the application by submitted by Martin and Spork PTY LTD, to amend Council's consent to the Development Application numbered U99- 01319 and dated 22 March 2000, subject to the following conditions, namely:-
- (1) That the consent shall not operate until such time as details are provided and authorised by the Director of Planning and Building with respect to the type and quality of external finishes to be used in the development. The consent shall not become operative until such time as written authorisation of such details are issued by the Director of Planning and Building and that such consent be for a trial period of nine months to accommodate the summer months.

- (2) Deleting the description of the development shown on the consent and replacing it with the following new description, namely:-

“Alterations and additions to an existing nightclub to include 24 hour licensed hotel with ground floor openable windows”

- (3) Deleting condition (2) of the existing development consent dated 22nd March 2000 and replacing them with the following new condition, namely:-

“That the development shall be generally be in accordance with plans numbered 9911- WD1 E dated 5th October 2000 and 9911-WD3 C dated 8th August 2000 submitted to Council with application S96-01319/99-A”

- (4) The addition of the following conditions, namely:-

- (63) The windows will only remain open from 8am to 12midnight daily and must be shut and locked at all other times
- (64) 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;
- (65) 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;
- (66) 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;
- (67) 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);

- (68) 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 (I90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
 - (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 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
 - (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 12.00 midnight to 7.00 am
- (69) That the management procedure identified by the applicant to prevent the throwing of cigarette butts and other missiles from the premises onto the public way shall be adhered to at all times.

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

At this stage Councillor Lennon rose and stated, "the only reason the Labor Party Councillors are voting in favour of this application is that the former Minister for Police had told the Labor Party to vote that way as he has some sort of ownership or shares in the hotel"

Councillor Pooley took offence at the comment made by Councillor Lennon in that no one had told the Labor Councillors how to vote on this issue and any decision made by Council would be irrespective of hotel ownership.

He asked that Councillor Lennon to withdraw and apologise for her alleged comment.

Councillor Harcourt stated that Councillor Lennon's comments were a slur on Councillors.

Councillor Lennon would not apologise.

Councillor Mallard indicated to the Mayor that in accordance with Section 29(1)(d) "Acts of Disorder" of the Local Government Meeting Regulations:-

- (1)(d) A Councillor Commits an Act of Disorder if the Councillor, at a meeting of Council or a Committee of a Council insults or make personnel reflections on or imputes improper motives to any other Councillor"

The Mayor then asked Councillor Lennon to withdraw and apologise.

Councillor Lennon stated "that her conscience couldn't allow her to apologise".

The Mayor then asked Councillor Lennon to leave the Chamber.

At this stage and at 8.38 pm, Councillor Lennon left the meeting and did not return.

Motion was then carried.

26.

STREETS – 2001/2002 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME – LATM/URBAN VILLAGE – CHIPPENDALE (2023574)

(This matter is also listed as Item No. 15 on the Finance Committee.)

That approval be given to:-

- (a) the full closure of Shepherd Street, Chippendale between Broadway and Grafton Lane, at a cost of \$40,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program;
- (b) the construction of a Shared Zone in Dick Street, Chippendale, at a cost of \$50,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program;

- (c) the construction of landscaped kerbside islands in Abercrombie Street between Cleveland and O'Connor Streets at a cost of \$48,000 for which funds are available in the LATM/Urban Village – Chippendale section (41-011) of the Engineering Works Program.

(DPWS Report 6/2/02)

Carried.

27.

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 Lay.

- (A) That the Council as the responsible authority refuses consent to the Development Application for the following reasons namely:-
 - (1) That the proposed development fails to comply with the maximum permitted height under Development Control Plan 1997: Urban Design;
 - (2) That the proposed development fails to comply with the maximum permitted height under Development Control Plan 1997: Urban Design;
 - (3) That the proposed development will generate adverse and unacceptable impacts upon the adjoining residential properties by virtue of its scale, bulk and height, and through the use of the elevated deck, in terms of noise and privacy;
 - (4) That the proposed development represents an overdevelopment of the site and will increase traffic generation beyond the carrying capacity of the local network;
 - (5) 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.

28.

**BOURKE STREET, NOS. 782 – 822, WATERLOO – DEMOLITION OF
RETAINED FAÇADE ON ACI SITE AND DESIGN COMPETITION FOR
REDEVELOPMENT – DEVELOPMENT APPLICATION (U00-01376)**

- (A) That Council as the responsible authority advise the applicant that it has reviewed the determination of 26 April, 2001 to refuse consent to development application U00-01376 to demolish the façade of Building 34 at the corner of South Dowling Street and Crescent Street, Waterloo and allows demolition subject to the following deferred commencement approval:

That this consent shall not operate until the applicant has provided details of the following matter, which shall be submitted within 6 months of the date of this deferred commencement approval;

- (i) That this consent shall not operate until the applicant has lodged a bond or bank guarantee to the value of \$1,000,000 to ensure that a Development Application for the winner of the design competition is lodged with Council and that the winning design is constructed within 3 years of the date of determination of this development application;
- (ii) the design competition including an option to retain the wall, is to be completed to the satisfaction of Council.

Subject to the following conditions:

Photographic Archival Documentation

- (1) Prior to the removal of any building fabric, the applicant is required to submit the following to Council:
- (a) Photographic documentation of the façade and its context, photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
- (i) 35mm colour slides, numbered and referenced to the site and demolition plans and presented in archival quality storage sheets;
- (ii) 35mm of 120mm black and white film, numbered and referenced to the site and demolition plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
- (iii) selective black and white enlargements printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the

location and context of façade and the relationship of adjacent buildings.

- (iv) A summary report of the photographic documentation, detailing:
 - (a) the project description, method of documentation, and any limitations of the photographic record; and
 - (b) photographic catalogue sheets, which are referenced to a site plan no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (c) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (2) Prior to any demolition a deed shall be executed between the applicant and the Council. The deed is to provide for:
 - (a) a design competition to be undertaken.
 - (b) lodgement of a bond with Council to ensure the winning design is lodged as a development application and constructed within 3 years of the date of determination.
 - (c) provision of an interpretive display in the public areas of the new building.
- (3) That prior to any work commenced, it will be necessary to lodge with Council a fee of \$600 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 the 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 the demolition work and subsequent vacant site shall not give rise to dust that could be injurious to the health of members of the public. To this end, the applicant shall provide suitable sprinklers or water trucks to keep potential sources of dust moist. The method shall be submitted to Council for approval prior to commencement of work.

(5) That the trucks carrying demolition material shall follow the following routes:

? Route for trucks heading west and south: Left into Crescent Street – Left into Bourke Street – Left into Botany/O’Riordan Street

or such other routes as may be approved in writing by the Council;

and the following adopted standard conditions:

- (6) Building Hoarding Permit 30
- (7) Obstruction of Public Way 3101
- (8) Clean Water Discharge 4002
- (9) Construction Noise 7008
- (10) Vehicle Cleansing 7009
- (11) Hours of Work and Use of Cranes 9153
- (12) Demolition to Comply with Aust Standard 99163

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to traffic and parking congestion, and would not be in the public interest.

- (B) That Council enters into a Deed of Agreement with Merton Apartments Pty Ltd to establish a design competition for the development of Precinct C of the ACI site at 782-822 Bourke Street, Waterloo.

Carried.

The Planning and Development Committee meeting terminated at 9.20 p.m.

The Mayor indicated that these matters were dealt with in the Finance Committee (Confidential Matters).

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE
(CONFIDENTIAL MATTERS)**

WEDNESDAY 6 MARCH 2002 AT 9.21 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 Planning and Development Committee (Confidential Matters) during consideration of the undermentioned items, and further, access to correspondence and reports being withheld in respect of such Items 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 Committee **recommends** the following:-

1.

**CREATION OF AN ADDITIONAL HERITAGE PLANNER – GRADE 13 –
POSITION IN THE PLANNING AND BUILDING DEPARTMENT**

(Also listed as Item No. 1, Finance Committee (Confidential Matters))

in accordance with Section 10A(2)(a) of the Local Government Act, 1993, which states, “Personnel matters concerning particular individuals”.

That the recommendation as contained in the report by the Acting Director of Planning and Building dated 15 February 2002, in respect of the creation of a second full time Heritage Planner, be approved and adopted.

2.

**PLANNING – STRATEGY PLANS – GREEN SQUARE – STORMWATER
MANAGEMENT STRATEGY, FEASIBILITY STUDY FOR NOS. 132 – 138 &
140 JOYNTON AVENUE AND NOS. 94 – 104 EPSOM ROAD, ZETLAND –
APPROVAL TO ENGAGE PREFERRED TENDERER (2024621)**

(Also listed as Item No. 2, Finance Committee (Confidential Matters))

in accordance with Section 10A(2)(d) of the Local Government Act, 1993, which states, “Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it”.

That the recommendation as contained in the report by the Acting Director of Planning and Building dated 27 February 2002, regarding accepting the Preferred Tenderer for the Stormwater Management Strategy for Green Square, be approved and adopted.

The Planning & Development Committee (Confidential Matters) Meeting terminated at 9.22 p.m.

The Council Meeting terminated at 8.53 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER