

296th Meeting

**Erskineville Town Hall
Erskineville
391137**

Wednesday, 8 May 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.33 pm on Wednesday, 8 May 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.

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	437
Minutes by the Mayor	437
Minutes by the General Manager	438
Petitions	443
Questions Without Notice	443
Report of Finance Committee	454
Report of Community Services Committee	474
Report of Planning and Development Committee	477

Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 10 April 2002, be taken as read and confirmed.

At the request of Councillor Shaw and by consent the minutes be amended by the deletion of the words on page 435 in relation to Item No. 12 by the addition of the words to the recommendations "and that nearby residents be also notified of the meeting of 1 May 2002".

Minutes as amended by consent were then confirmed.

MINUTE BY THE MAYOR

3 May 2002

**DONATIONS - MERGING OF CITY OF ALBURY AND CITY OF WODONGA –
REQUEST FOR SUPPORT TO CONDUCT COMMUNITY POLL (2027002)**

I have received a communication from Councillor Patricia Gould, Mayor of the City of Albury seeking Council's assistance to contact the Premier's Office, in support of the City of Albury, and request that the NSW Government should meet the cost of a community poll about the merging of the City of Albury with the City of Wodonga.

The Premier has advised Albury City Council, he will be guided by the final report from Commissioner Mr. Ian Sinclair, on whether or not a poll should be held on this issue.

Albury City Council believes it is an essential part of the democratic process to ask the community relevant questions concerning the future of their City. Albury City Council therefore initiated a poll of residents on 11 May and will be responsible for bearing the full cost of the poll.

The Mayor of Albury has approached both Minister Harry Woods, NSW Minister for Local Government, Regional Development and Rural Affairs and the Hon Bob Carr, NSW Premier, to meet the cost of the poll which will determine the communities feeling in relation to the proposed merger.

I believe that South Sydney Council has gone through a similar undemocratic process in respect of amalgamations and is now going through a further undemocratic process in respect of boundary changes and therefore I fully support Council making representations to Commissioner Mr. Ian Sinclair and also the State Government in the strongest terms.

GENERAL MANAGER

Recommendation

That a letter in the strongest terms be forwarded to Commissioner Mr. Ian Sinclair and the Premier of NSW supporting the City of Albury's representations to have the full cost of a community poll on the merger of the City of Albury and the City of Wodonga, being met by the NSW State Government and further copies of Council's letters be forwarded to the NSW Minister for Local Government, Regional Development and Rural Affairs and also the Federal Minister for Regional Services, Territories and Local Government.

Councillor John Fowler (SGD)
Mayor

Moved by the Mayor, seconded by Councillor Bush:-

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

Carried.

NOTE: In relation to a minute by the General Manager re Defamation, Councillor John Bush, it was moved by Councillor Mallard and by consent that the matter be dealt with in concurrence with the Properties Sub-Committee Confidential Matters – Carried.

MINUTE BY THE GENERAL MANAGER

2 MAY 2002

**COMMITTEES - AUSTRALIAN TECHNOLOGY PARK COMMUNITY
CONSULTATION COMMITTEE – APPOINTMENT OF COUNCIL
REPRESENTATIVE (2022662)****TO COUNCIL**

A communication dated 19 April 2002 has been received from the Community Relations Manager of the Sydney Harbour Foreshore Authority about a newly established Committee entitled "Australian Technology Park Community Consultation Committee.

A copy of the Terms of Reference and meeting schedule of the Committee, is attached.

Councillor Jill Lay is interested in representing Council on the Committee and Council's endorsement to such appointment is submitted for consideration.

GENERAL MANAGER

The authority has asked for Council to appoint an alternative representative should Council's delegate be unable to attend a meeting and this matter is also submitted for consideration.

RECOMMENDATION

- (a) That approval be given to Councillor Jill Lay being appointed as Council's representative on the Australian Technology Park Community Consultation Committee.
- (b) That Council appoint an alternative representative should Council's delegate not be able to attend a meeting.

Michael Whittaker(SGD)
GENERAL MANAGER

MINUTE

In connection with this matter the further undermentioned relevant minute by the Civic Affairs Manager/Public Officer was circulated to all Councillors.

8 May 2002

AUSTRALIAN TECHNOLOGY PARK COMMUNITY CONSULTATION COMMITTEE – APPOINTMENT OF COUNCIL REPRESENTATIVE – ADDITIONAL MINUTE (2022662)

TO COUNCIL

Further to the General Managers minute of 2 May 2002, Councillor Peter Furness has indicated that he would also like to represent Council on the Committee.

With two Councillors representatives on the Committee there might not be a need to appoint an alternative representative.

The following new recommendation is submitted for consideration.

RECOMMENDATION

That approval be given to Councillors Jill Lay and Peter Furness being appointed as

GENERAL MANAGER

Council's representatives on the Australian Technology Park Community Consultant Committee.

CIVIC AFFAIRS MANAGER/PUBLIC OFFICER (SGD)

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the minute by the Civic Affairs Manager/Public Officer dated 8 May 2002, be approved subject to the deletion of the names "Councillor Jill Lay and Peter Furness" where appearing in the first line of the recommendation and insertion in lieu thereof, of the following "Ward Councillors"

Carried.

MINUTE BY THE GENERAL MANAGER

3 May 2002

DONATIONS - CHARGING TELECOMMUNICATION CARRIERS FOR THEIR USE OF PUBLIC LANDS (2002879)

TO COUNCIL

The Executive Director of the Local Government and Shires Association by letter dated 23 April 2002, advised as follows:-

On 11 April 2002 the Federal Court of Appeal handed down its Judgement on an appeal lodged by Telstra and Optus against the decision made in the Federal Court in December 2000, in favour of councils in New South Wales and Victoria being able to charge telecommunications carriers for their use of public land.

The Judgement awarded costs against Local Government for the Appeal. Costs for the first hearing are yet to be considered.

The decision to take both these actions was only after confidential consultation with councils, with attendance and agreement to proceed endorsed by all Metropolitan Councils at a meeting called for the purpose of deciding the ability of a council to seek a fair and reasonable contribution to the community for the use of those facilities.

GENERAL MANAGER

It was only at the request of councils that the Association agreed to coordinate the actions, on behalf of the fourteen councils which had been notified of Federal Court Action being taken against them.

Very significant legal costs have been incurred on behalf of councils, who must take responsibility for funding these actions.

The Associations sought legal advice on the likely costs and prospects of success in mounting an appeal to the High Court. A QC and advice from the former Solicitor-General of the Commonwealth Sir Maurice Byers believes our case is strong and the Appeal Judges erred.

A meeting of Mayors on 16 April 2002 unanimously endorsed the lodgement of an appeal to the High Court and in light of the benefits to which will flow to all councils, a contribution of \$6,266 based on the pro-rata formula is sought from your council.

This issue is not just about telecommunication cables. It is a challenge to the legal right of councils to charge for the use of public property by commercial interests. It affects all Councils rights to see recompense on behalf of their citizens.

In all of these circumstances, I request that Council urgently endorses the action taken, and provides me with a letter confirming preparedness to contribute to the costs.

Recommendation

That Council endorse the action taken and that approval be given to the payment of a contribution of \$6,266 towards the lodgement of an appeal to the High Court, for which funds can be made available in the 2001/02 Revenue Estimates, and that a letter be forwarded to the Local Government and Shires Association of NSW confirming Council's preparedness to contribute toward the costs.

Michael Whittaker (SGD)
GENERAL MANAGER

Moved by Councillor Mallard, seconded by The Mayor:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

8 May 2002

**DONATIONS - LGSA - RATE PEGGING TASK FORCE – CONSULTANCY -
REQUEST FOR CONTRIBUTION (2002879)****COUNCIL**

Council has received a request from the Local Government and Shires Association (LGSA) for a contribution of \$829 towards the cost of an independent consultant to be engaged to review and report on 'Rate Pegging Legislation and Practice in NSW'.

The LGSA advise they remain firmly opposed to rate pegging but accept the initiative of the Task Force to explore ways in which rate pegging can be made more equitable. This would be achieved through the development and introduction of a two tiered approach, one, which identifies and indexes costs beyond Councils control (e.g. rising electricity costs 15-20% in 2001/2002) and two recognises those within Councils control and detailed in Council's Management Plan (e.g. infrastructure maintenance and restoration).

The brief to the consultant would include a review of the current system of rate pegging to demonstrate the shortfalls of the system and a review of the current process of applying for a Special Variation to rate income.

It would be appropriate for Council to support this initiative, funds for which are available in the 2001/2002 Budgets.

Recommendation:

That Council writes to the LGSA in support of this initiative and contributes \$829 towards the cost of this project as requested, funds for which are available in the 2001/2002 Budget.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Fuenssss, seconded by Councillor Lennon:-

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

Carried.

GENERAL MANAGER

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 43 signatures appended from residents of Bray Street, Erskineville, requesting that it be closed to traffic at the junction of King Street, Newtown.

Received.

QUESTIONS WITHOUT NOTICE

1.

PROPERTY – NOS. 15-23, KNIGHT STREET, ERSKINEVILLE – OPTIONS FOR PURCHASE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2018626)

Question:

Could a valuation of the property known as Nos. 15-23a Knight Street, Erskineville be obtained and a report prepared for the Properties Sub-committee providing options for the purchase of the property for public open space?

Answer by the Mayor:

I will have that matter go to Committee, and ask the appropriate Council Officer to obtain a market estimation of the current zoning of that land, in order for Council to investigate the acquisition of it for public open space.

2.

DEVELOPMENT – PROPOSED DCP ON EXTENDED TRADING HOURS OF HOTELS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002560)

Question:

Could I please be provided with an update on what work is being done to advance a DCP on hotel operating hours? I raised this issue in a question in December 2001.

Answer by the Mayor:

I will have the matter referred to the appropriate Council Officer and a response put in the Councillors Information Service.

3.

ROADWORKS – REPAIRS – SOUTH SYDNEY AREA USE OF POROUS PAVEMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S56-00626)**Question:**

Could a report be prepared on the use of 'No fines' asphalt pavement and other forms of porous pavement and it's potential use in South Sydney, particularly in footways traversing or abutting parkland or where nature strips exist?

Answer by the Mayor:

I will have the appropriate Council Officer prepare a technical report for the Environmental Steering Committee.

4.

STUDIES – BUILDING ENERGY EFFICIENCY – USE OF SOLAR CELLS- QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P54-00140)**Question:**

In reviewing the DCP could Council please investigate and report on the possible development of new conditions to require the use of solar cells to provide energy to light communal areas in multi unit developments?

Answer by the Mayor:

I will have the appropriate officer submit a report to the Environmental Steering Committee.

5.

COMMITTEE – ENVIRONMENTAL STEERING – DEVELOPMENT OF VOLUNTEER SCIENTIFIC ADVISORY PANEL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2017777)**Question:**

Could a report be prepared on the development of a Volunteer Scientific Advisory Panel, possibly along the lines of that developed by Manly Council?

Answer by the Mayor:

I will have the appropriate Environmental Officer enquire regarding the strategies at Manly Councils and have a report prepared for the Environmental Steering Committee.

6.

**CELEBRATIONS – MENTAL HEALTH WEEK – 1 JUNE 2002
INFORMATION IN MAYORAL COLUMN - QUESTION WITHOUT NOTICE
BY COUNCILLOR LAY (2020982)**

Question:

Could the Mayor please include in his Mayoral Column information on the Community Health Forum on Mental Health Challenges to be held on 1 June 2002 at South Sydney Uniting Church and sponsored by South Sydney Rotary Club, South Sydney Uniting Church and the Australian Rotary Health Research Fund? Further could the Director of Community Development investigate whether the forum would be of relevance to council staff and/or whether there is an opportunity for Council to provide information etc on any of our services which may be relevant?

Answer by the Mayor:

There is an Officer already involved in mental health issues particularly in relation to sport and recreation, I will have that officer respond to you in relation to that and I will have the media section include it in the mayoral column.

7.

**STREETS – SOUTH SYDNEY AREA – REQUEST TO PROVIDE
WHEELCHAIR ACCESS FOR ST. JAMES CHURCH HALL,
BEACONSFIELD - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY
(2001803)**

Question:

The renovations for St James Church Hall, Beaconsfield restroom facilities at the rear of the church are nearing completion.

I would seek Council's urgent provision of a footpath wheelchair access ramp to be installed in Victoria Lane to coincide with the ramp access that the church has provided.

Your attention to this matter would be greatly appreciated.

Answer by the Mayor:

I will have the appropriate Council Officer prepare a report to Committee in relation to that matter.

8.

PARKS – LAWRENCE HARGRAVE RESERVE, KINGS CROSS – PROPOSED SALE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P52-00065)**Question:**

The recent proposal to sell or swap the Lawrence Hargraves Reserve, in King Cross revealed how important a space it was and also it is to residents in the area. It also revealed it is not listed as community open space with the threat of a more aggressive Council coming our way, could we have this zoned Community Open Space?

Answer by the Mayor:

I will have that matter come to the Properties Sub-Committee in order to investigate whether or not Council needs to examine the stratering of the property.

Comment by Councillor Lennon:

I also asked last year for a report to come back about it being a dog tolerance space.

Answer by the Mayor:

I think the report was in the Councillors Information Service, however, I will ask Mr Dearsley to respond as to whether it can be included as a leash-free area. That report will come to committee.

9.

TRAFFIC - KINGS CROSS AREA – ERECTION OF TEMPORARY FENCE BETWEEN THE BOURBAN AND BEEFSTEAK AND THE EMPIRE HOTEL - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T52-00176)**Question:**

I have had mixed input regarding the safety fence erected between the Bourbon and the Empire Hotel. The State Government and Police has dictated its presence. Could we make it more aesthetic by matching the Victorian green of the existing bollards or the more decorative style as at Taylor Square?

Answer by Mr Wilcoxon:

The fence can certainly be painted green, however as the fence is only there for a three month trial and if it became a permanent fence, it would probably not remain the same style, so it is a matter of whether or not we have to paint the fence during this trial period.

Answer by the Mayor:

I will make sure that the fence and its issues are brought back to committee.

10.

OFFICIAL OCCASIONS – MAYORAL BALL – SELECTION OF CHARITY FOR 2002 BALL - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2001042)**Question:**

In line with our sustainability and community links policy, could Council consider the Beehive Industries being the charity of choice for this year's Mayoral Ball?

Answer by the Mayor:

I will have that matter go to committee in order for Council to resolve the issue of selection of a charity for this year's Mayoral Ball.

11.

PUBLIC RELATIONS – COMMUNITY NOTICEBOARDS – REQUEST TO PLACE NOTICEBOARD ON KING CROSS STATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P58-00372)**Question:**

Can Council write to the State Rail Authority requesting a community noticeboard be placed on the platform of Kings Cross Station near the coffee cart?

Answer by the Mayor:

If you can give me the details of your request, I am happy to write the letter to the State Rail Authority.

12.

COMMITTEES – STREET SEX WORKERS – ROAD CLOSURES 2002 - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2026840)**Question:**

The previous decision of Council direction strategy that was done to work with street prostitution, like the left hand turn on William Street, between 7.00 p.m and 6.00 a.m and the right hand turn from Liverpool Street onto Burton Street, haven't worked in the past, should be removed as we are having a new trial?

Answer by the Mayor:

As part of the evaluation, the street closure of St Peters Street, the other signage which has been brought into place like the no left turn and the median strip, will be part of the evaluation at the time of the completion of the street closure. There will be a report that will come from the Traffic Committee to the Council committee.

13.

PUBLIC RELATIONS – LETTER OF CONGRATULATIONS TO SYDNEY WATER - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023643)**Question:**

My question is regarding a fabulous documentation from Sydney Water. Could Council write to Sydney Water and thank them for their Media Department's work, but ask them to please liaise with us when they are digging up the pipes in the Kings Cross area?

Answer by the Mayor:

I will write to Sydney Water's Media Department and pass on your congratulations.

14.

TRANSPORT – RE ROUTING OF THE 389 BUS FROM PALMER STREET TO BOURKE STREET, DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2009308)**Question:**

I again ask a question regarding the re-routing of the 389 bus from Palmer Street to Bourke Street, East Sydney/Darlinghurst. I now provide the enquiry from the resident and ask that the appropriate Officer contact Mr McMahon regarding his concerns about the location of bus stops in Bourke Street.

Further, I would like to be kept up to date, regarding any correspondence between Mr. McMahon and Council.

Answer by the Mayor:

I will have that matter dealt with by the Mayor's Office tomorrow morning in order to have a response and I'll have that information circulated to you.

15.

TREES – LOPPING AND MAINTENANCE – TRIMMING OF TREES ON DEPARTMENT OF HOUSING SITES. - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2005242)**Question:**

In October last year I asked if you would agree to write to Mr Mike Allen, Regional Director, Department of Housing stating that Council has no in principle objection to the trimming of trees on Department of Housing sites – you replied “Yes”.

They claim not to have received this letter. Could you check to see if that letter was prepared and either send them a copy or prepare the letter again?

Answer by the Mayor:

I apologise if in fact that is the case and I will have that matter attended to tomorrow morning.

16.

HEALTH - RODENTS IN SOUTH SYDNEY AREA – INVESTIGATION OF PROBLEM AROUND MATARAI AND SOLANDER DEPARTMENT OF HOUSING TOWERS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (527 8535)**Question:**

Mr Mayor there is an obvious vermin problem around the Matarai and Solander Department of Housing towers in Redfern/Waterloo. Would it be possible for Council's Pest/Vermin Officer investigate and suggest remedies for this problem?

Answer by the Mayor:

I will have Mr Dearsley's Officers contact the Neighbourhood Advisory Board in order to arrange Council's assistance to eradicate that problem or at least put it under control.

17.

PARKS – LAWRENCE HARGRAVE RESERVE, KINGS CROSS – OPTIONS FOR USE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P52-00065)**Question:**

With regards to Councillor Lennon's question regarding Lawrence Hargrave Reserve, could we also look at the opportunities for other types of developments for the park, including an aquatic centre or gymnasium?

Answer by the Mayor:

I will have Mr Rolls prepare a further report to committee in relation to possible expressions of interest and options for the use.

18.

PARKS – ROSLYN STREET PARK, KINGS CROSS – LANDSCAPE DESIGN – PLACEMENT OF ROCK - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026025)**Question:**

I participated in the implementation of the landscape design in Roslyn Street where a tree fell down. Recently a huge rock has been put in the park without any consultation with Councillors. I would like to know why the rock was in the park when I was told a tree would be planted to replace the one that fell down?

Answer by the Mayor:

It was a gift from a community member. It is a request for that community member for a location for that stone and it was a request from a Councillor to assist this community member.

Question by Councillor Mallard:

Do we not have a policy and was it adhered to?

Answer by the Mayor:

It would suggest by your comment not. I'll have that matter come to the Cultural Committee in order for it to further illuminate what Council can do with this gift.

19.

WELFARE – EXTEND AREAS OF SOUTH SYDNEY COUNCIL'S HOMELESS STRATEGY - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025687)

Question:

Could South Sydney Council's Homeless Strategy for Woolloomooloo be extended to include St Canices Church in Kings Cross?

Answer by the Mayor:

But it does.

20.

COUNCILLORS – COUNCILLOR'S CODE OF CONDUCT – QUESTIONS WITHOUT NOTICE AT COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A54-00013)

Question:

Could the General Manager, inform Councillors on the procedural matter of having their Questions Without Notice prepared?

Answer by the Mayor:

The General Manager informs me there is a Discussion Paper coming to committee in order for that policy to be noted.

21.

STREETS - RENWICK STREET, REDFERN – REQUEST TO BUNDLE ELECTRICITY CABLES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2005373)

Question:

I have received a letter from a resident requesting that the electricity cables in Renwick Street adjacent to the corner of Turner Street, Redfern, be bundled. The request arises because there has been a large amount of residential development, requiring extra phone lines, etc, in this very narrow street.

Please, can Officers address this problem and ensure that lines are kept as unobtrusive as possible whenever a similar situation occurs?

Answer by the Mayor:

I will have Mr Wilcoxon respond to you and have that matter dealt with tomorrow morning as a matter of urgency.

22.

TRAFFIC - IMPACT OF SPEED THRESHOLD, BOURKE STREET, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2001350)**Question:**

As the Mayor is aware, a number of residents have expressed concerns about the impact of a speed threshold on Bourke Street, Surry Hills, adjacent to Rainford Street. Please may I have a report summarising the issues around traffic calming in this part of Bourke Street and indicating ways in which the impact could be Ameliorated, with estimated costs for any proposal?

Answer by the Mayor:

Mr Wilcoxon, I'll be advised by you if you could have that dealt with by the Traffic Engineer and the appropriate report as to its destination. Perhaps if you could relate that to me in terms of whether it should go to the Traffic Committee.

Answer by Director of City Works:

Yes Mr. Mayor

23.

TRAFFIC – DAVIS AND RAINFORD STREETS, SURRY HILLS – REVERSING TRAFFIC FLOW - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2025800)**Question:**

Residents on Bourke Street have also raised the question of reversing the traffic flows on Davis Street and Rainford Street, because the maintaining of the right hand turn into and out of Rainford Street to Bourke Street has limited visibility and is potentially dangerous?

Answer by the Mayor:

It might be time to examine the one-way treatments of those roads between Bourke Street and Crown Street, Surry Hills, post Eastern Distributor. It may be more appropriate to seek Expressions of Interest for a full study for that location. I will have that matter addressed through the Councillors Information Service.

24.

TRAFFIC – STREET CLOSURES – FINALISING WORK ON RICHARD AVENUE, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (T52-00223)

Question:

In the context of finalising work on the closure of Richards Avenue, could the Traffic Committee consider safety issues on Davoren Lane (possibly becoming one-way) and Collins Lane (conflict between speeding cars in both directions and pedestrians)?

Answer by the Mayor:

I will have those matters addressed at the Traffic Committee.

25.

STREETS – DRAINAGE – POSSIBLE WIDENING OF THE CHANNEL TO PREVENT FLOODING , RAINFORD STREET, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2009339)

Question:

The same residents also complain of occasional flooding induced by run-off from Rainford Street being blocked by the threshold. Is it possible to widen the channel to the nearest drain?

Answer by the Mayor:

The drainage has been examined recently at that location, however I would point out that when there is a certain downpour, many gullies overflow in the Local Government Area.

26.

SIGNS – REMOVAL OF 50KPM AND ERECT A PEDESTRIAN CROSSING SIGN – MACLEAY STREET NEAR ROCKWALL CRESCENT, KINGS CROSS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2008555)

Question:

The pedestrian crossing on Macleay Street, near Rockwall Crescent, has a lot of traffic problems. Could the 50KPH sign be removed from the pedestrian crossing sign and a pedestrian crossing sign be put there?

Answer by the Mayor:

I will have an Officer inspect the signage on Macleay Street, between Rockwall and Challis Avenue, Kings Cross.

REPORT OF THE FINANCE COMMITTEE

1 May 2002

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

At the commencement of business at 6.59 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 1 May 2002, be received and the recommendations set out below for Items 2 to 14, inclusive, 14.2 to 14.5, inclusive, and 14.8 to 14.16, inclusive, be adopted. The recommendations for Items 1, 14.1, 14.6 and 14.7 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES - REDFERN TOWN HALL – REQUEST FOR FREE USE - EMERGE AUSTRALIA – 31 MAY 2002 (P56-00410)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That arising from consideration of a report by the Acting Director of Community Development dated 17 April 2002, approval be given to Emerge Australia for the free use of Redfern Town Hall on Friday 31 May 2002, and under the provisions of Section 356, Council agrees to forgo \$420 in income and \$275 in costs, to allow Emerge Australia to hold a Trivia night.

Carried.

GENERAL MANAGER

2.

PARKS – WILSON BROS SITE – HUGO, CAROLINE AND LOUIS STREETS, CHIPPENDALE – SOIL REMEDIATION WORKS – ACCEPTANCE OF TENDER (2026216)

That arising from consideration of a report by the Director of City Works dated 26 March 2002, approval be given to accept the tender submission of ANC Foster for GST exclusive at a cost of \$618,700 (plus GST-\$61,870.00), total amount \$680,570, for which funds of \$680,570 are available in the 2000/2001 Works Program Wilson Bros Site (Project No. 21071) (Budget Ref 45-030). The GST component of \$61,870 is available in separate Finance Department Budgets.

It was moved by Councillor Lennon, seconded by Councillor Furness, that the matter be deferred and be referred to the Environmental Steering Committee Green Policy.

Amendment negatived.

Motion carried.

3.

MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT, JANUARY, FEBRUARY AND MARCH 2002 (M56-00080)

- (1) That arising from consideration of a report by the Acting Director of Community Development dated 22 April 2002, confirmatory approval be given to the excess motor vehicles' use costs (\$7346.90), as listed in Table 1 in the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act 1993, for the 2001/2002 Budgetary period.
- (2) That a further report be prepared in relation to commercial rates that are charged by outside transport organisations as against Council rates for the use of the community buses.

Carried.

4.

FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – FEBRUARY 2002 (2026265)

That Council gives confirmatory approval for the schedule of payments for February 2002, accompanying the report of the Chief Financial Officer dated 4 March 2002, details of which are contained in the relevant file.

Carried.

5.

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

That Council gives confirmatory approval for the schedule of payments for March 2002, accompanying the report of the Chief Financial Officer dated 4 March 2002, details of which are contained in the relevant file.

Carried.

6.

**LANDMARKS – “MARKING TIME” - GUIDELINES, KINGS CROSS AND
WATERLOO MARKER AND PILOT PROJECT (L51-00014)**

That arising from consideration of a joint report by the Acting Director of Community Development and the Director of City Environment dated 24 April 2002, approval be given to:-

- (1) draft Guidelines for the 'Marking Time' Project for the placement of heritage markers in South Sydney as per Attachment 1 accompanying the beforementioned report;
- (2) up to 6 standard brass plaques being installed in Kings Cross and that the list identified in the beforementioned report dated 27 March 2002, be reviewed by the Marking Time Working Group;
- (3) that a full pilot of the Marking Time project be trialed in Waterloo at a cost of up to \$100,000, funds for which have been identified in the 2002/2003 Budget Estimates.

It was moved by Councillor Lennon that the monies that were allocated for the Kings Cross area “Marking Time” Project, be given to the Kings Cross Arts Guild.

Motion lapsed through want of a seconder.

Moved by Councillor Bush that the motion be put. Carried.

Motion carried.

7.

- (1) **SPORTS – ALAN DAVIDSON OVAL, SYDNEY PARK - SUPPLY AND
INSTALLATION OF FLOODLIGHTS – ACCEPTANCE OF TENDER
(2023105)**
- (2) **SPORTS – ALAN DAVIDSON OVAL, SYDNEY PARK – AMENITIES
BUILDING TO BE KNOWN AS “SYDNEY PARK MULTI-PURPOSE
SPORT AND COMMUNITY FACILITY”**

- (1) That for the reasons set out in the report by the Director of City Works dated 24 April 2002, approval be given to the acceptance of the tender submission from Conner Electrical for the supply and installation of floodlighting to the Alan Davidson Oval, Sydney Park, for the amount of \$230,000 (plus GST \$23,000) \$253,000, for which funds are available in the 2001/2002 Works Program, Project 21374 (Bud.Ref 45-034) \$165,000, and the re allocation of funds from the Sydney Park Cricket amenities building budget \$1,280,000 (Bud. ref 45-020).
- (2) That in all future reports, the amenities building be referred to as the "Sydney Park Multi-Purpose Sport and Community Facility".

Carried.

8.

RATES - DOMESTIC WASTE MANAGEMENT CHARGES – PARKRIDGE APARTMENTS, NOS. 6 – 14 OXFORD STREET, DARLINGHURST (2002770)

That for the reasons set out in the report by the Chief Financial Officer dated 24 April 2002, it be resolved that:-

- (1) Council continues levying a domestic waste "*availability*" charge to all residential properties;
- (2) the Waste Services Manager engage in discussions with the Parkridge Apartment Management, in order to formulate an action plan to facilitate the safe collection of garbage from these premises by Council.
- (3) the Mayor write to the residents of the Parkridge Apartments informing them of the situation in respect of the collection of domestic waste from their premises and the charges that go with such service.

Carried.

9.

RATES – PAYMENT OPTIONS – TELEPHONE BANKING – AUSTRALIA POST (2023804)

That for the reasons set out in the report by the Chief Financial Officer dated 24 April 2002, it be resolved that:-

- (1) Council approves the introduction of the Australia Post "*Telephone Banking*" payment option for Rates. Further, that the service be made available to Council's Ratepayers from July 2002 for payment of the first Rates instalment for 2002/2003;

- (2) the Cardlink service be discontinued upon the successful implementation of the Australia Post telephone banking service.

Carried.

10.

RATES – PAYMENT OPTIONS – INTERNET PAYMENTS VIA COUNCIL’S WEB PAGE AND AUSTRALIA POST (BILLPAY) (2023804)

That arising from consideration of a report by the Chief Financial Officer dated 24 April 2002, Council approves the introduction of the Australia Post “Internet” payment option for Rates. Further, that the service be made available to Council’s Ratepayers from July 2002 for payment of the first Rates instalment for 2002/2003.

Carried.

11.

RATES – PAYMENT - INCENTIVE SCHEME FOR 2002/2003 - SPONSORSHIP (2002770)

That arising from consideration of a report by the Chief Financial Officer dated 23 April 2002, approval be given to:-

- (1) Council officer’s writing to local businesses to seek sponsorship for the Rates Payment Incentive Scheme and in return will receive exposure through media coverage;
- (2) a further report being prepared by the Chief Financial Officer for submission to a future Finance Committee meeting on guidelines for sponsorship and the proposed sponsors for the Rates Payment Incentive Scheme for Council approval.

Carried.

12.

FINANCE – BUDGETS AND REPORTING – TRIPLE BOTTOM LINE – STUDY TOUR BY SENIOR OFFICERS OF COUNCIL (2026879)

That arising from consideration of a report by the Chief Financial Officer dated 26 April 2002, the General Manager and the Chief Financial Officer or their nominees undertake a study tour of Local Government in Melbourne, South East Queensland and Perth during the 2002/2003 Budget year for the purpose of introducing Triple Bottom Line reporting at South Sydney City Council for

the 2003/2004 Financial year, funds for which are included in the 2002/2003 Budget estimates.

Carried.

13.

FINANCE - SUNDRY DEBTORS – OUTSTANDING AS AT 31 MARCH 2002 (2025725)

That the report by the Chief Financial Officer dated 11 April 2002, on the balance of outstanding sundry debtors as at 31 March 2002, be received and noted.

Carried.

14.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 1 MAY 2002 COMMENCING AT 6.07 PM

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 1 May 2002, be approved and adopted.

NOTE:

Councillor Lennon came into the meeting at 6.20 p.m. as an observer when Item No. 7 was being discussed and left when Item No. 10 was finalised at 6.33 p.m. These two Items were brought forward to accommodate speakers at the meeting.

14.1.

LEASING – GROUND FLOOR SHOPFRONT AND BASEMENT, NO. 88 OXFORD STREET, DARLINGHURST – PROPOSED ASSIGNMENT OF LEASE FROM L.A. LIQUOR PTY LIMITED TO ALLAN STUART MILLER AND CLIVE HAMILTON MCILWRAITH (L52-00166)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That arising from consideration of a report by the Acting Director of Corporate Services dated 8 May 2002, Council's consent be given to the assignment of the lease from L.A. Liquor Pty Ltd to Allan Stuart Miller and Clive Hamilton McIlwraith of Council premises Basement and Ground Floor Shopfront No. 88 Oxford Street, Darlinghurst, subject to the following conditions, namely:-

- (1) That the Assignees are to provide a Bank Guarantee equivalent to three (3) months rental;
- (2) That the Assignees are to provide unconditional Personal Guarantees for the term of the lease;
- (3) That the Assignees are to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the Assignee against any claims that may arise during the term of the lease;
- (4) That all legal costs associated with the preparation and execution of the necessary documents by Council's Legal Officer are to be borne by the Assignor;
- (5) That all relevant documents are to be executed by Council's Attorney;
- (6) That the Assignees are responsible for the payment of the Goods and Services Tax under the terms and conditions of the existing lease.

Carried.

14.2.

LEASING - NO. 96 OXFORD STREET, DARLINGHURST – PILTZ ENTERPRISES PTY LTD – EXERCISE OF LEASE OPTION (L52-00236)

That arising from consideration of a report by the Acting Director of Corporate Services dated 19 April 2002, Council's consent be given to the option to lease premises Ground Floor and Basement Floor No. 96 Oxford Street, Darlinghurst, to Piltz Enterprises Pty Ltd under the same terms and provisions as the existing lease and subject to the following conditions, namely:-

- (1) That the lessee is responsible for the payment of the Goods and Services Tax;
- (2) That the rent be reviewed annually by 5% for the term of the option period;
- (3) That the lessee is to provide a Bank Guarantee or Bond equivalent to three (3) months rental;
- (4) That the lessee is to provide unconditional Personal Guarantees for the term of the option period;
- (5) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the option period;

GENERAL MANAGER

- (6) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (7) That this approval lapses in three (3) months from the date of Council's approval to the granting of this lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents.

Carried.

14.3.

LICENSING – BUCKINGHAM STREET, NOS. 4 – 14, SURRY HILLS, SHOP 1A, – PROPOSED FOOTWAY LICENCE (NEW) - AREA LOCATED IN RUTLAND STREET (2024842)

That approval be given to:-

- (1) the granting of a licence to Centro Pty Ltd over an area of 4 square metres of the footway of Rutland Street adjacent to Café Centro at Shop 1A, Nos. 4-14 Buckingham Street, Surry Hills as shown stippled on Plan No. S4-130/825A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date;

- (8) any breaches of the conditions granted in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of the licence and/or any penalties prescribed under the Local Government Act 1993.

(DCE Report 16/4/02)

Carried.

14.4.

LEASING – ELIZABETH STREET, SURRY HILLS, ADJACENT TO NO. 539 – PROPOSED RENEWAL OF LEASE OF PART (L52-00095)

That arising from consideration of a report by the Director of City Environment dated 23 April 2002, and further to the report by the Director of Public Works and Services dated 16 January 2002, approval be given to the recommendation as contained in the report by the Director of Public Works and Services dated 16 January 2002, with the following amendments, namely:-

- (a) the deletion of Clause 5;
- (b) the insertion of a new clause 5 reading - "the rental being set at \$11,000 per annum including GST and with annual CPI adjustments.";
- (c) the Consulate General of the Peoples Republic of China making separate development applications to Council for any signage within their property. No signage will be permitted in the lease area.

Carried.

14.5.

LICENSING – CLEVELAND STREET, NO. 426, SURRY HILLS, SHOP 1, – PROPOSED FOOTWAY LICENCE - AREA LOCATED IN HIGH HOLBORN STREET (2026247)

That approval be given to:-

- (1) the granting of a licence to Sando Food Pty Ltd over an area of 8 square metres of the footway of High Holborn Street adjacent to Komachi at Shop 1, No 426 Cleveland Street, Surry Hills, as shown stippled on Plan No S4-130/847A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;

- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement.
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.
- (8) any breaches of the conditions granted in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of the licence and/or any penalties prescribed under the Local Government Act 1993.

(DCE Report 17.4.02)

Carried.

14.6.

LEASING – HAYDEN LANE, DARLINGHURST – PROPOSED LEASE OF PART (2026679)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

That the matter be deferred and will be dealt with in conjunction with the Development Application for premises Nos. 231 – 235 Victoria Street, Darlinghurst, when it is submitted for consideration to the Planning and Development Committee.

Carried.

14.7.**LEASING – PALMER STREET, NOS. 137 – 155, EAST SYDNEY – BEEHIVE INDUSTRIES CO-OPERATIVE LTD - REQUEST FOR RENT FREE PERIOD (L52-00183)**

(At the Council Meeting, Councillor Pooley declared an interest in that he was a Director of the organisation and did not take part in discussions or voting on the matter and left the Council Chamber).

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lennon:-

That Beehive Industries be given May and June, 2002, as rent free of premises Nos. 137 – 155 Palmer Street, East Sydney.

Carried.

At this stage Councillor Pooley returned.

14.8.**LEASING – OXFORD STREET, NO. 94, DARLINGHURST, ROOM 35 – OPTION FOR RENEWAL OF LEASE (L02-00337)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 22 April 2002, Council's consent be given to Gitte Weise and Christopher Snee exercising the option to lease Council's premises Room 35, No. 94 Oxford Street, Darlinghurst, for a further 5 years in accordance with the provisions of the existing lease and subject to the following conditions, namely:-

- (1) That the Lessees are to provide a Bank Guarantee, Security Deposit or Bond equivalent to three (3) months of the revised rental;
- (2) That the Lessees are to provide Personal Guarantees for the term of the Lease;
- (3) That the rent is to be increased annually in accordance with the Consumer Price Index (All Ordinaries) Sydney, for the term of the option period;
- (4) That the Lessees are to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the Lessee against any claims that may arise during the term of the Lease;
- (5) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessees;

- (6) That all relevant documents are to be executed by Council's Attorney if required;
- (7) That the Lessees are responsible for the payment of the Goods and Services Tax.

Carried.

14.9.

LEASING – OXFORD STREET, NO. 60, DARLINGHURST – APPLICATION TO LEASE BY WOOSH (2026259)

That arising from consideration of a report by the Acting Director of Corporate Services dated 23 April 2002, approval be given to WOOSH being offered a three (3) year lease with two (2) x three (3) year options of Council's shopfront premises, 60 Oxford Street, Darlinghurst, at a rental of \$91,875 per annum gross, inclusive of outgoings, plus the GST component commencing from a date to be determined, subject to the following conditions, namely:-

- (1) That the rental be reviewed on the 2nd and 3rd terms of the lease by CPI. That a review to market be carried out at the commencement of the option period if exercised;
- (2) That the lessee provides Council with a Bank Guarantee equivalent to three (3) months rental;
- (3) That the lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (4) That if approved under the Retail Leases Act, 1993, the relevant Disclosure Statement and the copy of the Draft Lease Agreement is to be forwarded to WOOSH for his consideration and acceptance;
- (5) That a rent-free period of three (3) months be applicable;
- (6) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
- (7) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc. by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc. to Council's Planning and Building Department for Statutory approvals;

- (8) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (9) That all relevant documents are to be executed by Council's Attorney, if required;
- (10) That the lessee is responsible for the payment of the Goods and Services Tax.

Carried.

14.10.

LEASING – OXFORD STREET, NOS. 62 – 64, DARLINGHURST – RENEWAL OF LEASE TO BRIAN POLLARD (L52-00113)

That arising from consideration of a report by the Acting Director of Corporate Services dated 24 April 2002, approval be given to Mr Brian Pollard exercising his Option for a further five (5) year lease of Council's Shopfront premises, Nos. 62-64 Oxford Street, Darlinghurst, at a rental of \$120,000 per annum gross (\$10,000 per month) plus the GST component commencing on 1 June, 2002, under the same terms and conditions as the existing lease and subject to the following conditions, namely:-

- (1) That the rental be reviewed annually by 5%;
- (2) That Council retains the existing Bond of \$24,075;
- (3) That if approved under the Retail Leases Act, 1993, the relevant Disclosure Statement and the copy of the Draft Lease Agreement is to be forwarded to Mr Pollard for his consideration and acceptance;
- (4) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
- (5) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc to Council's Planning and Building Department for Statutory approvals;
- (6) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (7) That all relevant documents are to be executed by Council's Attorney, if required;

GENERAL MANAGER

- (8) That this approval lapses in three (3) months from the date of Council's approval to the granting of this lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents;
- (9) That the lessee is responsible for the payment of the Goods and Services Tax.

Carried.

14.11.

LICENSING – ELIZABETH BAY ROAD, NO. 1A, POTTS POINT – PROPOSED FOOTWAY LICENCE (L56-00295)

That further to resolution of Council dated 29 August 2001, and arising from consideration of a report by the Director of City Environment dated 22 April 2002, approval be given to:-

- (1) deleting Plan No. S4-130/373C from Clause (1) of the resolution of Council dated 29 August 2001 and inserting Plan No. S4-130/373E and deletion of the figure "84" and the insertion in lieu thereof of the figure "104";
- (2) the hours of operation for the footway licence being 7.00am to 3.00am seven days per week;
- (3) deletion of the conditions attached to the approval of 29 August 2001 and insertion of the conditions attached to the beforementioned Director's report;
- (4) deleting '12' from Clause 6 and inserting '2' in resolution of Council dated 29 August 2001;
- (5) the reduction in area as shown by Plan S4-130/370E being effective from 1 February 2002;
- (6) any breaches of the conditions granted in the Footway Licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of the licence and/or any penalties prescribed under the Local Government Act 1993.

It was moved by Councillor Furness, that the closing time of the Footway Licence area be reduced to midnight.

Motion lapsed through want of a seconder.

Motion carried.

(Councillor Furness requested that his name be recorded as voting against the foregoing decision.)

14.12.

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

That further to the report by the Director of Public Works and Services dated 27 February 2002, and arising from consideration of a report by the Director of City Environment dated 23 April 2002, approval be given to:-

(1) the recommendation contained within the report by the Director of Public Works and Services dated 27 February 2002, with the amendments as follows, namely:-

(a) Deletion of Clause 1;

(b) Insertion of a new Clause 1, namely:-

“The granting of a licence to Picturertime Productions Pty Ltd over an area of 2.8 square metres of the footway of Victoria Street adjacent to Café Lucca at Nos. 75-99 Victoria Street (AKA Shop 1, No 87 Victoria Street), Potts Point, as shown stippled on Plan No S4-130/843B and subject to the conditions in the schedule accompanying the Director’s report dated 23 April 2002;

(c) addition of a Clause 8, namely:-

“any breaches of the conditions granted in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of the licence and/or any penalties prescribed under the Local Government Act 1993.”

(d) deletion of conditions attached to the report by the Director of Public Works and Services dated 27 February 2002, with the replacement by the conditions attached to the report by the Director of City Environment dated 23 April 2002.

(DCE Report 23.4.02)

Carried.

14.13.

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

That for the reasons set out in the report by the Director of City Environment dated 24 April 2002, approval to the closure under Part 4 Division 1 of the

Roads Act 1993 of part of Maze Lane, Chippendale, as shown stippled on Plan No S6-280/262 and its subsequent sale to the adjoining owner or their successors in title, be refused.

Carried.

14.14.

PROPERTIES – PURCHASE – PROPERTY ACQUISITION AND SALES - TENDERS (2019389)

That arising from consideration of a report by the Acting Director of Corporate Services dated 26 April 2002, Council resolves not to accept any tender for Property Acquisition and Sales at this time, but keeps the tenders on file for future reference.

Carried.

14.15.

LEASING – PROPERTIES – OXFORD STREET, NO. 76, DARLINGHURST – RENEWAL OF LEASE TO OROTON PTY LTD (L52-00202)

That arising from consideration of a report by the Acting Director of Corporate Services dated 23 April 2002, approval be given to Oroton Pty Ltd being offered a one (1) year lease with a one (1) year option of Council's shopfront premises and basement at No. 76 Oxford Street, Darlinghurst, at a rental of \$95,776 per annum gross, inclusive of outgoings, plus the Goods and Services Tax commencing on the 1 June 2002 under the same terms and conditions as the existing lease and subject to the following conditions, namely:-

- (1) That the rental be reviewed on the option period, if exercised, to market;
- (2) That Council retains a bank guarantee of \$28,958;
- (3) That the lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (4) That if approved under the Retail Leases Act, 1993, the relevant Disclosure Statement and the copy of the Draft Lease Agreement is to be forwarded to Mr Ettore for his consideration and acceptance;
- (5) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc. by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc. to Council's Planning and Building Department for Statutory approvals;

- (6) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (7) That all relevant documents are to be executed by Council's Attorney, if required;
- (8) That the lessee is responsible for the payment of the Goods and Services Tax.

Carried.

14.16.

LEASING – OXFORD STREET, NO. 110, DARLINGHURST – RENEWAL OF LEASE TO SINGAPORE DEVELOPMENTS PTY LTD (L52-00139)

That arising from consideration of a report by the Acting Director of Corporate Services dated 24 April 2002, approval be given to the following in connection with Council's shopfront premises and basement at No. 110 Oxford Street, Darlinghurst:

- (a) That the proposed existing lease with Singapore Developments Pty Ltd be terminated as and from 31 May 2002;
- (b) That Singapore Developments Pty Ltd be offered a one (1) year lease with two x one (1) year options at a rental of \$70,000 per annum gross, inclusive of outgoings, plus the GST component, commencing on the 1 June 2002, subject to the following conditions, namely:-
 - (1) That the rental be reviewed at the commencement of the 1st option period by 5% and at the commencement of the 2nd option period by CPI, if exercised;
 - (2) That the lessee provide Council with a Bank Guarantee equivalent to three (3) months rental;
 - (3) The lessee is to provide unconditional Personal Guarantees for the term of the lease;
 - (4) The lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
 - 5) Any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc by the lessee during the term of the lease period, must first be

submitted to the Property Branch Manager prior to any submission of plans etc to Council's Planning and Building Department for Statutory approvals;

- (6) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (7) All relevant documents are to be executed by Council's Attorney, if required;
- (8) The lessee is responsible for the payment of the Goods and Services Tax.

Carried.

The Properties Sub-Committee Meeting terminated at 6.55 p.m.

The Finance Committee Meeting terminated at 7.19 p.m.

The Committee of the Whole

At this stage and at 7.19 p.m., it was moved by Councillor Mallard, seconded by Councillor Pooley:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matters, as it dealt with Council's Properties Matters and a Legal Matter, in accordance with Section 10D of the Local Government Act 1993.

Carried.

MINUTE BY THE GENERAL MANAGER

Press and Public Excluded

3 May 2002

LEGAL - COUNCILLOR JOHN BUSH – DEFAMATION REGARDING 2UE RADIO SHOW(L53-00036)

TO COUNCIL

A minute by the General Manager dated 3 May 2002, was circulated to all Councillors prior to the Council Meeting.

GENERAL MANAGER

The reason for the press and public being excluded is in accordance with Section 10A(2)(E) of the Local Government Act 1993, information that would, if disclosed, prejudice the maintenance of law.

Michael Whittaker (SGD)
GENERAL MANAGER

REPORT OF THE PROPERTIES SUB-COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY 1 MAY 2002 AT 6.56 PM

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – Jill Lay, Shayne Mallard and Gregory Shaw

At the commencement of business at 6.56 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw.

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

The reasons that these Items are Press and Public excluded is in accordance with Section 10A(2)(c) of the Local Government Act, 1993, information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Items 1 and 2 - Property Matters.

GENERAL MANAGER

The Committee **recommends** the following:-

1. PROPERTIES – SALE OF NOS. 129 – 135 BROADWAY, ULTIMO (2018100)

To Council without recommendation.

2. PROPERTIES – PROPERTY INVESTMENT STRATEGY 2002 (2026852)

To Council without recommendation.

The Properties Sub-Committee (Confidential Matters) Meeting terminated at 6.58 p.m.

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 7.29 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 recommendations, namely:

MINUTE BY GENERAL MANAGER

LEGAL - COUNCILLOR JOHN BUSH – DEFAMATION REGARDING 2UE RADIO SHOW(L53-00036)

That legal proceedings be commenced on behalf of the Council and to the payment of all costs associated with such action be approved.

PROPERTIES SUB-COMMITTEE CONFIDENTIAL MATTERS

1. PROPERTIES – SALE OF NOS. 129 – 135 BROADWAY, ULTIMO (2018100)

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 8 May 2002, be approved and adopted.

GENERAL MANAGER

2.

PROPERTIES – PROPERTY INVESTMENT STRATEGY 2002 (2026852)

That Council resolves that:

- (1) the Property Portfolio be valued;
- (2) the General Manager be delegated the power to negotiate the sale of Council's properties within the market valuation;
- (3) before any sales proceeds the matter would come before Council for their decision.

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

REPORT OF THE COMMUNITY SERVICES COMMITTEE

1 May 2002

PRESENT

The Mayor Councillor John Fowler(Chairperson)

Councillors –Jill Lay, Shayne Mallard and Gregory Shaw

At the commencement of business at 7.20 pm those present were -

The Mayor and Councillors:- Lay, Mallard and Shaw

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

That the Report of the Community Services Committee of its meeting of 1 May 2002, be received and the recommendations set out below for Items 2 and 3, be adopted. The recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

- (1) **COMMITTEES – STREET PROSTITUTION WORKING PARTY – DISSOLVING**
- (2) **COMMITTEES - STREET PROSTITUTION SUB-COMMITTEE – FORMATION – MEMBERSHIP AND CRITERIA FOR MEMBERSHIP (2026272)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by the Mayor:-

That arising from consideration of a report by the Director of City Environment dated 6 May 2002, in respect of the dissolving of the Street Prostitution Working Party and the creation of a Street Prostitution Sub-Committee with regard to the membership consisting of the following:-

- (1) The Mayor (Chair)
Interested Councillors
Appropriate State Members of Parliament
A representative from the NSW Attorney Generals Department
A representative of NSW Police Department
A representative from the Roads and Traffic Authority
A representative of the Kirkeaton Road Centre
A representative of SWOP
A representative from the sex industry
Community Representatives
- (2) That the Street Prostitution Working Party be dissolved following the meeting on May 28 2002.
- (3) That a new Sub-Committee be formed to co-ordinate the management of street sex work issues.
- (4) That membership of the new Sub-Committee be selected using the following criteria:
 - Residence in an area in South Sydney effected by street prostitution;
 - Organisations providing services to street sex workers;
 - Knowledge of issues related to street prostitution;
 - Relevant experience/background that will allow a positive and collaborative contribution to the Committee;
 - Availability to attend meetings
- (5) That the resolution of Council concerning the new Sub-Committee be placed on the agenda for the next meeting of the current Street Prostitution Working Party on May 28 2002.

- (6) That existing members of the Street Prostitution Working Party be invited to apply for membership to the new Sub-Committee.
- (7) That the new Sub-Committee meet at a suitable Council venue.

Carried.

2.

HEALTH – ANIMALS – ISSUING OF DANGEROUS DOG ORDERS – POLICY (2020384)

- (1) That the matter be deferred to the next Community Services Committee meeting to be held on 15 May 2002.
- (2) That Council's Officers contact Brisbane City Council to ascertain the types of signs used depicting dangerous dogs.
- (3) That the Mayor write to the Attorney General and Department of Local Government requesting a change as considered necessary in respect of the notification of Councils when a dangerous dog has been declared by the Courts.

Carried.

3.

SPORTS - VICTORIA PARK SWIMMING POOL – LOCATION OF PLANTROOM FOR NEW OPERATIONAL PLANT AND EQUIPMENT – APPROVAL TO LODGE DEVELOPMENT APPLICATION (2026640)

That arising from consideration of a report by the Director of City Works dated 24 April 2002, approval be given to Peter Hunt Architects, to prepare the Development Application for the New Plant Room for the Victoria Park Swimming Pool in the location described in the beforementioned report and identified in the locality drawing accompanying the Director's report.

Carried.

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

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

1 May 2002

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

At the commencement of business at 6.32. pm, those present were -

Councillors – Bush, Furness, Harcourt and Pooley.

Councillor Lennon arrived at the meeting at 6.34 p.m.

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

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 5,7,8 and 18., inclusive, be adopted. The recommendations for Items 1 to 4 inclusive, 6,9 to 17 inclusive and 19, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**SEPP5 – REQUEST FOR CONTRIBUTION OF \$5,000 FROM COUNCIL
TOWARDS A REVIEW**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lay:-

Council does not support the AIUS review of SEPP 5 by way of financial contribution.

(DEC Report 16.4.02)

Carried.

GENERAL MANAGER

2.

PARK STREET, NO. 19, ERSKINEVILLE – ALTERATIONS AND ADDITIONS TO GROUND FLOOR AND NEW FIRST FLOOR TO DWELLING – DEVELOPMENT APPLICATION (U01-01100)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lay:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jenny Colegrove, to carry out alterations and additions to the ground floor and first floor at 19 Park Street, Erskineville, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans numbered Dwg 20115-01 Rev A drawn by the Plan Workshop dated October 2001, subject to compliance with the conditions below;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$495 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the existing chimney shall be retained in a stable condition;
 - (5) That a window shall be provided on the northern elevation of Bedroom 3 in accordance with the fax received by Council dated 4 April 2002 and held on Council's file;
 - (6) That the materials, finishes and colours of the addition shall be sympathetic to the existing dwelling and the conservation area;
 - (7) That if a new hot water heating system is required with the work it shall have a minimum 3.5 star rating. Details to be provided with the construction certificate;

GENERAL MANAGER

- (8) 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 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, with specific attention directed to the proposed stairway boundary wall;
 - (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 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;
 - (d) 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;
 - (e) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (f) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (g) 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;
 - (h) 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, with specific attention directed to bedroom 3;
 - (i) That the proposed skylight shall be non-combustible and non-openable;

and the following standard conditions:

- (9) Obstruction of the public way³¹⁰¹
- (10) Work zones³¹⁰²
- (11) Delivery of construction materials³¹⁰⁴
- (12) Associated roadway costs³¹¹¹

- (13) Stormwater (general)⁴¹⁰¹
- (14) Refuse skips⁶¹⁰²
- (15) Compliance with BCA⁹¹⁰⁴
- (16) Construction Certificate required⁹¹⁵⁵
- (17) Stormwater details⁹⁰⁰³
- (18) Structural Design Certificate⁹⁰⁰⁶
- (19) Comply with the WorkCover Authority⁹¹⁰⁵
- (20) Construction hours⁹¹⁵¹
- (21) Building/demolition noise control⁹¹⁵⁶
- (22) Maintain existing building in a stable condition⁹¹⁵⁷
- (23) Works to be within allotment boundaries⁹¹⁵⁸
- (24) That the walls of the addition facing the property should be painted a light colour.

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.

3.

OXFORD STREET, NOS. 27 – 33, PADDINGTON – ADDITIONAL FOURTH STOREY AND FRONT AND FIFTH STOREY AT REAR – DEVELOPMENT APPLICATION (U02-00087)

That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Luis Quijarro, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate:
- (a) signed Deed of Memorandum of Understanding in accordance with, and incorporating all the requirements of, Conditions (5);
 - (b) that an acoustic assessment shall be carried out by an accredited acoustic consultant shall be carried out by an accredited acoustic consultant assessing and describing how the operation of existing and proposed mechanical plants and equipment on the premises will comply with councils conditions. The report and recommended measures shall submitted to Council's City Environment Section for approval;
 - (c) that a Environmental Management Plan (EMP) shall be developed and submitted to Council's City Environment Section for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptable impacted by the proposal. The EMP shall include but not necessarily be limited to the following measures
 - (i) Measures to control noise emission from the site;
 - (ii) Measures to suppress odours and dust emissions;
 - (iii) Soil and sediment control measures;
- (2) That the proposal shall be generally in accordance with amended plans numbered DA-01/02/03/04/05/06/07 dated October 2001, drawn by Liskowski Fox Architects and stamped and endorsed by Council, subject to compliance with the following conditions of this consent;

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$8, 580 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 528	2E97003.BGY0
Open Space: New Parks	\$2433	2E97009.BGY0
Accessibility And Transport Management	\$ 16	2E97006.BGY0
	\$ 39	2E97007.BGY0
Total	\$3016	

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;

- (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	\$446	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;

- (7) That to qualify for the 98 m² floor space bonus either public domain improvements (to a value of \$31 500) shall be carried out within the vicinity of the site or public domain monetary contributions with a minimum value of \$31,500 shall be dedicated to Council. The applicant is advised to liaise with Council's City Environment Department to determine what the contribution will entail and what process is to be followed;
- (8) That neighbouring properties shall be notified of the commencement of work. This notice is to occur a minimum of 28 days prior to commencement and shall give details of the works program and estimated time period;
- (9) That the deck areas at the first and fourth floor levels at the rear of the site is not be used by occupants of the serviced apartments or patrons of the hotel. The access doors to these areas are to be locked at all times and access only provided to management or trade persons for the purposes of carrying out servicing or maintenance work;
- (10) That occupants of the serviced apartments shall not stay longer than a period of 28 days during any single stay;
- (11) That the occupant of the managers flat on the top level of the building shall be the permanent full time manager of the serviced apartments;
- (12) That the existing face brickwork is to remain intact and is not to be coated, rendered or painted;
- (13) That the section of the existing window to be filled in and not part of the new door opening for the proposed garbage room shall be tiled externally matching the colour, size and detailing of the existing wall tiling;
- (14) That the external wall tiling shall be retained and cleaned and grouted where necessary. Any damaged tiles should be repaired with coloured grout. Missing tiles are to be replaced with render painted in a sympathetic colour where matching tiles are not available;
- (15) That the proposed garbage room door shall be timber framed with a terrazzo threshold matching as closely as possible that of the original door thresholds;
- (16) That new services in the building shall be placed as unobtrusively as possible with minimum intervention to the original fabric;

- (17) That all repair work to the original fabric, including the pressed metal soffit and fascia, shall match as closely as possible the original details;
- (18) That the signage letters to be reinstated on the Rose Bud Lane elevation is to be of the same location, size and detailing as that which existed previously;
- (19) That the illuminated box sign on the fin feature shall be removed;
- (20) That the air conditioning units are shall be located such that they will not be visible on the external elevations of the building
- (21) That the use and operation of the Hotel portion of the premises shall comply with the requirements of Schedule 1 (Standards for Places of Shared Accommodation) of the Local (orders) regulation, 1999 under the Local Government Act 1993, Councils adopted policy, the Public Health Act, 1991 and regulation thereunder;
- (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 openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
 - (c) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
 - (d) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
 - (e) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;

- (f) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (g) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (h) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(B) of the BCA;
- (i) That the proposed floodlights shall be redesigned to comply or the like shall comply with Specification C1.1-3.6 of the BCA;
- (j) That the underside of all timber floors including beams and columns shall be constructed of materials having resistance to the incipient spread of fire to the above floor of one hour;
- (k) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (l) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (m) 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;
- (n) 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;
- (o) 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;

- (p) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (q) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (r) That notices outlining the "offences relating to Fire Exits" shall be displayed in a conspicuous position adjacent to each doorway providing access to the fire isolated stairway in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000;
- (s) That all walls bounding sole occupancy units shall have a minimum fire resistance level of 60/60/60;
- (t) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (a) a door which can at all times be opened from inside without a key;
 - (b) an approved alarm device located outside but controllable only from within the chamber;

-the door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;
- (u) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (v) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (w) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;

- (x) 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;
- (y) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (z) 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;
- (aa) That Automatic Fire Alarms with photo-optical type detectors shall be installed throughout the building complying in all respects with the requirements of Australian Standard AS1670. In kitchens and other approved areas thermal type detectors may be installed;
- (bb) That the storage cupboard under the stairs shall be completely removed from the fire-isolated stairway;
- (cc) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (dd) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (ee) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (ff) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (gg) 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;
- (hh) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (ii) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50

and shall be constructed in accordance with the requirements of F5.5 of the BCA;

- (jj) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (kk) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (ll) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (mm) That the main electrical switchboard and all electrical sub-boards shall be fully enclosed in construction having a minimum fire resistance level of 60/60/60;
- (nn) That access and facilities for people with disabilities shall comply fully with the requirements of Parts D.3 and F.2.4 of the BCA;
- (oo) That balustrades shall comply fully with the requirements of Clause D.2.16 of the BCA with attention directed to the proposed deck/skylight area;

-and the following standard conditions

- (23) Intruder alarm⁷⁰⁰⁶
- (24) Noise⁷⁰³⁰
- (25) Compliance with BCA⁹¹⁰⁴
- (26) Construction Certificate required⁹¹⁵⁵
- (27) Stormwater details⁹⁰⁰³
- (28) Structural Design Certificate⁹⁰⁰⁶
- (29) Comply with the WorkCover Authority⁹¹⁰⁵
- (30) Construction hours⁹¹⁵¹
- (31) Building/demolition noise control⁹¹⁵⁶
- (32) Maintain existing building in a stable condition⁹¹⁵⁷

- (33) Works to be within allotment boundaries⁹¹⁵⁸
- (34) Demolition to comply with Australian Standard⁹¹⁶¹
- (35) Good housekeeping⁹⁸⁵¹
- (36) Egress paths to be kept clear⁹⁸⁵²
- (37) Certification of electrical installation⁹⁸⁵³
- (38) Inspection of gas installation⁹⁸⁵⁴
- (39) Builders hoarding permit³⁰
- (40) Obstruction of the public way³¹⁰¹
- (41) Work zones³¹⁰²
- (42) Delivery of construction materials³¹⁰⁴
- (43) Construction traffic management³¹⁰⁷
- (44) Pedestrian safety³¹¹⁰
- (45) Associated roadway costs³¹¹¹
- (46) Stormwater (general)⁴¹⁰¹
- (47) Clean water discharge⁴¹⁰²
- (48) Planting on slab⁵¹⁰²
- (49) Garbage on the public way⁶¹⁰¹
- (50) Garbage storage area⁶¹⁰³
- (51) Drainage Details with Construction Certificate⁹⁹⁰¹³
- (52) Stormwater Design Certificate⁹⁹⁰¹⁵
- (53) Stormwater Certificate at Completion⁹⁹⁰¹⁷
- (54) Ventilation⁷⁰²⁵
- (55) Garbage storage area⁶¹⁰³
- (56) Details of health aspects⁷⁰¹⁷
- (57) Swimming pool water quality (residential)⁷⁰⁷⁶

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.

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

4.

INTERIM AWNING, VERANDAH AND BALCONY POLICY – ADOPTION BY COUNCIL UNTIL OXFORD STREET HERITAGE AND URBAN DESIGN DEVELOPMENT CONTROL PLAN HAS BEEN PREPARED AND ADOPTED (P54-00172)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council endorse the Interim Awning, Verandah and Balcony Policy to guide applicants and Council in considering proposals for the reinstatement of awnings, verandahs and balconies to heritage items and buildings within heritage conservation and streetscape areas. This policy shall remain in place until the Oxford Street Heritage and Urban Design Study and Development Control Plan has been adopted by Council and is operative.

It was moved as an amendment by Councillor Mallard, seconded by Councillor Bush that the objectives in Attachment (1) accompanying the report be amended by the addition of a Clause (4), namely:-

- (4) That sympathetic balcony design will be considered on a merit basis criteria for consideration including street safety benefits through passive surveillance principles.

Amendment negated.

Motion carried.

5.

HENDERSON ROAD, NOS. 56 – 62, ALEXANDRIA – DEMOLISH EXISTING IMPROVEMENTS AND ERECT A RESIDENTIAL FLAT BUILDING CONTAINING SEVEN UNITS WITH ON-SITE PARKING – DEVELOPMENT APPLICATION (U01-01032)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 24 April 2002.

Carried.

6.

LAWRENCE STREET, NOS. 284 – 286, ALEXANDRIA – CONVERT EXISTING WAREHOUSE INTO 12 X 2 BEDROOM UNITS WITH OFF-STREET PARKING FOR 12 VEHICLES – DEVELOPMENT APPLICATION (U01-01168)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (1) That determination of the Application be deferred pending submission of amended plans, which:-
 - ? Diversify the unit mix;
 - ? Ensure that all units have at least one street frontage;
 - ? That provide for private and communal open space which is of a high amenity, with respect to solar access and outlook.
- (2) That the allocation of at least one parking space to each unit be investigated in consultation with Council's Transport Planner;
- (3) That the provision of communal rooftop open space on the site be investigated.

Carried.

7.

RENWICK STREET, NOS. 29 – 31, REDFERN – ADDITION OF A ONE BEDROOM UNIT TO A SIX UNIT RESIDENTIAL DEVELOPMENT (CURRENTLY UNDER CONSTRUCTION) – DEVELOPMENT APPLICATION (U02-00008)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 24 April 2002.

Carried.

8.

WATKIN STREET, NO. 16, NEWTOWN – ALTERATIONS AND ADDITIONS TO A TERRACE HOUSE – DEVELOPMENT APPLICATION (U02-00016)

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 Director of City Environment dated 24 April 2002.

Carried.

9.

LITTLE DOWLING STREET, NO. 3A, PADDINGTON – ONE AND A HALF STOREY ADDITION TO REAR OF EXISTING DWELLING – DEVELOPMENT APPLICATION (U01-01109)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the Development application submitted by Ms. S. Dawes and Mr. W. Dawes, to make alterations and additions to an existing terrace, be deferred pending submission of amended plans reflecting the requirement of Option A or B accompanying the recommendation of the Director of City Environment dated 8 May 2002.

Carried.

In connection with this matter the Mayor informed the Council that he did not have a conflict of interest in relation to this Development Application in any way or form.

10.

MACLEAY STREET, NO. 14, POTTS POINT – ERECTION OF RESIDENTIAL FLAT BUILDING – SECTION 96 MODIFICATION TO DEVELOPMENT CONSENT (U01-00048)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

(A) That the Council as the responsible authority grants its consent to the Section 96 modification application submitted by Winten (No.5) Pty Ltd, for permission to vary a consent granted for the erection of a residential flat building containing 32 units and a shop to increase the number of units to 39 involving alterations, by:

(a) deleting the proposed development description and replacing it with the following description:

“the erection of a residential flat building containing 39 units and a shop”

(b) deleting the following conditions:

(4) (Section 94 contributions)

(5) (Identification of approved plans)

(7) (Glazing of bay windows)

(8) (Screening of windows)

(22) (Palm tree dimensions)

(27) (Street trees)

(28) (Transplanting of existing trees)

the substitution of the following new conditions:

(4) 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
-----------------------	--------	---------

GENERAL MANAGER

Multi-Function Administration
Centre \$31,578 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;

- (5) That the development shall be generally in accordance with plans numbered A02 to A10 revision C all dated January 2002, except where amended by conditions of this consent;
- (7) That the rear terrace at the western end of the south light passage on the first, second and third floors shall be relocated to the street façade of the building in accordance with plans A04 and A05, Revision C/Z and plans 32 and 33, all dated April 2000;
- (8) That the south facing windows on the southern side of levels 1 to 6 which are within 8m of the side boundary shall be screened with fixed louvres to maintain privacy to adjoining buildings;
- (22) That the development of the detailed landscape plan shall be in keeping with the principles and intent documented on Drawing LCP.01/A by Botanica Consultants Landscape Architects. Installations of species shall be in keeping with the species, size and quantities listed on the Drawing. Listed "feature shrubs" shall be a minimum of 25 litres, "hedge species" shall be a minimum of 25 litres, "palms" shall have a minimum of 4 metre trunk height at time of installation, "shade tolerant planting" shall be a minimum of 5-25 litres at time of installation;

- (28) That the applicant shall ensure that the following six trees located on site shall be transplanted off site generally in accordance with the requirements of the tree report submitted with the application and the guideline of an appropriately qualified specialist, for reuse elsewhere:

Tree No.	Name
2	Bully Bay Magnolia (<i>Magnolia grandiflora</i>)
3	Hills weeping fig (<i>Ficus microcarpa</i> var <i>Hillii</i>)
4 & 5	Kentia Palm (<i>Howea Fosteriana</i>)
6 & 7	Chinese Windmill Palm (<i>Trachycarpus fortunei</i>)

- (c) and the addition of the following conditions:

- (75) That construction shall not commence until design details have been provided to the Council with appropriate documentation to demonstrate that the external treatment of the eastern wall of the parking floors will be visually acceptable while minimising sound and light transmission from within the parking floors to the adjoining properties;
- (76) That in any strata subdivision the parking spaces shall be so distributed that each one bedroom unit has not more than one parking space, that each two and three bedroom unit has not more than two spaces and that the four bedroom unit has not more than three spaces and that one space is assigned to the shop;
- (77) That not fewer than seven visitor car spaces shall be provided of which one shall be designated as a disabled space with dimensions of not less than 5m x 5.5m and that these spaces shall be shown as common property in any strata subdivision and shall not be leased or designated in any way for the specific use of any unit or occupant of the building;
- (78) That the privacy screening at the north western corner of the site on floors 1 to 3 may be deleted by mutual agreement between the applicants and the owners of the adjoining units;

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

Carried.

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

11.

**MACLEAY STREET, NOS. 50-58, POTTS POINT (REX HOTEL) –
CONVERSION OF HOTEL TO RESIDENTIAL APARTMENTS WITH
GROUND FLOOR RETAIL AND COUNCIL OWNED COMMUNITY FACILITY
– DEVELOPMENT APPLICATION (U01-01310)**

That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Burley Katon Halliday, with the authority of Chadian Pty Ltd, to convert the existing Rex Hotel into a mixed use development with retail on ground floor, 8 levels of residential apartments, a Council owned, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to approval of an application for a Construction certificate:
 - (a) Signed Deed of Agreement in accordance with, and incorporating all the requirements of, Conditions (6) to (19);
 - (b) details of waste storage facilities in accordance with Condition (30);
 - (c) details of mechanical car stacking system and truck access to the carpark in accordance with conditions (26) and (29);
 - (e) Environmental Management Plan in accordance with condition (42);
 - (d) Draft positive covenant for encroaching balconies in accordance with condition (23);
 - (e) Details, including amended plans, which show reconfiguration of Baroda Street elevation in accordance with condition (20);

- (2) That the development shall be generally in accordance with plans numbered DA018(B), DA19(B), DA20(B), DA21(C), DA22(C), DA23(C), DA24(A), DA25(A), DA26(A), DA27(A), DA28(A), DA29(A), DA30(C), DA31(C), DA32(C), DA33, DA37(B), DA38(B), DA39(B), DA40(B) prepared by Burley Katon Halliday Architects, stamped and endorsed by Council, and supporting documentation lodged with the Development Application, subject to compliance with all the conditions below;

GENERAL MANAGER

- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$20,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$39,600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under 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) 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	\$29,991	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 01/02.

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

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

- (6) That in order to qualify for the 0.66:1 floorspace bonus (including Council space) in addition to the existing FSR of 4.54:1, the following is to be provided:
 - (a) A community facility comprising 415sqm floor space in addition to the existing Council owned floor space within the building to be transferred to Council in accordance with the Conditions of this Consent. The community facility is to be in shell and core form, but which comprises emergency services and other basic services such as electrical, phone and television outlets and shall be carpeted, painted and lit and which is to be to the satisfaction of the Director of City Environment;
- (7) That the floor space ratio (utilising the definition of gross floor area in LEP 1998 and using the bonus floor space ratio provisions) shall not exceed 5.21:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (8) That an area which is to contain a Council owned and operated community facility shall be transferred to Council as a Torrens Title stratum lot and shall have a minimum internal gross floor area (as defined by LEP 1998) of 1253 square metres. A Plan showing this area and its location shall be lodged with Council and shall be to the satisfaction of the Director of City Environment;
- (9) A Deed of Agreement signed by the owner of the land shall be lodged with Council and will contain an obligation on Chadian Pty Ltd (the owner of the land) to develop and transfer the Community Facility, free of cost to Council, prior to issue of the occupation for the building containing the facility;
- (10) The Deed of Agreement shall also identify the transfer of 5 parking spaces required by above Conditions and shall be to the satisfaction of Council's Director of City Environment prior to the commencement of this Consent;
- (11) That the Subdivision Plan and Title shall comprise an easement which benefits Council, for the purpose of a loading zone;
- (12) A draft stratum plan of subdivision shall be attached to the Deed of Agreement identifying the Community Facility;

- (13) Chadian (the owner) will agree to seek approval for, and register at the Land and Property Information Centre (formerly the Land Titles Office), the subdivision plan by a given time which is to be to the satisfaction of the applicant and the Director of City Environment ("Registration Date"). A reasonable extension of time would only be available to Chadian (the owner) if it were prevented from achieving these things by matters outside its control. Such matters shall be identified prior to the Consent being operative, and shall be to the satisfaction of the Director of City Environment;
- (14) The Deed of Agreement will acknowledge that Council has a caveatable interest in the land to comprise the Community Facility;
- (15) Council will be entitled to lodge a caveat on or after the Registration Date claiming its interest under the Deed of Agreement;
- (16) If the subdivision plan has not been registered by the Registration Date Council will be entitled to lodge its caveat in respect of the existing parcel of land within which the community facility will be constructed;
- (17) The form of caveat will be drawn and attached to the Deed of Agreement. In essence, it will record Council's entitlement to ownership of the community facility under the Deed of Agreement and prevent registration of any transfer inconsistent with that claim;

NOTE: The caveat will allow the registration of other plans and dealings critical to the development of the site e.g. the development financier's security documents. Such plans and dealings shall be identified prior to the Consent being operative, and shall be to the satisfaction of the Director of Planning and Building.

- (18) That a maximum 4 parking spaces on the site shall be transferred to Council's ownership free of cost, for associated use by the community facility;
- (19) That the parking spaces required by the above Condition shall be transferred to Council as strata lots free of cost to Council, on occupation of the approved building;
- (20) That the ground floor of the Baroda Street elevation of the site shall be modified as follows:

- (a) That a aluminium framed glass doorway is inserted into the rear wall of the community space at the Baroda Street elevation;
 - (b) That the treatment of the area shown on the plans 'parking for Council facilities' shall be modified so that it can serve as a dual pedestrian access/loading area and has a surface treatment which utilises decorative pavers and which incorporates lockable bollards as shown on the Council endorsed plans;
 - (c) That a large transparent glass window/door opening shall be incorporated into the Baroda Street wall of the large retail premises which extends from Macleay Street to Baroda Street as shown on the Council endorsed plans;
- (21) That a separate development application shall be lodged for the specific use of the retail tenancies shown on the plans;
- (22) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (23) That the applicant shall place a positive covenant on the title of the land to control the maintenance and insurance of the proposed balconies that encroach over the public way. The covenant shall be to the satisfaction of the Director of City Environment and the Certificate of the Title produced at Land Property Information NSW prior to occupation of the building;
- (24) That the off-street car parking spaces shall, 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;
- (25) That the parking spaces shall be appropriately line-marked and labelled prior to issuing an Occupation Certificate;
- (26) (a) That where the use of an automatic stacker system is proposed to accommodate any component of the maximum allowable parking provision, submission of a separate comprehensive report by a suitably qualified professional to illustrate the feasibility and operational suitability of the system to the satisfaction of Council will be required prior to the consent becoming operative;
- (b) That the report outlining the stacker system shall be appropriately detailed, encompass an operation and management plan, and include but not be restricted to the

following: examples of sites where similar types and scales of systems have been successfully installed and operated. Details of their operation shall include; demonstration of waiting times and queuing areas for vehicles wishing to gain access to the stacker system; safety measures to ensure security of stacked cars; proposed management of the facility; pedestrian paths from the stacker; emergency response plan should it break down; anticipated noise levels; user acceptance of the facility; reliability levels of the mechanisms; supporting information from a supplier to confirm these details.

(c) Should Council be satisfied with the information submitted in (b) above, and a maximum number of 146 car spaces are provided, the residential component of the of the development is limited to the maximum parking provisions of the DCP 11, being, 60 spaces for the 1 bedroom units, 26 spaces for the 2 bedroom units, 25 visitor spaces; the retail component is limited to 31 spaces; and the community facilities are limited to 4 spaces.

Note: That under no circumstances shall spaces provided for residential visitor, retail occupants or community facilities be stacked.

- (27) That should Council not be satisfied that the stacker system proposed is workable on the basis of the information supplied, then based upon the unit mix currently proposed, the parking allocation will be restricted to the existing provision of 107 spaces to be allocated as follows: 43 spaces for the 1 bedroom units; 18 spaces for the 2 bedroom units; 17 residential visitor spaces; 26 retail occupant spaces; and 3 community facility occupants;
- (28) That the applicant shall provide bicycle parking facilities in accordance with the DCP requirement of 50 residential occupant spaces, 15 residential visitor spaces and 4 retail/community use spaces;
- (29) That the applicant shall submit details of the maximum truck size proposed to service the site, and provide documentary evidence of sweep paths to indicate the ability of the loading dock to accommodate the nominated vehicle;
- (30) That all garbage storage facilities shall be located within the site at street level in a position approved by Councils Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's Waste Management / Minimisation Fact Sheets. Details to be submitted with the application for a Construction Certificate;

- (31) That of the off-street car parking spaces provided, each space (except for disabled spaces) shall be a minimum of 2.5m x 5.5m with a minimum headroom of 2.2m, unless stated otherwise within these conditions;
- (32) That, in addition to other parking provisions, 2 spaces measuring a minimum of 3.5m x 5.5m shall be provided for the exclusive use as car wash bays for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of City Works;
- (33) That each of the spaces provided for the exclusive use of people with disabilities be dimensioned and marked in accordance with AS 2890.1 Section 2.4.5 and AS 1428.1, with a minimum headroom of 2.5m;
- (34) That, of the bicycle parking spaces provided, at least 50% of all residential bicycle parking should be Class 1 as specified in AS 2890.3 Bicycle Parking Facilities;
- (35) That all residential delivery and removals be managed off-street within the loading dock area, and a detailed management plan explaining application procedures to utilise the dock for residential delivery / removals, authorisation procedures and roles, and co-ordination with other delivery requirements shall be provided with the application for a construction certificate. That the intended path for pedestrians through the parking facility (after parking a vehicle through to the entry point of a development facility) be clearly identified;
- (36) The minimum requirement for identification of pedestrian paths is appropriate signage (refer AS 2890.1 4.3.3(a)), and linemarking. Particular attention should be given to avoiding the need for pedestrians to walk across internal ramp entrances / exits;
- (37) A detailed pedestrian management plan, including all linemarking and signage required, shall be provided with the application for a construction certificate;
- (38) That the applicant will produce a transport access guide, identifying how to travel to the site by public transport, walking and cycling, and include this guide with real estate advertising;
- (39) That the dimensions and locations of car spaces for residential units must be clearly defined and included on the certificate of title of the tenancy. That where a residential unit does not include a car space, the purchaser of the unit must be officially notified of this fact prior to sale;

- (40) That the mechanical exhaust ventilation system to the internal bathrooms must exhaust at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s from each sanitary fixture and at least 5 l/s per square metre of floor area from each privacy lock;
- (41) That construction/demolition/site operations incorporate all reasonable practicable and necessary noise mitigation measures to ensure that 'offensive noise' within the meaning of the Protection of the Environment Operations Act, 1997 is not emitted when assessed at or on any premises of different occupancy;
- (42) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of City Environment for approval . The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site,
 - (b) Measures to suppress odours and dust emissions,
 - (c) Selection of traffic routes to minimise residential noise intrusions,
 - (d) Soil and sediment control measures,
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (f) Community consultation;
- (43) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (c) the location of exhaust and intake vents: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

- (d) the garbage room: STANDARD REQUIREMENT – SSCC` Waste Management / Minimisation Facts Sheets;
 - (e) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (f) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (44) 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 where a structural member is subject to attack by subterranean termites provision shall be made for protection in accordance with B1.3 of the BCA;
 - (b) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;
 - (c) That the electricity sub-station shall be separated from any other part of the building by construction having a fire resistance level of not less than -/120/30 and the electrical conductors shall be enclosed or otherwise protected by construction having a fire resistance level of not less than 120/120/120 in accordance with the requirements of C2.13 of the BCA;
 - (d) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (e) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
 - (f) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;

- (g) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
- (h) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (i) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (j) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (k) That public corridors in the residential apartment building shall be in accordance with C2.14 of the BCA;
- (l) That separation of classifications in the same storey shall be in accordance with C2.8 of the BCA. Attention is directed to the separation between community facilities and retail spaces;
- (m) That the basement car shall be sprinkled in accordance with E1.5 of the BCA;
- (n) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (o) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (p) That all materials, linings and surface finishes attached to or forming part of fire isolated stairway/fire isolated passageway/fire isolated ramp shall comply with Specification C1.10-3 of the BCA;
- (q) 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;

- (r) That the required non-fire isolated stairways in this building having a rise in storeys of more than two shall be constructed in accordance with D2.3 of the BCA;
- (s) 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;
- (t) 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;
- (u) 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;
- (v) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (w) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (x) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (y) That any tenancy door giving access to an exit shall be capable of being opened without a key from inside the tenancy;
- (z) That access and car parking for people with disabilities shall be provided in accordance with Part D3 of the BCA;
- (aa) 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;

- (bb) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (cc) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (dd) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (ee) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (ff) That the stretcher facility shall be provided in accordance with the requirements of E3.2 of the BCA;
- (gg) That a warning sign advising against the use of lifts in case of fire, complying with the requirements of E3.3 of the BCA, shall be displayed in a conspicuous position near every lift call button;
- (hh) 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;
- (ii) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (jj) 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;
- (kk) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (ll) That all essential fire safety measures shall be extended to cover the proposed area, to be constructed, and all system being certified to comply with all codes and the BCA;

- (mm) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (nn) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (oo) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (pp) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA. Attention is directed to the retail spaces, community facilities and new library;
- (qq) That sanitary and clothes washing facilities shall be provided in accordance with the requirements of F2.3 of the BCA;
- (rr) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (ss) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (tt) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (uu) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (w) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (ww) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50 and shall be constructed in accordance with the requirements of F5.5 of the BCA;
- (xx) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not

less than 45 in accordance with the requirements of F5.3 of the BCA;

- (yy) That floor wastes are to be provided to the floors for each bathroom and laundry in accordance with the requirements of Part F1.11 of the BCA;
- (zz) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (aaa) That this door to a fully enclosed sanitary compartment shall comply with the requirements of clause F2.5 of the BCA;

and the following standard conditions:

- (45) Ventilation⁷⁰²⁵
- (46) Exhaust for food⁷⁰²¹
- (47) Car park ventilation⁷⁰³¹
- (48) Mechanical exhaust - laundries⁷⁰³⁶
- (49) Noise and vibration⁷⁰²⁸
- (50) Stormwater details⁹⁰⁰³
- (51) Structural Design Certificate⁹⁰⁰⁶
- (52) Pool fencing⁹⁰⁵³
- (53) Issue of occupation certificate⁹¹⁰¹
- (54) Compliance with BCA⁹¹⁰⁴
- (55) Principal Certifying Authority⁹¹¹¹
- (56) Final fire safety certificate⁹¹¹²
- (57) Construction hours⁹¹⁵¹
- (58) Construction Certificate required⁹¹⁵⁵
- (59) Building/demolition noise control⁹¹⁵⁶
- (60) Maintain existing building in a stable condition⁹¹⁵⁷

- (61) Guarding of excavations⁹¹⁶⁰
- (62) Demolition to comply with Australian standard⁹¹⁶¹
- (63) Protection of public places⁹¹⁶⁴
- (64) Signs erected on building and demolition sites⁹¹⁶⁵
- (65) Glazing provisions⁹³²⁹
- (66) Sign for visitor parking³⁰¹⁰
- (67) Intercom for visitors³⁰¹¹
- (68) Loading within site³⁰¹⁴
- (69) Loading/parking kept clear³⁰¹⁶
- (70) Articulated vehicles³⁰¹⁸
- (71) Vehicles enter/leave in forward direction³⁰²⁰
- (72) Signs at egress³⁰²²
- (73) Disabled entry³⁰²⁴
- (74) Resident parking restrictions for new residential flats³¹⁰⁵

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.

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

12.

KING STREET, NOS. 654 – 670, NEWTOWN – MODIFY DEFERRED COMMENCEMENT CONSENT CONDITIONS 1(A), 1(B), 1(C), 2 AND 8 – DEVELOPMENT APPLICATION – SECTION 96 MODIFICATION (U99-01174)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council, as responsible authority, grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Starlake Body Repairs, with the authority of Nonnis Pty Ltd, for permission to vary a consent granted to “demolish existing building, construct new block of 32 units and retail complex with associated parking and landscaping” by:
- (1) deleting conditions 1(a), 1(b) and 1(c)
 - (2) deleting condition 2 and 8 and replacing them with the following conditions:
 - (2) That the development shall be generally in accordance with plans numbered DA01-DA04, DA08-DA12, dated September, 1998, except as amended by works shown highlighted in Council endorsed plans numbered DA01; DA02-C; DA03-B; DA-04B; DA05-B; DA06-C; DA07-C; DA08-C; DA0-09C; DA12-C, DA-13, DA-14 and DA-15 dated September or October 2001 except as amended by conditions of consent;
 - (8) That a maximum of 34 off street parking spaces shall be provided in the basement as shown in plan numbered DA-01, dated October 2001, five (5) of which shall be for visitors near the entrance.
 - (3) Adding the following conditions:
 - (1)(e) That the applicant shall enter into a Deed of Agreement with Council to determine terms of agreement in regard to the \$102,544.75 monetary contribution payable to Council under its Public Domain Improvements policy, for the additional floor space created by the two units proposed on the fourth floor.
 - (79) That the roof of the garbage area shall be removed and the perimeter walls of the garbage area shall be reduced in height to 1300mm in order to screen the garbage bins.
 - (80) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and

finishes with the application for a Construction Certificate, in respect to the following:

- (i) external finishes to walls;
- (ii) balcony treatment; and
- (iii) windows and doors.

- (B) That Council resolve to grant delegated authority to the General Manager to issue the final determination upon receipt of agreement to the draft conditions by the applicant.
- (C) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

FORBES STREET (ROAD CLOSURE AREA), WOOLLOOMOOLOO – USE OF PART OF STREET AS A MARKET TO OPERATE FROM 10.00 AM TO 4.00 PM, ONE SUNDAY PER MONTH – DEVELOPMENT APPLICATION (U00-01009)

- (A) That the Council grants its deferred commencement consent pursuant to section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by the Woolloomooloo Chamber of Commerce with the authority of the General Manager of South Sydney Council to operate monthly street markets in the precinct of Forbes Street bounded by Cowper Wharf Road and Nicholson Street, subject to the following conditions, namely:-
 - (1) That the consent shall not operate until the applicant has provided details responding to the following matters which shall be submitted to Council within 3 months of the deferred commencement consent and shall be approved in writing by the Director of City Environment prior to operation of the markets;
 - (a) Details of lease agreement in accordance with conditions (5);
 - (b) Management Plan in accordance with condition (10);
 - (2) That the frequency and operating hours of the markets not exceed one Sunday per month, between the hours of 10 am and 4 pm;
 - (3) That the use shall cease after a period of 12 months following the commencement of consent. A further application may be lodged with Council within 2 months of the lapsing of consent for a renewal of the operation. During Council assessment of the

proposed renewal, it will consider compliance with the conditions of consent the Plan of Management and any complaints lodged;

- (4) That the set up time for the markets not begin before 9 am, and the site be vacated by 6 pm
- (5) That there be no portable electricity generators used on site to provide power for the markets
- (6) That the manager of the markets enter into a lease agreement with a local car park operator to provide car parking for stall holders cars for the entire period of each market in order to ensure that stallholders do not park their motor vehicles in the surrounding residential streets. Details of this arrangement are to be provided to the satisfaction of the Director of Environment and Planning prior to the operation of the market.
- (7) That any food stalls, including mobile food vending machines, being used for the preparation of food shall be constructed and operated in accordance with Council's Temporary Food Premises Code and Food Vending Vehicles Code;
- (8) That adequate facilities shall be provided for the storage of trade waste and arrangements shall be made for the regular removal and disposal of garbage generated inside or outside the food stalls;
- (9) That the event organiser shall enter into a contract for the removal of trade waste from the premises;
- (10) That an Environmental Management Plan (EMP) shall be developed and submitted to Council's City Environment Department for approval before the commencement of activities. The EMP shall include but not necessarily be limited to the following measures:
 - (a) Garbage storage minimisation Management and collection times, including details of a commercial garbage contractor who will collect waste;
 - (b) Measures to ensure that any promotional material encourage customer to use public transport or walk to the site;
 - (d) Confirmation that no amplified equipment shall be used and the maximum number of stalls is 35;
 - (e) Details of methods of cleaning up the public domain following operation. The manager shall ensure that

condition of consent and the Management Plan are adhered to at all times;

- (f) Details of on site management including confirmation that there will be an on site manager who will be on site between 9am and 6pm during the markets operation;
- (11) That the Management of Plan shall be complied with at all times. Any variation of the Management of Plan shall be subject to the further approval of Council;

and the following standard conditions:

- (12) Obstruction of the public way³¹⁰¹
- (13) Delivery of construction materials³¹⁰⁴
- (14) Garbage on the public way⁶¹⁰¹
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

PYRMONT BRIDGE ROAD, NOS. 2 – 50, CAMPERDOWN – STAGE 1 MASTERPLAN LOTS 4, 5 AND 7, INCLUDING A 15 STOREY BUILDING AT THE CORNER OF PYRMONT BRIDGE ROAD AND BOOTH STREET, AND THREE BUILDINGS ALONG THE BOOTH STREET FRONTAGE VARYING FROM PART 6/PART 10 TO 12 STOREYS, WITHIN 6,200M² OF ADDITIONAL FLOOR AREA – MASTERPLAN APPLICATION – AMENDED PLANS (U01-01143)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lay:-

- (A) That Council, as the consent authority, resolve to support the SEPP 1 objection in relation to the non-compliance with the statutory height limit, as such would not result in unreasonable impacts on the amenity of adjoining properties and the locality.
- (B) That Council, as the consent authority, resolve to support the SEPP 1 objection in relation to the non-compliance with the statutory floor space ratio, as such would not result in unreasonable impacts on the amenity of adjoining properties and the locality.
- (C) That the Council, as the consent authority, subject to Section 80(3) of the Environmental Planning and Assessment Act, 1979, grant its

deferred commencement consent to the Staged Masterplan development application submitted by Sterling Estates Development Corporation Pty Ltd (as owners), for a Stage 1 Masterplan Development Application for a 15 storey building at the corner of Pymont Bridge Road and Booth Street, and three buildings along the booth street frontage varying from part 6/part 10 to 12 storeys, with a maximum 6,200m² of additional floor area at Lots 4, 5 and 7 at Nos. 2-50 Pymont Bridge Road, Camperdown, subject to the following conditions, namely:

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three months of the date of this deferred commencement consent and shall be to the satisfaction of, and approved in writing by the Director of City Environment prior to approval of an application for a construction certificate:-
 - (a) That in exchange for the 0.11:1 bonus FSR the applicant and the consent authority shall enter into a deed of agreement establishing the parameters for the carrying out of public domain works as described in correspondence from the NSW Department of Public Works and Services in terms of open space acquisition, land remediation and embellishment proportionate to the 6,200m² of additional floor space endorsed under this staged deferred commencement consent. The deed of agreement is to be to the satisfaction of the City Environment Department and to be executed prior to the release of the construction certificate;

That a bank guarantee or bond for a value of \$2,400,000.00. shall be made payable to South Sydney City Council to guarantee the provision of public domain works outlined above, and shall be dissolved upon the satisfactory completion of the land exchange between the applicant (New Children's Hospital and other parties to agreement).

Should the land exchange not take place upon determination of the Construction Certificate, then the Bank Guarantee or bond shall be utilised for future alternative public domain works in the vicinity of the site in accordance with Council's Bonus Floor Space Policy, and to the satisfaction of South Sydney City Council.

Note: Condition 1(a) shall be deemed to have been satisfied upon final resolution of the land exchange referred to in the Department of Public Works correspondence referred to above;

- (b) Amended plans that modify the presentation of the façade to Booth Street and the Boulevard in accordance with Condition 15 of this consent
 - (c) A staging plan shall be submitted in accordance with Condition 16 of this consent;
 - (d) That the matter be considered by the Roads and Traffic Authority prior to final consent to this application;
- (2) That the development shall take place in stages and a detailed development application shall be submitted and approved prior to the commencement of each stage;
 - (3) That the height of the buildings shall be limited as follows:-
 - ? Building 'A' – 15 storeys to RL67.5
 - ? Building 'B' – 12 storeys to RL54.5
 - ? Building 'C' – 12 storeys to RL51.5
 - ? Building 'N' – 10 storeys to RL45.5
 - (4) That the gross floor area of the buildings shall be limited as follows:-
 - ? Building 'A' – 17,850m²
 - ? Buildings 'B' and 'C' combined – 16,615m²
 - ? Building 'N' – 9,000m².
 - (5) That the Stage 2 development applications shall generally be in accordance with plans DA/MP-07 Rev C, DA/MP-08 Rev C, DA/MP-09 Rev C, DA/MP/L-02 Rev C, DA/MP-13 Rev C, DA/MP-14 Rev C, DA/MP-17 Rev C (all dated 27 March, 2002), drawn by dem (Australia) Pty Ltd and Statement of Environmental Effects Supplement dated March 2002 and prepared by Sterling Estates, as modified by plans DA/MP-08 Rev Ca and DA/MP-13 Rev Ca, both dated 11 April, 2002 and drawn by dem (Australia) Pty Ltd, subject to compliance with the following conditions;
 - (6) That the detailed Stage 2 development application(s) shall be accompanied by a detailed Traffic Report for referral to the relevant Traffic Authority/Committee;
 - (7) That the location of non-commercial uses in this part of the site, particularly at the ground floor level of Building 'A' shall be submitted as part of the Stage 2 development application;
 - (8) That the detailed Stage 2 development application(s) shall be accompanied by shadow diagrams drawn to scale which highlight the impact of the final designed buildings on the amenity of surrounding properties;

- (9) That the applicant shall provide the NSW Police Service – Leichhardt Local Area Command, with the opportunity to carry out a safety audit on the development and evidence of this consultation shall be submitted to Council with the submission of Stage 2 development applications;
- (10) That the detailed Stage 2 development application(s) shall be accompanied by sufficient information to demonstrate that the site is suitable or will be made suitable for the intended use proposed under the application. The information submitted shall have regard to State Environmental Planning Policy 55, the Planning NSW Managing Land Contamination Planning Guidelines and relevant NSW EPA guidelines;
- (11) That a management plan is to be developed and submitted with any Stage 2 development application(s) for the control of noise and the suppression of dust from the site during excavation and associated works;
- (12) The Stage 2 development application(s) shall clearly depict separate commercial and residential garbage rooms being provided on site. The locations of domestic waste handling facilities, including recyclable materials, should be referred to the Cleansing Services Branch, City Works Department. Attention is drawn to Council's Waste Management/ Minimisation Fact Sheets, garbage storage areas, facilities and receptacles;
- (13) That the units in each of Buildings 'A', 'B', 'C' and 'N' shall comply with a NatHERs Energy Efficiency Rating of no less than 3.5 Stars in accordance with Council policy. A NatHERs report for each of the units is to be provided in the Stage 2 development application submission;
- (14) That car parking on the site shall not exceed the following rates:-
- ? 0.5 spaces per bed-sitter,
 - ? 0.7 spaces per one bedroom unit,
 - ? 1 space per two bedroom unit,
 - ? 1.2 spaces per three bedroom unit,
 - ? 1 visitor space per 7 units,
 - ? 1 space per 50m² of retail space, and
 - ? 1 space per 125m² of commercial space.
- (15) That the roof and upper level treatment along Booth Street the Boulevard shall be modified so that it is setback from the street frontage and appears recessive to the satisfaction of Council's Urban Design. Co-ordinator and the Booth Street façade of the building shall be appropriately treated and articulated and shall have ground level openings to ensure an active streetscape, and

natural surveillance to the satisfaction of Council's Urban Design Co-ordinator;

- (16) That prior to the release of any further consents on the site, a staging plan for the development shall be submitted for any approval for any future stage and the development shall proceed generally in accordance with that plan. The plan shall include a program for the carrying out of internal and external road works (particularly those required by conditions in this consent) that will allow safe and practical access and traffic movement at all times until and after the development is completed;
- (17) That car parking areas shall be designed in accordance with DCP 11 – Transport Guidelines for Development, and AS2890.1, with particular attention to parking for people with disabilities and the provision of near level transitions of at least 6 metres inside the building line (particularly in areas of potential conflict with pedestrians and passing vehicles);
- (18) That adequate provision shall be made for garbage collection, service vehicles and furniture trucks to service the needs of the development in a safe and efficient manner, clear of public streets and places, to the satisfaction of Council's Director of City Works;
- (19) That bicycle parking shall be provided and designed in accordance with DCP 11 and AS2890.3;
- (20) That the cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic signals, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Council or the Roads and Traffic Authority;
- (21) That unless superseded by this consent, the applicant shall be required to comply with the conditions of consent to DA U98-01025, approved by Council on 21 February, 2000;
- (22) That all servicing within the site and connections to existing networks required for servicing of the site (electricity, gas, coaxial cabling, etc) shall be underground (contact shall be made with Energy Australia, Telstra, AGL and Optus in this regard). The cost of this work will not be offset against any Section 94 Contributions required for the site;
- (23) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services immediately adjacent to the site affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's

subsequent restoration of the pavement (unless other arrangements are made with the Director of City Works);

- (24) That the cost of signposting for alteration of any kerb-side parking restrictions required to compliment the new development shall be borne by the developer/owner. The work shall be done by Council, unless the Director of City Works approves other arrangements in writing;
- (25) That the developer shall supply a plan for construction traffic access to and from the site for each stage, which shall be approved in writing by the Director of City Works prior to the release of the construction certificate for each stage;
- (26) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (27) That a consulting arborist report (including the supervision and protection of trees) shall be submitted for all trees to be retained or transplanted to the Director of City Works for approval prior to the release of the detailed Stage 2 development consent;
- (28) That the trees to be retained and transplanted shall be numbered and monitored by an arborist to check the health of the trees during demolition, excavation and construction;
- (29) That the works associated with the excavation, sorting and storage of contaminated soil shall comply fully with the provisions of the "Environmental Management Plan at the Royal Alexandria Hospital for Children, Pyrmont Bridge Road, Camperdown, NSW" reference No. 50663-9, REP. Prior to the commencement of activities, the EMP shall be independently reviewed and amended as required to the satisfaction of the Director of City Environment;
- (30) That any material used to back fill excavations shall be validated in accordance with the requirements of the NSW EPA's Contaminated Sites Sampling Design Guidelines;
- (31) That no water or other matter shall be released into the stormwater system that exceeds the criteria of the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters;
- (32) That prior to the commencement of works associated with the excavation, sorting and storage of contaminated soil, a comprehensive Soil and Water Management Plan shall be submitted to Council for approval. The plan shall be site-specific and must include, but not necessarily limited to:-

- (i) identifying the built and natural drainage patterns of the areas proposed to be disturbed and likely to be impacted by the proposal;
 - (ii) identifying existing overland flow paths in areas proposed to be disturbed and proposed divergence contingencies;
 - (iii) identifying the capacity of sedimentation devices/ponds based on a quantitative analysis of the catchment area; and
 - (iv) identifying the location and type of all proposed pollution control devices (sedimentation fences and barriers, etc)
- (33) That any hazardous and/or industrial wastes arising from the operation shall be removed by a transporter licensed by the Environment Protection Authority pursuant to the Waste Minimisation and Management Act 1995 and Regulation thereunder;
- (34) That the applicant and/or builder shall, prior to the commencement of work for any Stage 2 development application, install and maintain suitable measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. The applicant and/or builder is advised that it is an offence to allow, permit or cause materials to pollute or be placed in a position that they may pollute waters;
- (35) That all vehicles involved in the development process and departing the site with demolition materials, spoil of loose matter shall have their loads fully covered before entering the public roadway;
- (36) That the excavated material, construction supplies and on-site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road;
- (37) That any fill brought into the site shall be consistent with clean soil already on the site;
- (38) That the developer shall make an application to the City Works Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site work, prior to work commencing (Warning – to ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (39) Before erecting any hoarding, an application must be made to the Director of City Works for a Builder's Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be

carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of City Works;

- (40) That prior to the release of a construction certificate for any Stage 2 development application, the developer/owner shall make an application to the Director of City Works for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of City Works;
- (41) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of any detailed construction certificate;
- (42) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater system, in accordance with Council's requirements;
- (43) 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. Measures must include:-
 - (a) siltation fencing;
 - (b) protection of the public stormwater system; and
 - (c) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public space;
- (44) 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, dangerous or prejudicial to health;
- (45) That the use of the premises shall not give rise to:-
 - (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The

source noise level shall be assessed as an LA10, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content;

- (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual, or a sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

- (46) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing an occupation certificate. Sydney Water may require you to construct works and/or pay developer charges and accordingly, you should make immediate application to avoid problems in servicing the development;

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

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

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

Note 1:

That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated material, building materials or other material 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. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable 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:

You are advised that further conditions, including Health, Building and City Works conditions may be attached to any further Stage 2 development consent.

GENERAL MANAGER

Carried.

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

15.

PLANNING – GREEN SQUARE – AFFORDABLE HOUSING – EXHIBITION OF DRAFT AFFORDABLE HOUSING DCP (2022778)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

That the matter be deferred in order for a further report to be submitted to Committee after consultation with the General Manager.

Carried.

16.

LLANKELLY PLACE, KINGS CROSS – INSTALLATION OF FUNCTIONAL LIGHTING AND ARTISTIC LED LIGHT SCREENS OVER LLANKELLY PLACE BETWEEN ORWELL STREET AND DARLINGHURST ROAD – DEVELOPMENT APPLICATION (U01-01336)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council defer determination of the Application in order for the Director of City Works to arrange for the erection of the Public Art Prototype in Llankelly Place and that objectors and Councillors inspect the site during operation of the lighting.

Carried.

17.

WILLIAM STREET, NOS. 60-70, WOOLLOOMOOLOO – DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF A 14 STOREY BUILDING CONTAINING 94 RESIDENTIAL UNITS, RETAIL TENANCIES AND CAR PARKING – DEVELOPMENT APPLICATION (U01-00799)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Harcourt:-

(A) That the Director of City Environment be given delegation to finalise and issue the Notice of Determination, subject to condition;

- (B) That the proposed building shall be reduced by the deletion of level 13 and that the amended plans be to the satisfaction of the Director of City Environment.
- (C) That a Deed of Agreement shall be signed by the owner of the land, dedicating the proposed "community room" to Council, and dedicating land on McCarthy Place for footpath and road widening purposes as a public domain contribution.
- (D) That parking rates be recalculated on the basis of the reduced unit numbers and that the amended proposal fully comply with the maximum parking provisions of DCP 11.
- (E) That following finalisation of the Notice of Determination, those persons who objected to the Application shall be advised of Council's decision.

Carried.

18.

DEPARTMENT OF HOUSING, NOS. 44-52 MOREHEAD STREET, NOS. 57-75 WALKER STREET, NOS. 66-80 WALKER STREET, NOS. 600-614 ELIZABETH STREET AND NOS. 3-5 KETTLE STREET, REDFERN – DEMOLITION OF 106 DEPARTMENT OF HOUSING PROPERTIES, ERECTION OF 88 PUBLIC AND 158 PRIVATE DWELLINGS – MASTERPLAN & STAGED (SECTION 80(4)) DEVELOPMENT CONSENT SOUGHT FOR SITE LAYOUT, NUMBER OF DWELLINGS (246), BUILDING ENVELOPES, HEIGHT, GROSS FLOOR AREA AND FLOOR SPACE RATIO – DEVELOPMENT APPLICATION (U01-01316)

This matter be deferred to the next Planning and Development Committee meeting to be held on 15 May 2002, in order for a briefing to be held for all Councillors and that representatives from the Redfern Oval Taskforce be also invited to attend.

Carried.

19.

TILFORD STREET, NOS 4-6, ZETLAND – PARTIAL DEMOLITION OF THE EXISTING BUILDING, ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING 9 UNITS, CAFÉ AND CAR PARKING – DEVELOPMENT APPLICATION (U01-01027)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, to the development application submitted by Jaeger Corp Pty Ltd with the authority of Mr E G Lewis, Mrs J M Lewis and Mr R Barker, to partially demolish the existing warehouse and erect 9 residential units with 9 car parking spaces, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has submitted a schedule of materials finishes and colours of the proposed building the schedule shall include roofing, external walls, doors, windows, balcony treatments etc and shall include reduced areas of bagged brickwork. The information shall be submitted within 3 months from the date of this notice for the approval of the Director of City Environment;
- (2) That the development shall be generally in accordance with plans numbered 01027/01, dated 9 October 2001, 12 December 2001 and 30 January 2002, and includes drawing numbers DA-01B, DA-02B, DA-03, DA-04, DA-05B, DA-06A, DA-07, DA-08, H-01, H-02, LP1, AND LP2 stamped and endorsed by Council, subject to compliance with the conditions below;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10,230 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$5,994	2E97008.BGY0

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

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

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;

(6) Part A

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

Contribution Category	Amount	Account
Open Space/LGA Works Programme	\$3,571	2E97003.BGY0
Open Space/Green Square	\$29,092	2E99001.BGY0
Accessibility And Transport	\$107	2E97006.BGY0
Road Infrastructure/Green Square	\$25,101	2E99006.BGY0
Community Facilities/Green Square	\$3730	2E99004.BGY0
Management	\$239	2E97007.BGY0
Total	\$61,839	

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

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

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being December Quarter 2001/2002.

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

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

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

Part B

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

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

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

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank

guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

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

(7) AFFORDABLE HOUSING CONTRIBUTION

- (i) In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning, Central Corporate Services Unit Cashier (10 - 11.30am Level 15, Governor Macquarie Tower, 1 Farrer Place Sydney 2000 or 2 - 2.30pm Level 2, Bligh House, 4-6 Bligh Street Sydney 2000), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$89,762.40] based on the in lieu monetary contribution rate for residential development at \$81.90 per square metre of total floor area [1096m²]. Contributions may be indexed in accordance with the formula set out below.
- (ii) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

NOTES:

- ? If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

? Form A - Bank Guarantees must be lodged with the Housing Market Team, Level 16, Governor Macquarie Tower, 1 Farrer Place Sydney 2000

? All Form's B & C – Bank Cheques to be lodged with cashier at :

10 – 11.30am

Level 15

Governor Macquarie Tower

1 Farrer Place

Sydney 2000

2 – 2.30pm

Level 2

Bligh House

4-6 Bligh Street

Sydney 2000

? The contributions will be adjusted accordingly on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics. Contributions at Time of Payment = $C \times \text{HPI 2} / \text{HPI 1}$, where:

C is the original contribution amount as shown above;

HPI2 is the Established House Price Index: All Groups Index: Dec 01/02 for Sydney available from the Australian Bureau of Statistics at the time of the payment; and

HPI1 is the Established House Price Index: All Groups Index: Dec 01/02 for Sydney available from the Australian Bureau of Statistics at the date of the consent being the December Quarter 01/02;

- (8) That a covenant shall be imposed on the site to allow permanent pedestrian access (for the general public) to be provided along the walkway between the development and the reserve;
- (9) That a hot water system with a minimum 3.5 star rating must be installed on the site and shall serve all the hot water needs of the residential units.;
- (10) That each unit shall have a clothes dryer with a minimum greenhouse score of 3.5 stars;
- (11) That the development shall incorporate the recommendations (including the NatHERS Notes) of the NSW HMB Assessor Certificate (dated 21 January 2002) that was submitted as part of the application;
- (12) That a maximum of 9 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;
- (13) That the parking spaces shall be allocated on the basis of 7 for residents and 2 for visitors. 1 visitor's space is to be shared with the Café. (appropriately line-marked and labelled prior to issuing an Occupation Certificate);

- (14) That the development shall satisfy the requirements in Council's DCP No. 11 - Transport Guidelines for Development 1996; including the provision of bicycle parking facilities. Details of the bicycle parking facilities shall be submitted to the PCA with the application of a construction certificate;
- (15) That a subsequent development application shall be submitted for the fit-out and use of the café.
- (16) That the existing trees in the adjoining reserve (Mary O'Brien Reserve) shall be protected during construction works;
- (17) That all vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (18) That the applicant shall ensure that the driveway wing shall be a minimum of 1.0 metre from the adjoining property;
- (19) That the applicant shall ensure that the proposed geotextile fabric filled with gravel shall be placed within the property boundary and not on the public way or adjoining property;
- (20) That the applicant shall ensure that all stormwater from the balconies is collected and drained through the downpipe system;
- (21) That the applicant shall ensure that the discharge of planter box water must be in accordance with Council's standard Stormwater Code;
- (22) That pumping is only allowed for seepage water or stormwater from the basement. The car park area must comply with the requirements in Council's standard Stormwater Code;
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
 - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (24) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The

EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site,
- (b) Measures to suppress odours and dust emissions,
- (c) Soil and sediment control measures,
- (d) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
- (e) Community consultation;

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

- (25) That the applicant shall place a caveat on the property title advising future residents of the existence of the adjoining basketball courts in the Mary O'Brien Reserve and advising that resident complaint regarding use/activity on such courts will not be permitted;
- (26) That the ground level units 1 and 2 fronting Tilford Street and MacPherson Lane respectively may be acceptable for non-residential uses, subject to the lodgement of a further development application for Council's consideration;

-and the following standard conditions:

- (27) Ventilation⁷⁰²⁵
- (28) Car park ventilation⁷⁰³¹
- (29) Garbage storage area⁶¹⁰³
- (30) Construction noise⁷⁰⁰⁸
- (31) Noise⁷⁰³⁰
- (32) Soil and sediment control⁷⁰⁸⁵
- (33) Soil and sediment: drains, gutters etc⁷⁰⁸⁷
- (34) Soil and sediment control/building operations⁷⁰⁸⁸
- (35) Soil and sediment control: covering of loads⁷⁰⁹⁰
- (36) Builders hoarding permit³⁰
- (37) Alignment levels³²
- (38) Display street number¹¹¹⁰
- (39) Obstruction of the public way³¹⁰¹

- (40) Work zones³¹⁰²
- (41) Vehicular footway crossing³¹⁰³
- (42) Delivery of construction materials³¹⁰⁴
- (43) Resident parking restrictions³¹⁰⁵
- (44) Off-street car parking for construction workers³¹⁰⁹
- (45) Pedestrian safety³¹¹⁰
- (46) Associated roadway costs³¹¹¹
- (47) Stormwater (general)⁴¹⁰¹
- (48) Clean water discharge⁴¹⁰²
- (49) Landscape plan⁵¹⁰¹
- (50) On slab planting⁵¹⁰²
- (51) Irrigation⁵¹⁰⁵
- (52) Maintenance of landscaping⁵¹¹⁴
- (53) Final inspection⁵¹¹⁵
- (54) Garbage on public way⁶¹⁰¹
- (55) Refuse skips⁶¹⁰²
- (56) Garbage storage area⁶¹⁰³
- (57) Compliance with BCA⁹¹⁰⁴
- (58) Construction certificate required⁹¹⁵⁵
- (59) Survey certificate at set out stage⁹⁰⁰¹
- (60) Survey certificate at completion⁹⁰⁰²
- (61) Stormwater details⁹⁰⁰³
- (62) Structural design certificate⁹⁰⁰⁶
- (63) Issue of occupation certificate⁹¹⁰¹
- (64) Comply with the WorkCover Authority⁹¹⁰⁵

- (65) Construction hours⁹¹⁵¹
- (66) Building/demolition noise control⁹¹⁵⁶
- (67) Maintain existing building in a stable condition⁹¹⁵⁷
- (68) Works to be within allotment boundaries⁹¹⁵⁸
- (69) Guarding of excavations⁹¹⁶⁰
- (70) Demolition to comply with Australian standard⁹¹⁶¹
- (71) Support for neighbouring buildings⁹¹⁶³
- (72) Sign for visitor parking³⁰¹⁰
- (73) Intercom for visitors³⁰¹¹
- (74) Vehicles enter/leave in forward direction³⁰²⁰
- (75) One television aerial¹¹⁴
- (76) Water board certificate (s73)⁸⁰⁰¹

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

Carried.

The Planning and Building meeting terminated at 9.05 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