

294th Meeting

Erskineville Town Hall
Erskineville
377898

Wednesday, 27 March 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30. p m on Wednesday, 27 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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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Lennon, seconded by Councillor Bush:-

That the minutes of the Ordinary Meeting of Council of 13 March 2002, be deferred to the next meeting of Council of 10 April 2002.

At this stage Councillor Pooley requested that Councillor Lennon apologise for her comments at the last Council Meeting regarding the Empire Hotel Development Application, Item No. 25, Planning and Development Committee.

Councillor Lennon apologised and withdrew her comments.

Councillor Pooley accepted Councillor Lennon's apology.

MINUTE BY THE MAYOR

22 March 2002

DONATIONS - 2002 CONCERTS WITH THE ARMY AND NAVY BANDS (2026682)

In 2001 Council staged two very successful free community concerts at Paddington Town Hall with the Australian Army Band and the Royal Australian Navy Band.

The Directors of both bands expressed a desire to continue with a series of concerts in 2002.

After discussion with the Directors of both bands, the following schedule of concerts is proposed for 2002 at Paddington Town Hall:

Wednesday 19 June	Australian Army Band	1.00 pm – 2.30 pm
Sunday, 4 August	Royal Australian Navy Band	2.00 pm – 4.00 pm
Wednesday, 18 September	Australian Army Band	1.00 pm – 2.30 pm
Wednesday, 13 November	Australian Army Band	1.00 pm – 2.30 pm

Both Bands will perform a popular program of works aimed at the general community.

Council will specifically target the Wednesday concerts to the members of Council's Activity Centres and will bus them to the concerts.

It is proposed Council will cover the cost of free hire of the hall, as well as sound, lighting and technical support and promotion costs of the concert

The cost of hiring Paddington Town Hall for 10 hours on the day is \$4,750 plus GST and such cost could be charged as a donation under Section 356 of the Local Government Act.

GENERAL MANAGER

It is also proposed to supply a free afternoon tea for those attending the concert.

The cost of the production and promotion costs of the event and the costs of the afternoon tea will be covered from within the 2001/2002 and 2002/2003 Estimates.

RECOMMENDATION

That Council approves the holding of four free community concerts at Paddington Town Hall with the Australian Army Band and the Royal Australian Navy Band on:

Wednesday 19 June	Australian Army Band	1.00 pm – 2.30 pm
Sunday, 4 August	Royal Australian Navy Band	2.00 pm – 4.00 pm
Wednesday, 18 September	Australian Army Band	1.00 pm – 2.30 pm
Wednesday, 13 November	Australian Army Band	1.00 pm – 2.30 pm

this will include free use of Paddington Town Hall to the value of \$4,750 per concert excluding GST to be charged as a donation under Section 356 of the Local Government Act and additionally Council will cover the production and promotion costs of the concerts and provide a free afternoon tea for those attending for which funds have been provided for within the 2001/2002 and 2002/2003 Estimates.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE MAYOR

25 March 2002

SACRED HEART CHURCH AND HALL, NO. 160, OXFORD STREET, DARLINGHURST - PROTECTING SOUTH SYDNEY'S HERITAGE (2009408)

On 12 June 1996, this Council gave consent to the demolition of the Sacred Heart Church & Church Hall at 160 Oxford Street Darlinghurst and the erection of an eight level Women's Hospital.

I believe that this 1996 consent by the former Council was improperly given. At the time, there were clearly inadequate heritage provisions in place, which could have otherwise have provided statutory protection to the buildings.

GENERAL MANAGER

This consent lapsed on 12 June 2001. I believe it is imperative that Council now acts to protect this important local building.

The Sacred Heart Church and Church hall currently still have little heritage protection. The site is not a heritage item nor is it located within a heritage conservation area although the Victoria Street frontage is part of the Victoria Street Heritage Streetscape.

The church and church hall have been assessed as having at least local heritage significance and have been included in the heritage schedule of the Housekeeping LEP which Council has already resolved to exhibit.

However, rather than be exhibited jointly with all other items listed as part of the LEP, Council should act to immediately exhibit these new draft heritage items, as part of its own dedicated LEP. This exhibition will provide immediate protection to these vulnerable buildings, in the event of a new development application, lodged with this or another Council in the future.

RECOMMENDATION

That Council resolves:-

- (1) to prepare a Draft LEP under Section 54 of the Environmental Planning & Assessment Act 1979, to list the Sacred Heart Church and Church Hall at 160 Oxford Street Darlinghurst as Items of Environmental Heritage, and
- (2) to advise the Director General of Planning NSW of its decision, consult with all required authorities, and request the delegation of the Director General, Planning NSW, to exhibit the draft LEP, without delay, and
- (3) Pending 1 & 2, exhibit the Plan under Section 66 of the Environmental Planning & Assessment Act 1979.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Bush:-

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

Carried.

At this stage and at 6.46 pm, it was moved by Councillor Mallard, seconded by Councillor Lennon:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matters, as they dealt with Council's rental assistance to the General Manager and the Boundary Enquires.

GENERAL MANAGER

Moved by Councillor Furness, seconded by Councillor Lennon, that the minute by the General Manager, regarding the Boundaries Commission be dealt with in open Council.

Councillor Lay moved that the motion be put, as moved by Councillor Furness.

Motion to be put, carried.

Amendment negatived.

Motion 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 7.27 pm the Council Meeting resumed.

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

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

MINUTE BY THE MAYOR

26 March 2002

PERSONNEL – EXTENSION OF RENTAL ASSISTANCE TO THE GENERAL MANAGER (2024865)

(The General Manager declared an interest in the item and was not present in the Committee of the Whole during this item and did not take part in discussions or voting at the Council Meeting)

A Minute by the Mayor dated 26 March 2002, was circulated to all Councillors prior to the Council meeting.

The reason for the press and public being excluded in this matter is in accordance with Section 10A (2) (a) “personal matters concerning particular individuals” of the Local Government Act, 1993.

Councillor John Fowler (SGD)
Mayor

GENERAL MANAGER

That the recommendation in the minute by the Mayor dated 26 March 2002, be approved and adopted.

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

MINUTE BY THE GENERAL MANAGER

27 March 2002

BOUNDARIES COMMISSION REPORT TO THE MINISTER OF LOCAL GOVERNMENT (B52-00002)

A minute by the General Manager dated 27 March 2002, was circulated to all Councillors, prior to the Council Meeting.

The reason for the press and public being excluded in this matter is in accordance with Section 10A (2) (C) "information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business" of the Local Government Act 1993.

Michael Whittaker (SGD)
General Manager

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

1. The establishment of a Steering Committee comprising the Mayor, Cr Harcourt and the General Manager to oversee the implementation of the Boundary Changes Response Strategy, and that all meeting of the Committee be informed to Councillors by a time table to be prepared by Council's Special Projects Team and further that any Councillor be invited to attend as observers.
2. That the Boundary Changes Response Strategy be endorsed and funded from the 2001/02 Operational Budget.

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

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

26 March 2002

AUDITORS – APPOINTMENT FOR 6 YEARS PERIOD (P55-00132)**COUNCIL**

On 21 March 2002, Council received a letter from the Minister for Local Government in relation to the boundary alteration proposal and the report into this by the Boundaries Commission.

The recommendations included in the report are far reaching, not least being that South Sydney Council will be a significantly smaller Council. The Minister has given Council until Friday 12th April 2002 to respond to the commission's report. It can be reasonably expected that the Minister will make a final decision on the boundary proposal soon after this date.

As there is a direct link between the size of an Organisation and Audit fees payable it would be prudent to withdraw the matter of "Auditors – Appointment for 6 years period" until more information is received.

Recommendation:

That this matter be withdrawn until a decision on the boundary proposal is received from the Minister.

Michael Whitaker (SGD)
General Manager

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

PETITION

1. The Mayor tabled a petition received by the General Manager with approximately 32 signatures appended from residents of streets in the vicinity

GENERAL MANAGER

of No.288 Cleveland Street, Surry Hills, objecting to the proposed use of the premises as a brothel.

Received.

Leave of Absence - Councillor Jill Lay.

A request was received from Councillor Lay for leave of absence from the Committee meeting on 3 April 2002 to attend a Farewell Dinner for the Principal of Leichhardt High School where she is President of the School Council.

It was moved by Councillor Fowler, seconded by Councillor Harcourt -

That leave of absence be granted to Councillor Lay from the Committee meeting on 3 April 2002.

Carried.

QUESTIONS WITHOUT NOTICE

1.

STREETS – BARTLEY STREET, CHIPPENDALE – CONSULTATION WITH WARD COUNCILLORS RE APPROVED WORKS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S56-00626)

Question:

Could the Mayor please explain why he did not consult with Ward Councillors, in the very least, prior to suspending Council approved works on Bartley Street, Chippendale and referring it back for consultation?

Answer by the Mayor:

Councillor, I think I did and it was mentioned as a petition when I spoke on the matter last Council meeting.

Comment by Councillor Lay:

The issue was raised as a petition, the suspension of the works and the further consultation were not. I believe it should have been at the very least consulted with the Ward Councillors.

Answer by the Mayor:

When those works conflict with the legal rights of the property holder for access, I take advice from the Officers. I apologise if there was a lack of consultation.

GENERAL MANAGER

2.

TRANSPORT – OBRIEN LANE AND BURTON STREET, KINGS CROSS - REINSTATEMENT OF BUS STOPS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (5273828)**Question:**

Could somebody write to reinstate the bus stop that has been removed from the corner of O'Brien Lane and Burton Street?

Answer by the Mayor:

It is being moved to another location, however, I will have the Director of City Works respond either through the Councillors Information Service or e-mail on the locations of the bus stops.

3.

SPORTS – CYCLING FACILITIES IN CBD – LETTER TO SYDNEY CITY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (S54-00147)**Question:**

Can South Sydney City Council write to the Sydney City Council to ask them to rethink their zero tolerance on bicycle routes and to rethink cyclist safety to bring them up to speed with their living Sydney.

Answer by the Mayor:

I will ask an Officer from the City Works Department to brief me in relation on a letter to the Lord Mayor in response to your question.

4.

STREETS – BLUE STREET LIGHTING - INVESTIGATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2024024)**Question:**

Has blue street lighting been put in laneways before? Clarkson's Mill Way and Darley Place, East Sydney residents have asked could we trial or at least look at putting blue lights on those laneways?

Answer by the Director of City Works:

I am not aware that they have, there could be some examples. I would think that it is a matter for Energy Australia as they control the assets.

Answer by the Mayor:

It may well be taken up in the safety audit that is being jointly done. I will have Mr Wilcoxon respond to you.

5.

**PLANNING – DEVELOPMENT CONTROL PLANS – AMENDMENT RE
OVERSHADOWING - QUESTION WITHOUT NOTICE BY COUNCILLOR
LENNON (2013557)****Question:**

Can Council take immediate action to amend its DCP as regard to overshadowing on public open space?

Answer by Statutory Planning Manager:

Council's controls in regards to overshadowing currently only relate to shadows cast upon basically dwelling houses. If Council are of a mind to review the DCP, I can make sure it is brought to the attention of the Strategic Planning Manager.

6.

**TRAFFIC – SOUTH DOWLING, FLINDERS AND OXFORD STREETS,
DARLINGHURST - CROSSING - QUESTION WITHOUT NOTICE BY
COUNCILLOR LENNON (T02-00008)****Question:**

What progress has been made to address pedestrian crossing for students going to the Cofa Crossing, South Dowling Street.

Answer by the Mayor:

I will have that matter responded to you by an Officer of the City Works Department either through the Councillors Information Service or see if the matter can go to committee.

7.

DEVELOPMENT – ELIZABETH STREET, WATERLOO – HERITAGE ORDERS FOR SELECTED PROPERTIES - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (D52-00155)**Question:**

A resident of Elizabeth Street, Waterloo, has approached me with a view to seeking a Heritage Order for a group of properties on the left hand side of Elizabeth Street. I'm uncertain as to the process.

Could I get some advice through the Councillors Information Service?

Answer by Statutory Planning Manager:

It requires a Local Environmental Plan to be prepared which lists the building or buildings or places as items of environmental heritage.

8.

CONSERVATION – HERITAGE LISTINGS- GUIDELINES - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (D52-00155)**Question:**

Can one request a Heritage Order for a property that one does not own?

Answer by Statutory Planning Manager:

Any member of the public can request a Local Environmental Plan to protect a building whether or not you own it. However, the Council would be bound to consider the views of the person or organisation that does own the building.

9.

ANTISOCIAL ACTIVITIES – WOOLLOOMOOLOO AND EAST SYDNEY – SAFETY AUDITS BY POLICE - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2016504)**Question:**

With regard to current safety audits being conducted by the Police in Woolloomooloo and East Sydney, once they are completed. Do the Police send the details to Council Officers or does it come back to a relevant Committee.

Answer by the Mayor:

I would suggest that it would come back to committee in some reference, because whatever works are indicated they would have to be put into a works programme.

Comment by the Director of City Works:

The Woolloomooloo one was attended to by one of my Officers. In respect to street lighting, he brought back the recommendations of that audit. I will ensure that is put on the Councillors Information Service.

Comment by the Mayor:

I wonder if there were priorities indicated by the audit, whether or not that would engender some committee item.

Comment by Councillor Shaw:

I am concerned about some residents' comments in relation to the removal of trees a la Energy Australia style.

Comment by the Mayor:

The problem is often solved by having lower lighting, however, I think that information will come to you Councillor.

10.

MANAGEMENT – CTV1, WALKER STREET, REDFERN – OFFICE ACCOMMODATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (P56-00210)**Question:**

Could you write to the Minister for Housing on behalf of the community television station CTV1 located in the McKell Building at Walker Street, Redfern, seeking either a retention of their current facilities or suitable and local alternative premises?

Answer by the Mayor:

Perhaps, Councillor, you could give me more information on that. I don't know whether the Department of Housing is the funding body in relation to CTV1.

Answer by Councillor Furness:

Provide the location of the premises.

Answer by the Mayor:

Yes.

11.

WATTLE STREET, NOS. 451- 459, ULTIMO – SCIENTIFIC MOTOR BODY REPAIRS – DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (U95-00999)**Question:**

Following Council's refusal for a spray paint booth at the Scientific Motor Body Repairs property on Wattle Street, Ultimo, and its subsequent demolition this week, the property holder has begun construction on two similar booths only metres from the recently demolished one. I understand they are utilising a development approval granted in 1996.

Can a report be prepared for the Planning and Development Committee advising on their ability to utilise this 1996 consent particularly in light of the fact that it was recently used to allow the construction of booths replacing those which burnt down late last year and for which no original development consent could be located?

Mr Mayor, given that a Development Application has also just been lodged for an 85 residential unit apartment block immediately adjacent the site backing onto Blackwattle Lane, apartments which, if approved, will be closer to these new booths than the current neighbouring property holders' premises, could this report be prepared with some urgency?

Answer by the Mayor:

I will have Mr Dearsley get that report and also seek in the interim legal advice in relation to the appropriateness of the 1996 consent.

12.

BUILDING – RESIDENTIAL TOWER BLOCKS – PROFESSIONAL AND PRIVATE CERTIFICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (B54-00338)**Question:**

Given the Lord Mayor of Sydney has finally conceded that there are serious shortcomings in the construction of buildings in the CBD, including residential tower blocks, and has undertaken to introduce random inspections of both finished buildings and buildings under construction, what actions can this Council take to ensure compliance with building codes in tower blocks and other large developments approved by this Council, such as the 18 storey

tower in Erskineville, the St Margaret's Hospital development in Surry Hills and the Broadway tower in Ultimo?

Answer by the Mayor:

Random checks may or may not be acceptable to any property holder, while the Lord Mayor may be initiating this action, Council has at the same time been investigating what it can legitimately do to effect some change in the law that allows private certification of buildings.

13.

ANTI SOCIAL ACTIVITIES – POLITICAL POSTER AT ERSKINEVILLE - REMOVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (A55-00037)

Question:

There remains a political poster, a local Greens poster, from the Federal Election on the corner of Mitchell Road and Copeland Street, Erskineville. Could it be removed by Council Officers?

Answer by the Mayor:

I will have Mr Wilcoxon ensure that the sign you noted be removed.

14.

BUILDING – ENFORCEMENT REGULATIONS - CONTROLS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2009179)

Question:

When Council Officers are to inspect a building site it is all recorded in a book and there is some concern that people are tipped off, etc. Is that the procedure?

Answer by Statutory Planning Manager:

The normal process for inspecting a building is to contact the owner to seek permission to access the site.

15.

**COUNCIL – POLICY DISCUSSION AT COUNCIL MEETINGS –
ALLOCATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON
(2002586)**

Question:

Could we have 20 minutes of Council meetings devoted to policy?

Answer by the Mayor:

No.

16.

**DEVELOPMENT – HERITAGE POLICIES – REPORT TO COUNCIL RE
LISTINGS. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH
(2015740)**

Question:

Can the terms of reference with regard to our heritage policies be revisited?
Council has been receiving reports that reinforces preservation with little
regard to merit of conservation and innovation.

Could a report that addresses enlightened approaches to heritage be brought
to Council?

Answer by the Mayor:

The issues of heritage are fairly substantially noted in the Act. I will have the
Director of City Environment respond through the Councillors Information
Service.

17.

**SPORTS – PORTMAN STREET ZETLAND TO GREEN SQUARE STATION
– TEMPORARY FOOTPATH - QUESTION WITHOUT NOTICE BY
COUNCILLOR BUSH (S54-00147)**

Question:

Can the Mayor meet with the appropriate Officers and write to Waverley and
Woollahra Councils with regard to the construction of a temporary footpath,
bicycle track and possible mini bus route through the incinerator site from
Green Square Railway Station through to Portman Street, Zetland?

Answer by the Mayor:

I will have the appropriate Officers inform me of the possibility of that action.

GENERAL MANAGER

18.

TREES – JOYNTON AVENUE, ZETLAND – REMOVAL OR REPLACEMENT BY LANDCOM - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005366)**Question:**

Could the appropriate Council Officer write to Landcom requesting that super advanced trees be replaced in the place from where they were removed on Joynton Avenue?

Answer by the Mayor:

Yes.

19.

LEGAL – DEFAMATORY STATEMENT BY 2UE BREAKFAST ANNOUNCER – COUNCILLOR BUSH - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (524303)**Question:**

The producer of 2UE's "Steve Price Show" called me requesting Council's view of dog attacks and Council boundary changes. I informed the Mayor of the impending interview and subject matter. The dog attack victim being my immediate neighbour, Mrs Jodie Shorter, in Zetland who has praised Council staff in relation to the matter.

I told the producer that I was interested only if the interview was to be serious and informative. The interview was little more than a sham. Steve Price made much fanfare of my good self being the winner of, and I quote, "the Councillor Amanda Lennon Award for the Stupidest Person spoken to on the East Coast in the last five years". He also called me an idiot.

I have been contacted by many in the community who believe that Mr Price has defamed me. I request that Council's legal policy on the defamation of Councillors be relevant and request the matter should be referred to Solicitors by the General Manager.

Answer by the Mayor:

I will have the General Manager put that matter to the next Committee.

20.

STREETS – CUTLER FOOTWAY VIADUCT DARLINGHURST – UPKEEP AND MAINTENANCE. - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (5244303)

Question:

Can someone tell me who is responsible for the Maintenance and upkeep of the Cutler footway from Darlington to Paddington?

Answer by the Mayor:

I will have Mr Wilcoxon inform you through the Councillors Information Service.

REPORT OF THE FINANCE COMMITTEE

20 March 2002

PRESENT

Councillor Shayne Mallard (Chairperson)

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

At the commencement of business at 6.43 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw.

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

That the Report of the Finance Committee of its meeting of 20 March 2002, be received and the recommendations set out below for Items 1 to 11.3, inclusive, be adopted. The recommendation for Item 11.4 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

GENERAL MANAGER

1.

**BUDGETS – FEES AND CHARGES – CITY ENVIRONMENT DEPARTMENT
– NEW FEES AND CHARGES GAZETTED BY PLANNING NSW
(B53-00115)**

- (A) Approved as recommended by the Acting Director of Planning and Building in the report dated 12 March 2002.
- (B) That an Urgency Fee of \$220 per hour, inclusive of GST, be implemented for fast tracking Development Applications and be additional to Statutory Fees and that the amendment be advertised in accordance with requirements of the Act.

It was moved by Councillor Bush, seconded by Councillor Furness, that the motion be amended by the insertion of the words and figures “for domestic Development Applications and \$250 per hour for commercial Development Applications” between the words “hour” and “inclusive” where appearing in the first line of part (B) of the recommendation.

Carried on a show of hands 7 votes to 2 votes.

Motion, as amended, carried.

Councillors Furness and Lennon requested that their names be recorded as voting against part (B) of the recommendation.

2.

**LANDMARKS - HERITAGE – MARKING TIME GUIDELINES AND PILOT
PROJECT (L51-00014)**

That the matter be deferred to the next Finance Committee meeting to be held on 3 April 2002, for a submission of a joint report by the Director of City Environment and the Acting Director of Community Development.

Carried.

3.

**PROFESSIONAL SERVICES - AUDITORS – APPOINTMENT FOR 6 YEARS
PERIOD (P55-00132)**

That arising from consideration of a report by the Acting Director of Finance dated 8 March 2002, approval be given to the appointment of a Spencer Steer, Chartered Accountants as Council’s Auditors for six (6) years from 1 July 2001 at an annual fee of 65,000 (GST exclusive) and in accordance with Section 422 and 424 (1) of the Local Government Act 1993.

This matter was dealt with in the early part of the Council meeting by a Minute by the General Manager and is subsequently withdrawn.

GENERAL MANAGER

(GM Report 26.3.02)

Carried.

4. **FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING – 31ST JANUARY 2002 (2015594)**

That the Investment Report by the Acting Director of Finance dated 4 February 2002, for the period ending 31 January 2002, be received and noted.

Carried.

5. **FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING – 28 FEBRUARY 2002 (2015594)**

That the Investment Report by the Acting Director of Finance dated 12 March 2002, for the period ending 28 February 2002, be received and noted.

Carried.

6. **TRAFFIC - TRAFFIC SIGNALS AND CIVIL WORKS – AMENDMENTS - ABERCROMBIE, IVY AND LAWSON STREETS, DARLINGTON ACCEPTANCE OF TENDER (2005339)**

That arising from consideration of a report by the Director of Public Works and Services dated 6 March 2002, approval be given to:-

- (1) accept the tender submission of CNJ Electrical Services to undertake the amendments of traffic signals and associated civil works at Abercrombie, Ivy & Lawson Streets Darlington, at a total estimated cost of \$241,637.00 (excl. GST) and a contingency sum of \$48,327.00 for which funds of \$160,000.00 are currently available in the 2001/2002 Works Program, Project No. 21007 (Budget Ref. 41-007);
- (2) additional funds required, ie. \$130,000.00, be reallocated from the Miscellaneous Traffic Works 2001/2002, Project No. 22001 (Budget Ref.41-101 - \$415,000.00).

Carried.

7.

CLEANING – RECYCLING CONTRACT - EXTENSION (2026601)

That arising from consideration of a report by the Director of Public Works and Services dated 13 March 2002, it be resolved that:-

- (1) because of the extenuating circumstances as enunciated in the beforementioned report, approval be granted (utilising the mechanism available to Council in Section 55 (3) of the Local Government Act, 1993) to extend the current Collex recycling contract by two years to terminate on October 24, 2004 subject to the following: -
 - (a) An industry specific rise and fall clause be included in the contract subject to further negotiations between Council and Contractor as to the type of indices to be used in the clause.
 - (b) A penalty clause be included in the contract in relation to missed services
- (2) the contract in relation to the current number of serviceable premises (37,500) be amended annually per the audited number of domestic waste management assessments included in that years annual Rating Return. The number of domestic waste management assessments in the 2001/2002 rating return is 39,120 and is the number to be used to adjust the period from 1 March 2001 to 30 June 2002;
- (3) the contract be amended to reflect that Collex contribute \$10,000 per year toward education expenditure for the extended period of the contract;
- (4) the Waste Services Budget be increased to an amount reflecting the updated number of services available in the Council area in future budget years.

Carried.

8.

PLANT AND ASSETS – CITY WORKS DEPARTMENT – SUPPLY AND DELIVERY OF TWO (2) 8M³ REAR LOADING REFUSE COLLECTION COMPACTION UNITS – ACCEPTANCE OF TENDER (2020971)

That arising from consideration of a report by the Director of Public Works and Services dated 4 March 2002 approval be given to:-

- (1) accept the tender from MacDonald Johnston for the supply of two (2) JM 8 compaction bodies at \$79,057.00 per unit including GST of \$7,187.00 with a total cost of \$158,114.00 including GST in accordance with Council's Specification PWS S7033/01 for which funds are

GENERAL MANAGER

available within the 2001/2002 Plant and Assets Budget (Budget Ref. 2500-103);

- (2) Mitsubishi trucks plant Nos. 4933 and 4934 being sold at auction.

Carried.

9.

PLANT AND ASSETS – CITY WORKS DEPARTMENT – SUPPLY AND DELIVERY OF TWO (2) 15M³ REAR LOADING REFUSE COLLECTION COMPACTION VEHICLES – ACCEPTANCE OF TENDER (2020971

That arising from consideration of a report by the Director of Public Works and Services dated 27 February 2002 approval be given to:-

- (1) accept the tender from Volvo Truck and Bus for the supply and delivery of two (2) FL E 6 x 4 truck fitted with Heil 4000 compactor by Binskie Services at \$238,997.00 per unit inclusive of GST with a total cost of \$477,994 including GST in accordance with Council's Specification PWS S7033/01 for which funds are available within the 2001/2002 Plant and Assets Budget (Budget Ref. 2500-102);
- (2) Freightliner trucks plant Nos. 4914 and 4915 being sold at auction.

Carried.

10.

CONFERENCES – 2002 CITIES LEADERSHIP SUMMIT, QUEENSLAND PERFORMING ARTS COMPLEX, BRISBANE, QUEENSLAND – 23-24 MAY 2002 – ATTENDANCE BY COUNCIL REPRESENTATIVES (2016186)

That arising from consideration of a report by the Acting Civic Affairs Manager/ Public Officer dated 12 March 2002, approval be given to the Mayor, interested Councillors and the General Manager or his nominee attending the 2002 Cities Leadership Summit to be held in Brisbane, Queensland, from 23 to 24 May 2002, and that registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2001/2002 Budget.

Carried.

11.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 20 MARCH 2002 COMMENCING AT 6.14 PM

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

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

11.1.**PROPERTIES – SALE OF NO. 306 PALMER STREET, DARLINGHURST**

That the matter be deferred and that:-

- (A) community comment be sought from surrounding residents on the following options:
 - (1) That Council sell the land and the money be used to provide a community hall in the area;
 - (2) That Council redevelop the park as a commercial site;
 - (3) That Council retain and upgrade the park.
- (B) in the interim the park be secured to statutory requirements and that Council Officers investigate the lighting in the park.

At the request of Councillor Lennon, and by consent, the motion be amended by the addition of a clause (4) to the recommendation, namely:-

- (4) That a letterbox drop be done of the surrounding area on the historical significance of the park to canvass community comments on the proposals.

Motion, as amended by consent, carried.

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

That for the reasons set out in the report by the Director of Public Works and Services dated 25 February 2002, the proposed application by Ian Hartley to occupy 8.5 square metres of the footway of Oxford Street adjacent to the Exchange Hotel at Nos.34-36 Oxford Street, Darlinghurst as shown on Plan No.S4-130/840, be refused.

Carried.

11.3.**LICENSING – FOOTWAY RESTAURANT LICENCE - POLICY (2025656)**

That arising from consideration of a report by the Director of Public Works and Services dated 21 February 2002, approval be given to:-

- (1) the adoption of a Temporary Licence Process for the changeover of Footway Licences as set out in the beforementioned report and which does not require Council consent at the initial stage. (A standard report to Council for its consideration following the completion of all our standard processes in accordance with our Policy will follow.);
- (2) the Footway Licence Policy adopted by Council on 20 June 2001 be amended, to include reference to termination of the licence if the number of footway licence condition breaches reaches three in a 12 month period. (The Policy is shown as Appendix B.) accompanying the beforementioned report;
- (3) the amendment of the standard footway licence conditions with the inclusion of Condition 13 which allows for provision of fines for breaches of footway licence conditions.

Carried.

11.4.**PROPERTIES – LEASING – HUNTLEY STREET, NOS. 4 – 10, ALEXANDRIA, PART UNIT 4 – TO WRAP WITH LOVE INC (2023498)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the matter be deferred and referred back to the Properties Sub Committee for consideration.

Carried.

The Properties Sub-Committee Meeting terminated at 6.42 p.m.

The Finance Committee Meeting terminated at 7.22 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

20 March 2002

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

At the commencement of business at 7.23 pm those present were -

The Mayor, Councillor John Fowler and Councillors:- Lay, Mallard and Shaw.

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

That the Report of the Community Services Committee of its meeting of 20 March 2002, be received and the recommendations set out below for Items 1 to 4, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**CELEBRATIONS – YOUTH WEEK 2002 - PROGRAM OF EVENTS
(2021302)**

(At the Council Meeting, Councillor Pooley declared an interest in the Item and left the Council Chamber during discussions and voting on the Item.)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 11 March 2002, approval be given to the proposed program of events for Youth Week 2002, as outlined in the beforementioned report, including:-

- ? SmARTarts, Saturday 6 April at Pine Street from 4-10pm
- ? The Youth Awards/Betty Makin Scholarships Ceremony/Civic Reception, Thursday 11 April at Redfern Town Hall from 6.30pm.
- ? National Come & Try Day/Youth Expo, Saturday 13 April at Victoria Park from 10am-4pm
- ? Woolloomooloo Bring It On, Sunday 7 April at Sydney Place from 1-8pm.

Carried.

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2.

**COMMUNITY SERVICES – YOUTH CULTURAL DEVELOPMENT PROJECT
– STAND YOUR GROUND 2002 (2026494)**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 12 March 2002, approval be given to the conduct of *Stand Your Ground 2002* at a maximum cost of \$32,025, for which there are and will be sufficient funds in the Arts and Cultural Development budgets for 2001/2002 and 2002/2003.

Carried.

3.

**COMMITTEES – COMMUNITY SUPPORT AND DEVELOPMENT
EXPENDITURE PROGRAM – COUNCIL'S FUTURE INVOLVEMENT
(2023626)**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 12 March 2002, Council limit its involvement in the CDSE Fund in accordance with the legislation and the guidelines from the Department of Gaming and Racing and Clubs NSW – that is, to convene the first meeting and provide input on local priorities.

Carried.

4.

**COMMITTEES – MINUTES OF CULTURAL COMMITTEE MEETING ON 12
FEBRUARY 2002 (531635)**

That the report by the Acting Director of Health and Community Services dated 14 March 2002, and the accompanying minutes of the Cultural Committee Meeting held on 12 February 2002, be received and that the undermentioned recommendations of the Committee, be adopted, namely:-

- (1) Council support an ongoing commitment to the services and facilities provided by Pine Street Creative Arts Centre for the South Sydney community;
- (2) The Creative Arts Centre remain in its current facility and not move to the Wilson Bros Site;
- (3) Should the service need to be relocated due to Boundaries changes a further report be submitted to Council giving a feasibility of options for the relocation of the Pine Street Creative Art Centre.

Councillor Mallard, seconded by Councillor Bush, moved that the motion be put.

Motion to be put carried.

Motion carried.

(Councillor Lennon requested that her name be recorded as voting against the foregoing motion in relation to the Pine Street relocation.)

The Community Services Committee Meeting terminated at 7.27 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

20 March 2002

PRESENT

Councillor John Bush (Chairperson)

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

At the commencement of business at 6.30 pm, those present were -

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

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

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....., inclusive, be adopted. The recommendations for Items, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

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1.

**SHOP NO.3E, HOMEMAKERS SUPA CENTA MOORE PARK –
DEVELOPMENT APPLICATION (U01-01147)**

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 12 March 2002.

Carried.

2.

**ELIZABETH STREET, NO.723 AND BOURKE STREET, NOS.1029 AND
1031-35 WATERLOO – USE PART OF NO. 723 ELIZABETH STREET AS
AUCTION HOUSE, USE NO.1029 BOURKE STREET AS CAR PARKING
AND NOS. 1031-35 AS ACCESS TO CAR PARK ASSOCIATED
ALTERATIONS – DEVELOPMENT APPLICATION (U01-01309)**

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by First East Auction Holdings Pty Ltd, with the authority of Cate Investments Pty Ltd, to use the ground floor of the warehouse section of the main building at No 723 Elizabeth Street as an auction house, to use No 1029 Bourke Street as associated car parking and to carry out minor associated alterations, subject to the following conditions, namely:-

- (1) That the proposed development shall be generally in accordance with Drawings numbered A01-DA, dated December 2001 as amended by A4 plan submitted to Council on 12 February 2002 and by sko3 submitted on 27 February 2002, subject to compliance with the conditions below;
- (2) That the use shall cease after a period of 6 years from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
- (3) That notwithstanding Condition (2) above the use shall cease if the access to the car parking area as shown on Drawing SK03 submitted to Council on 27 February 2002 ceases to be available;
- (4) 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

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

- (5) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$150, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) That stop or give way signs shall be erected at the car park exits;
- (7) That on auction days a member of staff shall be designated to monitor the main car park and to place "car park full" sign outside the entry when the car park is full and to remove it when there are vacant spaces;
- (8) That the area in front of the double glass doors (on amended drawing submitted 12 February 2002) shall be kept clear of vehicles and used as a turning bay and shall be so marked/signposted;
- (9) That the bricked up dock to George Street shall not be reopened and the gutter crossing shall be removed, and the footpath and kerb and guttering reinstated in accordance with Council's requirements;
- (10) That the hours of operation shall be restricted to between 8.30am to 5.00pm Monday to Friday and 9.00am to 5.00pm Saturdays;
- (11) That notwithstanding condition (10) above, the premises may be used on a maximum of 10 occasions per year for the holding of auctions between 5.00pm and 9.00pm on a weekday night or between 9.00am and 5.00pm on a Sunday and the Council shall be advised in writing or be email at least 2 weeks prior to the date of the proposed auction of its date and time ;
- (12) That no inward goods deliveries shall take place whilst an auction is being conducted;
- (13) That 27 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;

- (14) That any requirements of the Local Traffic Committee meeting of 20 March 2002 shall be complied with;
- (15) That the parking spaces on the northern side of the building shall be used as staff parking spaces and when necessary for customers collecting items from the northern loading dock;
- (16) That any public address system used in the premises shall be so designed/controlled such that it is not audible outside the premises;
- (17) That one of the parking spaces in the customer car park (preferably the space adjacent to the entry to the building) shall be a disabled parking space and shall be marked accordingly;
- (18) That the access driveway shall be Category 2 in accordance with Australian Standard AS 2890.1 Parking Facilities Part 1: Off-street car parking;
- (19) That the access driveway is to have movements at its intersection with Bourke Street restricted to the following:
 - ? Left in/left out movements to be permitted only;
 - ? "No right turns" signage to be installed at the driveway exit to Bourke Street (to prevent right turns out of the access driveway);
 - ? The intersection of the access driveway with Bourke Street should be designed in such a way as to splay and channelise left-in/left-out movements.
- (20) That the redundant driveway along the Elizabeth Street frontage of the site is to be removed with gutter to match existing. Footway area to be reinstated to Council requirements;
- (21) That all advertisement, brochures and the like for sales at the site (include on the business web site) shall include that access to the site carpark via right turn movements from Bourke Street is prohibited;
- (22) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;

- (b) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (c) That separation of classifications in the storey shall be in accordance with C2.8 of the BCA. Attention is directed to separation between the office as well as other warehouses (not part of applicant's tenancy) and the auction house;
- (d) That the stair connecting the auction house and the floor above shall be blocked off and not be used;
- (e) That the exit door connecting the auction house and office (not part of applicant's tenancy) shall be protected in accordance with C3.5 of the BCA and not be used as required exit;
- (f) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (g) That the discharge from exits shall comply with D1.10 of the BCA;
- (h) 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;
- (i) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (j) 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;

- (k) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
- (l) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (m) That access and car parking for people with disabilities shall be provided in accordance with Part D3 of the BCA;
- (n) That the unobstructed width in a required exit or path of travel to an exit shall be not less than 1000mm in accordance with D1.6 of the BCA, except the unobstructed width of any doorway may be reduced to not less than 750mm;
- (o) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (p) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (q) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (r) That any alterations to the existing sprinkler installation shall result in the entire system being made to comply with the requirements of AS2118 and E1.5 of the BCA;
- (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 directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
- (v) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;

- (w) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (x) 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;
 - (y) That separation of external walls and associated openings in different fire compartments shall comply with Clause C3.3 of the BCA;
- (23) That the triangular area of road widening (approximately 30sq metres in area) between the side wall of 723 Elizabeth Street and the southern side of the driveway to be closed off shall be landscaped and six new trees (75 litres size at installation/species to be determined in consultation with Council prior to issue of construction certificate) shall be planted in the proposed Elizabeth Street/Bourke Street landscaping strip (3 in the area between space 9 and the wall of 723 Elizabeth Street and 3 in the area adjacent to spaces 2 and 6 in drawing SKO3) details to be submitted to Council for approval;
- (24) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (25) 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);

-and the following adopted standard conditions; -

- (26) Separate application for signs²⁰⁰¹
- (27) Loading within site³⁰¹⁴
- (28) Loading/parking kept clear³⁰¹⁶

- (29) Vehicles enter/leave in forward direction³⁰²⁰
- (30) Ventilation⁷⁰²⁵
- (31) Noise⁷⁰³⁰
- (32) Obstruction of the public way³¹⁰¹
- (33) Work zones³¹⁰²
- (34) Delivery of construction materials³¹⁰⁴
- (35) Pedestrian safety³¹¹⁰
- (36) Associated roadway costs³¹¹¹
- (37) Garbage on the public way⁶¹⁰¹
- (38) Refuse skips⁶¹⁰²
- (39) Structural Design Certificate⁹⁰⁰⁶
- (40) Issue of occupation certificate⁹¹⁰¹
- (41) Compliance with BCA⁹¹⁰⁴
- (42) Principal Certifying Authority⁹¹¹¹
- (43) Final fire safety certificate⁹¹¹²
- (44) Construction hours⁹¹⁵¹
- (45) Building/demolition noise control⁹¹⁵⁶
- (46) Maintain existing building in a stable condition⁹¹⁵⁷
- (47) Demolition to comply with Australian standard⁹¹⁶¹
- (48) Glazing provisions⁹³²⁹
- (49) Soil and sediment prosecution note⁷⁰⁸⁶
- (50) Landscaping plan⁵⁰⁰¹

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

Carried.

3.

SYDNEY PARK ROAD, NOS.221-229, ERSKINEVILLE – DEMOLISH EXISTING BUILDINGS AND ERECT 224 RESIDENTIAL UNITS WITH PARKING – MODIFICATION TO MASTERPLAN AND PREVIOUSLY APPROVED SCHEMES INCLUDING 18 STOREY RESIDENTIAL TOWER – DEVELOPMENT APPLICATION (U01-01318)

- (A) That the Council, as the consent authority, grants its consent under the Environmental Planning and Assessment Act, 1979, to the development application submitted by Bonus Architects, with the authority of Contases Pty Ltd, for the demolition of existing buildings and the erection of buildings to contain 210 dwelling units, with associated parking and landscaped areas and the dedication of 577m² of publicly accessible land to the eastern side of the site, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans drawn by Krikis Tayler Architects, numbered DA-200, Issue B, DA-201, Issue F, DA-202, Issue C, DA-203, Issue C, DA-204, Issue C, DA-205, Issue C, DA-206, Issue C, DA-207, Issue C, DA-208, Issue C, DA-209, Issue C, DA-210, Issue A, DA-211, Issue C, DA-212, Issue C, DA-213, Issue C and DA-214, Issue C, inclusive, and variously dated throughout 2001, with Council date stamp 19 December, 2001 and landscape plan LA01, Revision A, dated December 2001 and drawn by dm Taylor Landscape Architects, except where varied by any of the following conditions (it should also be noted that where there is any inconsistency between the architectural and landscape plans, the former shall take precedence to the extent of the built environment);
 - (2) That in order to qualify for a floor space bonus in accordance with the South Sydney Development Control Plan 1997- Urban Design, the owner shall design, construct and meet all costs associated with public domain works associated with the development, as outlined in the Deed of Agreement signed and effective from the date of the consent to DA U01-00441;
 - (3) That the land proposed to be dedicated to Council along the eastern side of the site, shall be dedicated to Council prior to

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release of the strata plan for the development. The land must be remediated fit for its intended purpose if any contaminants are present, must not be excavated or filled without Council's consent, must be sown with a cover crop approved by Council and must be made accessible from Sydney Park Road by a means approved by the Director of Planning and Building prior to its dedication;

- (4) That the applicant, by way of public benefit and in exchange for bonus floor space within the development, shall dedicate the through-site link as identified on the approved drawings referred to in (1) above, free of charge to Council;
- (5) The developer shall dedicate to Council, free of charge, the land for road widening (new footpath) along Sydney Park Road;
- (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	\$129,561	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 2001/02

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;

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(7) 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	\$86,723	2E97003.BGY0
Open Space: New Parks	\$284,068	2E97009.BGY0
Accessibility And Transport	\$2,595	2E97006.BGY0
Management	\$6,410	2E97007.BGY0
Total	\$379,796	

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 2001/02.

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;

- (8) That coloured elevations, a schedule of finishes and samples of materials shall be submitted to Council for the approval, in writing, of the Director of Planning and Building, prior to release of the construction certificate;

- (9) That the roof treatment of the tower shall be in consultation with Council's Urban Design Co-Ordinator and all plant equipment and subsequent design shall be the subject of a further application to Council;
- (10) That the height of the roof (including lift overrun, mechanical services and the like) is not to exceed RL66. 8;
- (11) That the floor space ratio of the proposed development shall not exceed 1.7674:1, being a floor area of 20,380m², excluding that area within the Basement Level 2 designated as storage. Shaded computer drawings shall be submitted with the construction certificate demonstrating compliance with this condition;
- (12) That the applicant/developer shall undertake the recommendations made in the 6 May, 1998 report prepared by Environmental Management Services in relation to site contamination, in particular:-
- (a) further testing shall be carried out after demolition of the buildings on the site,
 - (b) long term monitoring for methane emissions,
 - (c) a contamination management plan shall be drawn up to alert future owners of the presence of contamination beneath the cap,
 - (d) a remediation action plan is required detailing procedures to be followed during earthworks,
 - (e) if the underground storage tank cannot be located prior to demolition works, an emergency response plan shall be prepared. The plans should outline precautions to be observed during excavation and a course of action to be taken when the tank is discovered.
- (13) That in addition to Condition 12, prior to the issuing of a construction certificate for above ground works, an updated Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act, 1997, is to be submitted to Council clearly demonstrating that the site is suitable for its intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent.

However, in the circumstances where the Site Audit Statement conditions (if applicable) are inconsistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 application pursuant to the Environmental Planning and Assessment Act, 1979, will be required. The report shall be an ancillary report to that dated 6 May, 1998, prepared by Environmental Investigation Services and forming part of the Masterplan consent;

- (14) That the applicant shall demonstrate that the development would comply with the State Rail publication *Rail Related Noise and Vibration - Issues to Consider in Local Environmental Planning - Development Applications and Building Applications* in particular the requirements of Australian Standard 2107;
- (15) That the proposed planting of street trees and replacement of the footway on Sydney Park Road shall be carried out in accordance with specifications endorsed by the Director of Public Works and Services and shall be completed prior to release of the strata plan;
- (16) That at least 24 of the units shall be **capable** of being adaptable for the purposes of accommodating disabled persons in accordance with Equal Opportunity Commission requirements;
- (17) That the developer shall meet all costs to construct to Council's minimum standards, all road improvements around the site that are related to the development;
- (18) That all habitable areas of the building and the car park shall be protected against inundation during a 1 in 100 year flood event. In this regard, the owner of the development shall include on the Certificate of Title, a Positive Covenant in the following terms:-
- "In connection with any flooding of this development, the owners of the properties within this development covenant with the South Sydney City Council under section 88E of the Conveyancing Act 1919 to indemnify the South Sydney City Council against any liability or loss arising from and any costs charges and expenses incurred in connection with claims made against the South Sydney City Council by the owner or occupier of any premises within this lot erected below a level of 300mm above the level of the 1 in 100 year flood as determined by the developer's stormwater drainage consultant."*
- (19) That all end bay car parking spaces within the basement level car park shall be a minimum of 3 metres wide;
- (20) That all power lines adjacent to the boundary in Coulson Street and Sydney Park Road are to be relocated underground at the expense of the applicant;
- (21) That the developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;

- (22) That the communal open space areas within the development shall be equipped with seating, play equipment for children and other facilities such as BBQs and shade structures so as to provide a wide range of outdoor recreation opportunities. Details shall be submitted with the construction certificate;
- (23) That the applicant shall accept responsibility for all costs associated with the design, construction, alteration, adjustment, relocation, or restoration of any works on the public way including kerb, gutter, pavement, footpath paving, landscaping, drainage, street furniture, signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed to in writing by the Director of City Works;
- (24) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for Council to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (25) That the applicant shall lodge with Council and from a bank approved by Council, a guarantee for the estimated construction cost of all works on the adjacent roads, which Council will require resulting from the development consent conditions for this development.

The applicant, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor. The latter shall take account of, but not be limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents.

The bank guarantee will be for this estimated cost, calculated as a future value, compounded at the rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.

The applicant shall be able to request a decrease in the amount of the original bank guarantee as sections of the work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable;

- (26) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South

Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval, all work shall be carried out strictly within the confines of the site;

- (27) That the applicant shall provide a system of on-site stormwater detention to conform to Council's Code. The applicant shall submit with the application for a construction certificate, the drainage plans prepared by a drainage consultant certified by Council. The drainage must be discharged to Council's system in accordance with the requirements of Council's Drainage Code. The applicant must pay Council all fees relating to the discharge of stormwater;
- (28) 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;
- (29) 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 and manoeuvre wholly within the site and not encroach upon public roads;
- (30) That the number of resident spaces provided shall be 158, allocated in proportion to:
- 0.5 spaces per unit for one bedroom units, bedsitters and studios;
 - spaces per two bedroom unit;
 - 1.2 spaces per three bedroom unit;
 - No more than one parking space allocated to each one and two bedroom unit.
- (31) That the number of visitor spaces provided shall total 23. These spaces shall be kept available for the exclusive use of visitors, tradesmen and the like, shall be clearly indicated with appropriate marking and signage, and located on Basement Level 1 immediately inside the roller doors.
- (32) That the developer shall meet all costs associated with the design, approval and construction of the driveway, kerb and gutter, intersection treatments and landscaping in the vicinity of the Coulson Street access junction generally as per Council sketch SSCC1 dated 16-8-01. Before construction, approval of the South Sydney Traffic Committee to the intersection treatments shall be obtained. Plans for all works shall be approved by the Director of Public Works and Services before construction commences.

- (33) That bicycle parking for residents shall be provided in the form of at least 54 individual bicycle lockers (Class 1 facilities of AS2890.3) or 9 communal lockers housing no more than 6 bicycles each (Class 2 facilities of AS2890.3) located in convenient, easily accessible locations. Bicycle parking for visitors shall in the form of at least 16 inverted U-stand spaces or similar (Class 3 facilities of AS2890.3) provided at convenient, surveillable and clearly signed locations within the carpark and ground level common areas.
- (34) That the carpark shall be substantially designed in accordance with AS2890 Parking Facilities - Part 1: Off-Street Car Parking and South Sydney DCP No.11 - Transport Guidelines for Development. In particular, columns shall be set back 0.75m from the face of parking bays. Ends spaces shall be a minimum of 3.0m wide.
- (35) That the disabled parking spaces, entrances and communal circulation spaces and facilities associated with them shall be designed for equitable and dignified use by people with disabilities in accordance with Council's Equitable Access Design Policy.

Note: Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to the Advisory Notes on Access To Premises by the Human Rights and Equal Opportunity Commission (on which Council's Equitable Access Design Policy is based), may be the best defence against potential action until an accepted industry standard is available.

- (36) That, the applicant/developer shall make a monetary contribution to council of \$24,000 for traffic calming works in Bray and Concord Streets, Erskineville to mitigate against traffic impacts of the development in these residential streets. The contribution shall be paid into account RC922SEC prior to the release of a construction certificate;
- (37) That the owner/developer shall dedicate free of cost to Council, the following land:
- (a) a 2.0m wide strip along the 82m long site frontage to Sydney Park Road;
 - (b) a 6.0m wide strip along the 83m long eastern frontage of the site;

the land to be dedicated shall be limited if so desired in height to 5m above or in depth to 2m below the adjacent footpath level and

shall be detailed in a plan for consolidation of the land, to be approved by the Director of Public Works and Services, prior to the issuing of an Occupation Certificate.

- (38) That the dedicated land along Sydney Park Road shall be clear of structures such as planter boxes and shall be constructed as footpath in accordance with Council's Streetscape Masterplan (for details contact Public Works Approvals Manager on 9288 5449).
- (39) That the applicant/developer shall make a monetary contribution to Council of \$80,000 for pathway construction and landscaping treatment of the dedicated land on the eastern frontage of the site. These works shall be co-ordinated by Council with the treatment of similar dedications of surrounding sites. The contribution shall be paid into account RC922SEC prior to the release of a construction certificate.
- (40) That the applicant shall ensure that all vehicle access for demolition is off Coulson Street;
- (41) That the applicant shall provide off-street parking for all workers constructing the development;
- (42) That the applicant shall install a speed bump within the site's boundary to slow the speed of vehicles exiting the site;
- (43) That the development of the detailed landscaping plan is to be in keeping with the principles and intent documented on Drawing numbered LA01 A, dated May 2001 and drawn by dm Taylor Landscape Architects. Installation of species are to be in keeping with the species, size and quantities listed on the approved landscape drawing;
- (44) 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 sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in prominent places, to Council's satisfaction, such as a directory board or notice board, where it can easily be read and observed by persons entering the buildings;
- (45) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 5 x 1.5m³ bins for domestic refuse and 40 x 240 litre sulo recycling bins;
- (46) That a representative of the applicant/developer shall meet with Council's Waste Services Operations Manager to discuss general requirements regarding collection services and waste management responsibilities;

- (47) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$79,200 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (48) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$60,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (49) That the development shall be fitted where appropriate with solar water and/or efficient gas water heating in accordance with Council's requirements;
- (50) That the developer shall provide a system of on-site stormwater detention to conform with Council's code. The developer shall submit with the application for a construction certificate, the drainage plans prepared by a drainage consultant certified by Council. The drainage must be discharged to Council's system in accordance with the requirements of the drainage code. The developer must pay Council all fees relating to the discharge of water;
- (51) That the developer shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The developer shall apply and pay fees for Council to consider those levels. The developer shall adopt the final boundary alignment levels fixed by Council;
- (52) That the developer shall reinstate any damaged kerb & gutters in materials similar to those existing;
- (53) That a detailed landscaping plan and specification for the site, prepared by a qualified landscape gardener or designer, shall be submitted with the development application for consideration by Council's Director of Public Works and Services. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and

height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details;

- (54) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS 1668, Parts 1 and 2;
- (55) That the car park shall be ventilated in accordance with AS 1668.1-1991, Section 7 and AS 1668.2-1991, Section 4;
- (56) That the storage and handling of garbage and recycling shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets.";
- (57) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997;
- (58) That all relevant sections of the Building Code of Australia shall be complied with;
- (59) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to Council;
- (60) That a survey certificate shall be submitted from a registered surveyor to the effect that the approved building has been set out so that the dimensions and location on the site are in accordance with the approved plan, prior to the foundation excavations being commenced;
- (61) That a survey certificate shall be submitted at the completion of the building work from a registered surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (62) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to the commencement of any work;
- (63) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken

on the public way without a separate application to, and approval by, the Director of Public Works and Services;

- (64) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (65) That new works, including footings, shall not project beyond the street alignment or boundaries of the allotment;
- (66) That all excavations associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (67) That all demolition work shall comply with Australian Standard 2601-1991;
- (68) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage;
- (69) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

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

in this condition, allotment of land includes a public road and any other public place;
- (70) That if the work involved in the erection or demolition of a building:

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

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

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

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

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

- (71) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (a) building work carried out inside an existing building,
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (72) That the requirements of the WorkCover Authority shall be complied with;
 - (73) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW EPA Environmental Noise Control Manual Chapter 171, that is:-
 - (i) Construction periods of 4 weeks and under:

The LA₁₀ level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA₉₀) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

- (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA₁₀ level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA₉₀) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

The above noise levels are applicable for the approved hours of construction being:-

- ? Monday to Friday 7.00am to 5.00pm; and
- ? Saturday 7.00am to 3.00pm
- ? No construction work outside of these hours is permissible without the prior approval of Council.

- (74) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (75) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (76) That the garbage/recyclable materials room and garbage chutes shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (77) That the breakdown of demolition materials shall not occur on site, except as necessary to remove the materials from the site;
- (78) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (79) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority, pursuant to the provisions of the following:
- ? Protection of the Environment Operations Act, 1997;
 - ? Waste Minimisation and Management Act, 1995;

- ? New South Wales Occupational Health and Safety Act, 1983;
- ? New South Wales Construction safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983);
- ? The Occupational Health and Safety (Hazardous Substances) Regulation, 1996;
- ? The Occupational Health and Safety (Asbestos Removal Work) Regulation, 1996;

- (80) That the applicant and/or builder shall, prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition.

That measures shall include:-

- ? Siltation fencing;
- ? Protection of the public stormwater system; and
- ? Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public open space;

- (81) That Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free of sediment. Matter is not to be washed down into the drainage system;

- (82) That prior to the commencement of demolition activities, an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not necessarily be limited to, the following measures:-

- (i) measures to control noise emissions from the site;
- (ii) measures to suppress odours and dust emissions;
- (iii) soil and sediment control measures;
- (iv) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
- (v) community consultation.

- (83) That all car washing bays shall be graded and drained to the sewer in accordance with the requirements of Sydney Water;

- (84) That the use of the premises shall not give rise to “offensive noise” to any place of a different occupancy, and
- ? Transmission of “offensive noise” to any place of a different occupancy, **and**
 - ? A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content; **and**
 - ? A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Industrial Noise Policy;
- (85) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a construction or occupation certificate;

No.	Health Aspect	Standard or Requirement
(i)	All proposed and required mechanical ventilation systems	BCA and AS 1668, Parts 1 and 2
(ii)	Garbage and recycling storage areas	SSCC Waste Management / Minimisation Fact Sheets

and the following standard conditions:

- (86) Consolidate Lots¹²²
- (87) Display Street Number¹²⁴
- (88) Works on Public Way Cost¹⁰⁰²
- (89) Alteration of Public Services¹⁰⁰⁶
- (90) Builders Hoarding Permit¹⁰⁰⁸
- (91) Shoring¹⁰¹²
- (92) Resident Parking Access⁹³⁰⁰¹
- (93) Disabled Entry⁹³⁰²⁴
- (94) Road Opening Permit⁹³⁰²⁵
- (95) Cost of Signposting⁹³⁰²⁶

- (96) Consequential Roadworks⁹³⁰²⁷
- (97) Footway Crossing⁹³⁰²⁸
- (98) Obstruction of Public Way⁹³⁰²⁹
- (99) Construction Traffic⁹³⁰³⁰
- (100) Traffic and Pedestrian Management⁹³⁰³¹
- (101) Delivery of Construction Materials⁹³⁰³²
- (102) Stormwater Standard⁴⁰⁰¹
- (103) Clean Water Discharge⁴⁰⁰²
- (104) Overland Flowpaths⁴⁰⁰⁴
- (105) Connection to Council's Stormwater System⁴⁰⁰⁵
- (106) Landscape Plan⁵⁰⁰¹
- (107) Street Trees⁵⁰⁰⁸
- (108) On Slab Planting⁵⁰¹³
- (109) Maintenance of Landscaping⁵⁰¹⁴
- (110) Final Inspection⁵⁰¹⁵
- (111) Garbage on Public Way⁶⁰⁰¹
- (112) Refuse Skips⁶⁰⁰²
- (113) Construction Noise⁷⁰⁰⁸
- (114) Stormwater drainage easements⁸⁰⁰²
- (115) Sewer discharge⁸⁰⁰⁴
- (116) Drainage Design Certificate⁹⁹⁰¹¹
- (117) Stormwater Certificate at Completion⁹⁹⁰¹⁶
- (118) Construction Hours⁹⁹¹⁵¹
- (119) Works Within Boundary⁹⁹¹⁵²
- (120) Hours of Work and Use of Cranes⁹⁹¹⁵³

- (121) Work on Public Way⁹⁹¹⁵⁴
- (122) Sewer discharge⁸⁰⁰⁴
- (123) Emissions⁷⁰⁰⁴
- (124) Noise and vibration⁷⁰²⁸
- (125) Comply With BCA⁹⁹¹⁰⁴
- (126) Construction Certificate Required⁹⁹¹⁵⁵

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

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 of its decision.

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

- (A) That the Council as the consent authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Krikis Tayler Architects, with the authority of Contaaes Pty Ltd for the demolition of existing buildings and the erection of buildings to contain 224 dwelling units, with associated parking and landscaped areas and the dedication of 577m² of publicity

accessible land to the eastern side of the site, subject to the following conditions, namely:-

Motion, as amended by Councillor Bush carried.

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

4.

RILEY STREET, NO.340 SURRY HILLS – EXTENSION OF OPERATING HOURS OF EXISTING CONVENIENCE STORE – DEVELOPMENT APPLICATION (U02-00084)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That Council refuse the application for the following reasons, namely:-
- (1) The extension of operating hours is not consistent with the objective of Clause (12) contained within the South Sydney Local Environmental Plan 1998;
 - (2) That due to the increased customer noise and traffic generation, the proposal would have an adverse effect on the amenity of the surrounding area and is therefore consistent with the provisions of Part E, Section 6 of DCP 1997;
 - (3) The proposal is not in the public interest.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

CROWN STREET, NO.256, DARLINGHURST – CHANGE OF USE TO A 24 HOUR CONVENIENCE STORE – DEVELOPMENT APPLICATION (U01-01348)

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 12 March 2002.

GENERAL MANAGER

6.

WILLIAM STREET, NO.57, REDFERN – ERECT GARDEN PAVILION IN REAR YARD – DEVELOPMENT APPLICATION (U01-01287)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Distinctive Design Pty Ltd, with the authority of Ms J K Dawes, for permission to erect a garden pavilion in rear yard at 57 William Street, Redfern, for the following reasons, namely:-
- (1) That the proposal does not comply with Part F of DCP 1997 in relation to a maximum of two-thirds site coverage for the site;
 - (2) That the pavilion would be excessively bulky for use as a covered outdoor area;
 - (3) That the amenity of the open space provided under the pavilion would be inadequate and is not considered to be sufficient therefore not complying with Part E of DCP 1997;
 - (4) That the proposal is not in the public interest as it would set a precedent for provision of inadequate open space and excessive site coverage.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

SOUTH DOWLING STREET, NO.266, PADDINGTON – RESTORATION, ALTERATIONS AND ADDITIONS TO TERRACE HOUSE – DEVELOPMENT APPLICATION (U01-00909)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Lambe Mitreski, to make alterations and additions with to the existing terrace subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered A-01 to A-05 inclusive, dated January 2001, stamped and endorsed by Council subject to compliance with the following conditions.

GENERAL MANAGER

NOTE: Council does not have the power under the Environmental Planning and Assessment Act 1979 and the Building Code of Australia to give its consent to works undertaken prior to the issuing of this consent. Consequently all works undertaken before obtaining Council's approval are not approved by this consent. However, you are advised without prejudice that Council will not take any action in respect of the unauthorised works provided that certification from suitably qualified professionals is submitted within 60 days of the date of this determination to the effect that the building is structurally adequate and the works comply with the requirements of the Building Code of Australia;

- (2) That the new front double hung sash windows shall be timber framed matching the detail of the original windows that are being replaced;
- (3) That the new front door shall be a timber four panel door in keeping with the Victorian character of the terrace;
- (4) That all repair work to the original building fabric shall match as closely as possible the original details;
- (5) That the paint on the brickwork and sandstone sills of the facade shall be removed using a method that does not damage the masonry. To deal with the problem of water penetration, once the paint has been removed the brickwork is to be flush repointed with a lime mortar and a low build clear membrane applied so as to retain the visibility of the brickwork. Alternatively if paint penetration of the brickwork and sandstone has occurred a painted finish that matches the colour of the brickwork may be applied;
- (6) That the architraves of the front doors and windows and those of the first floor rear French Doors are to be painted in a dark colour;
- (7) That any security grilles proposed as well as the balustrade of the rear balcony are shall be simple in design and painted in a dark recessive colour such as charcoal or black;
- (8) That the wall of the outbuilding facing the common area of Rose Terrace, and the rear wall of the terrace shall be painted in an earthy tone such as light stone or beige, which is appropriate to the architectural character of Rose Terrace;
- (9) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority;
- (10) That illustrating the relevant performance requirements can be satisfied:
 - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a

fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;

- (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
- (c) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (d) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (e) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (f) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (g) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (h) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
- (i) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (j) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (k) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (l) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (m) That the proposed skylights within 900mm of the side boundary shall be non-combustible and non openable;

- (n) That the balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;

and the following standard conditions:

- (11) Compliance with BCA⁹¹⁰⁴
- (12) Construction Certificate required⁹¹⁵⁵
- (13) Stormwater details⁹⁰⁰³
- (14) Structural Design Certificate⁹⁰⁰⁶
- (15) Comply with the WorkCover Authority⁹¹⁰⁵
- (16) Construction hours⁹¹⁵¹
- (17) Walls not to be built as party walls unless consent obtained⁹¹⁰⁸
- (18) Building/demolition noise control⁹¹⁵⁶
- (19) Maintain existing building in a stable condition⁹¹⁵⁷
- (20) Works to be within allotment boundaries⁹¹⁵⁸
- (21) Survey certificate at set out stage⁹⁰⁰¹
- (22) Survey certificate at completion⁹⁰⁰²
- (23) That prior to the commencement of works a Dilapidation Report shall be submitted to Council and copies made available to adjoining land owners. This report is to be prepared by a suitably qualified engineer and shall document the structural integrity and fabric of the subject site and neighbouring properties at Nos. 264 and 268 South Dowling Street.

NOTE: This is conditional on access being given by the adjoining land owner(s) to their properties. Should consent not be granted, the applicant is not obliged to survey the adjoining structure(s) other than each respective party wall from within No. 266 South Dowling Street.

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.

8.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (1) That the scheme to use Baptist Street for the movement of buses in both directions is rejected, and that Baptist Street shall be used for north bound buses only, any loss of trees be unacceptable.
- and that the state Transit Authority shall be advised accordingly.
- (2) That Council support the provision of a **bus-only** link from the ACI site to the Bourke/Phillip/Crescent Street intersection, and the installation of a bus only lane in Phillip Street (eastbound).
- (3) That Council request the RTA to continue monitoring traffic conditions in the Surry Hills/Redfern area to gauge the cumulative effects of the Eastern Distributor and M5 East Motorway.

Councillor Lennon moved an amendment that regular air quality checks be undertaken by the appropriate officer.

Amendment lapsed through want of seconder.

Motion carried.

9.

WILLIAM STREET, NOS. 196-214, WOOLLOOMOOLOO – CHANGE OF USE TO A 24 HOUR CONVENIENCE STORE – DEVELOPMENT APPLICATION (U02-00036)

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 5 March 2002.

Carried.

10.

**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)**

(Councillor Mallard was in attendance during this Item as an observer).

- (A) That the matter be deferred noting that the current proposal which incorporates a 25 storey proposal is not supported.
- (B) That Council invites the applicant to resubmit plans for buildings within the Booth Street precinct having a height not exceeding 15 storeys and potentially incorporating an increase of 6,200m² in bonus floor space.
- (C) That notification of the amended plans be in accordance with Council’s DCP incorporating the area previously nominated by Leichhardt Council and Council Officers prepare a report on the new proposal.
- (D) That further discussions occur with local community representatives.

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

That the application be refused because of the environmental damage caused by the State Government on the site.

Amendment negatived.

Motion, carried.

At this stage, Councillor Furness made a passing comment in that Development Applications are just rubber stamped anyway.

Councillor Lay requested that Councillor Furness apologise and withdraw his comment. Councillor Furness apologised and withdrew his comment.

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

11.

**KING STREET NOS.196-198, NEWTOWN - BROTHEL/POLICY –
STRATEGIC PLANNING REPORT ON SEX INDUSTRY PREMISES IN KING
STREET – DEVELOPMENT APPLICATION (2022780)**

- (A) That the report by the Acting Director of Planning and Building dated 13 March 2002, be received and noted.
- (B) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Wayne Davis, with the authority of Stessell Pty Ltd, to continue use of the first floor of the premises at 196-198 King Street, Newtown for the retail sale of adult products and for sex-on-premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plan numbered C01 A, dated September 2001 and drawn by Koopman Architects and the Plan of Management prepared by Michael Hannah and Michael Garner of Toolshed Australia, dated 26 September, 2001;
 - (2) That at least two employees shall be present after 6.00pm nightly;
 - (3) That the hours of operation shall be limited to 9.00am to 1.00am, Sundays to Thursdays and 9.00am to 3.00am, Fridays and Saturdays;
 - (4) That the proprietor shall provide an adequate supply of condoms, dental dams and water-based lubricant free of charge for clients;
 - (5) That adequate lighting for the purpose of sexual health checks shall be provided to the 'glory hole' booths;
 - (6) That the use of the car parking area shall be for staff only and shall conform with the Strata Plan for the building;
 - (7) That the Plan of Management shall be amended to indicate that use of illegal drugs within the premises is prohibited and that persons found using drugs within the premises will be reported to the Police;
 - (8) That no 'sharps' bins shall be provided within the premises;
 - (9) That customer ingress and egress shall be limited at all times to the King Street access;

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- (10) That the premises shall not advertise, exhibit or display any products associated with sexual behaviour so that they can be seen outside the premises by a member of the public, as required by Section 578E of the NSW Crimes Act 1900;
- (11) That the operation of the premises must comply with the Plan of Management at all times. Any variation or modification to the Plan of Management, including changes to the management of the premises shall require the further consent of Council;
- (12) That at no times shall any signs, amplification equipment, goods or the like be placed on public areas, including the footpath adjacent or near the premises;
- (13) That the premises shall provide regular access to, and facilities for, sexual health services to display and deliver outreach and health educational information and workshops;
- (14) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, be allowed at any entrance or any area outside the premises (in a position to encourage persons to enter the premises) at any time;
- (15) That the premises shall comply with the requirements of Councils Sex Industry Policy;
- (16) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (17) That the premises shall be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the building/spaces to enable safe use and movement of occupants in accordance with Part F4 of the BCA;
- (18) That the operation of the premises shall be conducted in accordance with the Council approved plan of management. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, the plan of management shall be appropriately reviewed and submitted to Council for approval;
- (19) That adequate facilities shall be provided for the disposal of used condoms, soiled paper and other waste products of sexual activity in all rooms, cubicles, booths or the like where sexual activity occurs;

Note

1. Guidance on sex-on-venue premises may be obtained by referencing the Sex on Premises venue Guidelines published by the NSW Health Department.
2. The applicant's attention is drawn to the provisions of Section 125 and 126 of the Environmental Planning and Assessment Act, 1979 in respect to failure to comply with the conditions of a consent or undertaking activities without the prior consent of Council.

SECTION 125 - Offences against this Act and the regulations

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

SECTION 126 - Penalties

126. (1) A person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 10,000 penalty units and to a further daily penalty not exceeding 1000 penalty units.

- (2) A person guilty of an offence against the regulations is liable to a penalty not exceeding 1000 penalty units.
- (3) Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct to that person —
 - (a) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth; and
 - (b) to provide security for the performance of any obligation imposed under paragraph (a).

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

- (C) This consent does not extend to the erected signage. However, in this regard, Council will take no further action in terms of their removal or modification. The applicant is referred to the Notes of this consent above.
- (D) That the person(s) who made representations in respect of the proposal be advised of Council's decision

Carried.

12.

KING STREET NOS.264-266 , NEWTOWN BROTHEL/POLICY – STRATEGIC PLANNING REPORT ON SEX INDUSTRY PREMISES IN KING STREET (2022780)

- (A) That the report by the Acting Director of Planning and Building dated 13 March 2002 be received and noted.
- (B) That Council, as the consent authority, grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Con Angelakis of Adultland, with the authority of Mr Ngann and Mrs Lelen Ly, for the change of use of the first floor of the premises at 264-266 King Street, Newtown, from a restaurant to the retail sale of adult merchandise (books, videos, magazines and paraphernalia), signage, and hours of operation of 10.00am to Midnight, Mondays to Wednesdays, 9.00am to Midnight, Thursdays to Saturdays and 10.00am to 10.00pm, Sundays, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plan numbered 010809A1, dated 21 August, 2001 and drawn by J A Anzini Drafting and Building Services Pty Ltd and Statement of

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Environmental Effects, date stamped by Council 23 August, 2001 and notated 00831/01, unless varied by any of the following conditions;

- (2) That the unauthorised wall sign above the access door off King Street shall not be used for the purposes of advertising the premises and shall be removed within 30 days of the date of this determination;
- (3) That the hours of operation shall be limited to between:-
 - ? 10.00am and Midnight, Mondays to Wednesdays;
 - ? 9.00am and Midnight, Thursdays to Saturdays; and
 - ? 10.00am and 10.00pm, Sundays.
- (4) That the premises shall not provide any booths or designated areas for casual sex (as defined as a 'sex on premises' venues in the Sex Industry Policy);
- (5) That the premises shall not operate as a 'sex on premises' venue as defined in the Sex Industry Policy, without the further consent of Council;
- (6) That the premises shall not advertise, exhibit or display any products associated with sexual behaviour so that they can be seen outside the premises by a member of the public, as required by Section 578E of the NSW Crimes Act 1900;
- (7) That the operation of the premises must comply with the Plan of Management at all times. Council shall be advised in writing, and shall give its consent to any modification of the Plan of Management including changes to the Management of the premises;
- (8) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
- (9) That the premises shall provide regular access to, and facilities for, sexual health services to display and deliver outreach and health educational information and workshops;
- (10) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, be allowed at any entrance or any area outside the premises at any time;

- (11) 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;
- (12) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (13) That 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);
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (16) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (17) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (18) 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;
- (19) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

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

applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

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

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

Carried.

13.

PLANNING - GREEN SQUARE TOWN CENTRE – RESOLUTION TO PREPARE DRAFT LOCAL ENVIRONMENTAL PLAN (2022972)

That Council:-

- (1) resolve to prepare a Local Environmental Plan for the Green Square Town Centre area deferred from South Sydney LEP 1998 (Amendment No.6)-Green Square, in accordance with clause 54 (1) of the Environmental Planning and Assessment Act 1979, as amended.
- (2) advise the Director-General, planning NSW, of its decision to prepare the above local environmental Plan.

(ADPB Report 14.3.02)

Carried.

14.

ALBION STREET, NO.67, SURRY HILLS – EXTENSION OF HOURS OF CAFÉ – DEVELOPMENT APPLICATION (U01-01039)

That the application be withdrawn as requested by the applicant in fax dated 20 March 2002.

Carried.

15.

PLANNING – GREEN SQUARE STAGE 2 – EXHIBITION OF DRAFT LEP AND DCP – SUPPLEMENTARY REPORT – ADOPTION OF DRAFT LEP AND DCP (2025774)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard.

That Council:-

- (A) endorse the post-exhibition changes to the FSR and Height controls in the draft Stage 2 Green Square DCP as recommended in the report by the Director of Planning and Building considered by the Planning and Development Committee at its meeting of 6 March 2002.
- (B) Adopt the Draft South Sydney Local Environmental Plan 1998 (Amendment No. 11) – Green Square, marked February 2002, and refer the document to the Director-General, planning NSW, in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979.
- (C) Adopt the Draft Green Square Development Control Plan – Stage 2 Amendment to South Sydney DCP 1997: Urban Design, marked February 2002.
- (D) Give public notice and advise the Director-General, planning NSW, of the decision to adopt the Draft Development Control Plan in accordance with Part 3 of the Environmental Planning and Assessment Regulation 1994.
- (E) Advise those persons who made submissions of Council's decision.
- (F) Write to the Director-General, planning NSW, urging the Department accelerate release of the Affordable Housing SEPP to facilitate preparation of a new affordable housing scheme for the entire Green Square area; and requesting that the validation of the existing Stage 1 affordable housing scheme as contained in Division 3 of Part 4 of South Sydney LEP 1998 be extended beyond the repeal date of 5 June 2002.
- (G) That the listing of Nos. 200-206 Victoria Street, Beaconsfield as Heritage Items shall be deferred until such time as the South Sydney Weatherboard Study is completed and considered by Council. The Weatherboard Study is to consider the proposed Heritage items and is to further address and assess the heritage significance of these buildings within South Sydney.

Carried.

16.

TILFORD STREET, NOS. 4 – 6, ZETLAND – PARTIAL DEMOLITION OF THE EXISTING BUILDING, ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING NINE UNITS AND CAR PARKING – DEVELOPMENT APPLICATION (U01-01027)

That the application be deferred to the next Planning and Development Committee Meeting to be held on 3 April 2002 and that a meeting be held prior to the next Committee between Council Officers, applicant and objectors regarding the application.

Carried.

The Planning and Development Committee Meeting terminated at 8.50 .p.m

The Council Meeting terminated at 8.45 p.m.

Confirmed at a meeting of South Sydney City Council
Held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER