

**302<sup>ND</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
 417906

**Wednesday, 31 July 2002**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.35 pm on Wednesday, 31 July 2002.

**PRESENT**

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

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

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**GENERAL MANAGER**

**Confirmation of Minutes**

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the minutes of the Ordinary Meeting of Council of 3 July 2002, be taken as read and confirmed.

Carried.

**MINUTE BY THE MAYOR**

31 July, 2002

**DONATIONS - REDFERN PUBLIC SCHOOL - SUPPORT BY COUNCIL TO P&C ASSOCIATION (2025651)**

Council at its meeting of 22 May resolved to provide a donation of \$5,000 and garbage recycling to the Erskineville Public School to support a school reunion to be held on Saturday 19 October 2002. I understand that this function is part of the schools campaign to fight the proposed closure and to celebrate its history. The Erskineville Public School is slated for closure under the NSW government 'Building the Future' plan and continues to actively resist the closure, with the support of Council.

The other school proposed for closure and actively opposing the plan is Redfern Public School. The Redfern School P&C has approached Council for a similar level of support to provide a community action campaign against the proposed closure of the school. The school is due to celebrate its 125<sup>th</sup> anniversary in 2003.

Council has supported both of these school communities in their campaigns to remain open through our submission to the Department of Education and Training, the Inquiry into the Closure of Inner City Schools and numerous letters to the Premier and other State Government ministers and departmental officers.

I suggest that Council provide the same level of financial and in-kind support to the Redfern Public School as we provided to Erskineville, to assist the Redfern school community with their campaign.

**Recommendation**

That approval is given to a donation of \$5,000 and in-kind garbage recycling to the Redfern Public School P&C Association.

Councillor John Fowler (SGD)  
**Mayor**

**GENERAL MANAGER**

Moved by Councillor Pooley, seconded by Councillor Mallard:-

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

Carried.

### MINUTE BY THE MAYOR

31 July 2002

#### **PUBLIC RELATIONS - LOCAL GOVERNMENT WEEK 2002 CELEBRATIONS (2020573)**

Council is aware that Local Government Week celebrations are being held throughout the South Sydney City Council area from Sunday, 28 July to Sunday, 4 August 2002.

The theme of the week is "Crossing the Divide". South Sydney is celebrating the social diversity of our community and has organised a series of local events that reflect that social diversity.

The week commenced with a very successful family **TREE PLANTING DAY**, in Sydney Park on Sunday with over 1000 residents planting 7000 trees, shrubs and grasses. Yesterday, I welcomed 300 senior citizens at Paddington Town Hall for our gala annual **TEA DANCE**.

Local Government Week events continue tomorrow with a **HERITAGE WORKSHOP** on "Is Your House Heritage?" in conjunction with the South Sydney Heritage Society, culminating on the weekend with the annual **Community Awards and Choral Concert** and a **Brass Band Concert** on Sunday at Paddington Town Hall.

Local Government Week allows us to showcase the services we offer as well as provides us with the opportunity to foster cooperation and better communication with our local community.

On behalf of the Councillors I would like to thank the community organisations and the residents who through the co-ordination and enthusiasm of staff have made Local Government Week 2002 a success in South Sydney.

#### **RECOMMENDATION**

That we acknowledge the presence in Council Chambers tonight of members of the community who have given time and expertise to many of South Sydney projects.

**GENERAL MANAGER**

Local Government Week seems a fitting time to acknowledge this contribution, to thank them and to invite them to join us for dinner.

Councillor John Fowler (SGD)

**Mayor**

Moved by Councillor Mallard, seconded by Councillor Shaw:-

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

Carried.

### **MINUTE BY THE MAYOR**

31 July 2002

#### **CONFERENCES – INTERNATIONAL CITIES AND TOWN CENTRES CONFERENCE – 18-21 AUGUST 2002 – CALOUNDRA, QUEENSLAND – ATTENDANCE BY COUNCIL REPRESENTATIVES – INVITATION TO HOST THE 5<sup>TH</sup> INTERNATIONAL CITIES AND TOWN CENTRES CONFERENCE 2003 (2010599)**

To Council

Correspondence has been received by Council from International Cities and Town Centres society regarding the 4<sup>th</sup> International Cities and Town Centres conference hosted by Caloundra City Council on 18-21 August 2002.

The key theme of the Conference is visions into reality – Creating Livable Cities. The main aim is to examine how to successfully turn community aspirations into best practice planning, and design to create City and Town Centres that perform socially, environmentally and economically.

Councillor Jill Lay has expressed an interest in attending.

### **RECOMMENDATION**

That arising from consideration of a minute by the Mayor dated 29 July 2002, approval be given to Councillor Jill Lay, the Mayor and interested Councillors and the General Manager or his nominee attending the 2002 International cities and Town Centre Conference to be hosted by Caloundra City Council from 18-21 August 2002, and that registration fees, accommodation and out of pocket expenses for

**GENERAL MANAGER**

conveyance and subsistence in travelling will be available in the 2002/2003 Budget.

Councillor John Fowler (SGD)  
**Mayor**

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

At this stage and at 6.45 pm, it was moved by Councillor Mallard, seconded by Councillor Bush:-

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 Legal and Personnel matters.

Carried.

**(1) ADMINISTRATION - ORGANISATIONAL REVIEW OF COUNCIL –  
APPOINTMENT OF DIRECTOR OF CITY ENVIRONMENT (2009377)**

A Minute by the General Manager dated 30 July 2002, was circulated to all Councillors prior to the Council Meeting.

The reason for the press and public being excluded for this item is that the matter dealt with a Personnel Matter, in accordance with Section 10(A)2(a) of the Local Government Act.

2(a) Personnel Matters concerning particular individuals.

**(2) BOUNDARIES - BOUNDARY CHANGES AND THE COURT OF  
APPEAL - CASE UPDATE AND ACTION BY COUNCIL (2025300)**

A Minute by the General Manager dated 31 July 2002, was circulated to all Councillors prior to the Council Meeting.

The reason for the press and public being excluded for this item is that the matter dealt with a Legal Matter, in accordance with Section 10(A)2g of the Local Government Act.

(g) Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privileged.

**(3) INSURANCES – BACKPACKERS CLAIM – NOS. 39-43,  
DARLINGHURST ROAD, KINGS CROSS (I5100023) - ITEM NO.1  
FINANCE COMMITTEE (CONFIDENTIAL) – 24 JULY 2002.**

To Council without recommendation.

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 7.15. pm the Council Meeting resumed.

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

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

- (1) Organisational Review of Council – Appointment of Director of City Environment – Minute by the General Manager dated 30 July 2002 (2009377)

That the recommendation of the General Manager in report dated 30 July 2002, be approved and adopted.

- (2) Boundary Changes and the Court of Appeal Case – Minute by the General Manager dated 31 July 2002 (2025300)

(a) That the implementation of the action outlined in the Minute by the General Manger dated 31 July 2002, be approved and adopted.

(b) That Council consider that judgement of the Appeals Court.

(c) That the Legal action be considered by Council subsequently.

- (3) Insurances – Backpackers Claim – Nos. 39-43, Darlinghurst Road, Kings Cross (I5100023) - Item No.1 Finance Committee (Confidential) – 24 July 2002.

That the recommendation of the Acting Director of Corporate Services in report dated 18 July 2002, be approved and adopted.

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

**MINUTE BY THE GENERAL MANAGER**

12 July 2002

**LEGISLATION - LOCAL GOVERNMENT AMENDMENT (ANTI-CORRUPTION)  
ACT 2002 –NEW PROVISIONS (2008505)****TO COUNCIL**

A communication dated 4 July, 2002 has been received from the Director General of the Department of Local Government advising that as part of the Government's response to recent investigations by the Independent Commission Against Corruption into a metropolitan Council, the Local Government Amendment (Anti-Corruption) Act 2002 has been passed by Parliament.

Accompanying the Director General's communication were letters from the Hon. Harry Woods, MP, Minister for Local Government addressed to each Councillor of the Council. This letter highlighted important changes to the legislative provisions concerning corrupt conduct.

As the new provisions apply to every Council, Councillor and Council staff member throughout New South Wales, and because of the seriousness of the amendments, the Minister had taken the opportunity to write to each Councillor to acquaint them with the provisions. Each Councillor has since been issued with their letter and also issued with a copy of Local Government Circular No. 02/28, referred to in the Minister's letter.

The Director General also asked that the new amendments be the subject of a report to Council.

It is therefore reported that the amending provisions commenced on 17 June 2002 and apply to every Council, Councillor and Council staff member throughout New South Wales.

In brief, the amendments enable prompt measures to be taken against Councils, Councillors and Council staff members involved in 'serious corrupt conduct'. The measures are:

- ? dismissal of all Councillors of a Council, without a public inquiry, if the ICAC recommends consideration be given to dismissing the Council because of systematic corruption (amending s.255 of the LG Act);
- ? suspension of a councillor, without notice or inquiry, if:
  - ✗ the ICAC has made a recommendation that consideration be given to suspension with a view to the councillor's dismissal from office, or
  - ✗ criminal proceedings are instituted against the councillor, or
  - ✗ the councillor makes an admission of serious corrupt conduct (new section 440C LG Act);

**GENERAL MANAGER**

- ? dismissal of a councillor for up to 5 years, contingent on:
- ✗ A suspension under s.440C LG Act,
  - ✗ An opportunity being afforded for the councillor to show cause why he or she should not be dismissed, and
  - ✗ the Minister advising the Governor that the dismissal is necessary to protect the public standing of the council and the proper exercise of its functions (new section 440B LG Act); and
- ? suspension of staff, without pay, on similar grounds to those on which a councillor may be suspended under s.440C (new section 440D LG Act).

'Serious corrupt conduct' is defined in new section 440A of the LG Act as 'corrupt conduct' under the ICAC Act, in connection with official duties, that may constitute a serious indictable offence (an offence with a maximum penalty of 5 years of more imprisonment).

Further details on the amendment are set out in Local Government Circular No. 02/28 (copy attached).

### **RECOMMENDATION**

That the above report on the Local Government Amendment (Anti-Corruption) Act, 2002 recently passed in Parliament and which commenced in 17 June, 2002 be received and noted and that all Council staff be notified of the legislative provisions and the seriousness of the amendments and also such provisions be included as part of Council's Code of Conduct.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Mallard, seconded by Councillor Pooley:-

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

Carried.



**MINUTE BY THE GENERAL MANAGER**

20 July 2002

**PARKS/TAYLOR SQUARE – OXFORD, FLINDERS AND BOURKE STREET,  
DARLINGHURST/SURRY HILLS. – REJECT PREVIOUS TENDERS RECEIVED IN  
NOVEMBER 2001 – APPROVAL OF TENDER TO CONSTRUCT, PROJECT  
BUDGET AND CONSULTANT VARIATIONS FOR CONTRACT ADMINISTRATION  
AND RETENDERING SERVICES (2027223)**

Councillor Mallard declared an interest in the item and did not take part in discussions or voting and left the Chamber.

**COUNCIL****Background – Previous tender process 2001**

Following the General Managers approval of 10 September 2001, expressions of interest were invited through the press and special enquiry for construction of the Taylor Square Urban Design Project.

The Acting General Manager gave approval on 2 November 2001 to shortlist the following companies:

- ? Multiplex Constructions Pty Ltd
- ? Reed Constructions Aust. Pty Ltd
- ? Walter Construction Group Pty Ltd
- ? Abi Group Contractors
- ? Grocon Contractors Pty Ltd
- ? Belmadar Constructions Pty Ltd

Council at its meeting on 24 October 2001 gave approval to call Tenders for the construction of Taylor Square, as developed by Tract Consultants who were engaged to undertake detailed design development, documentation and contract administration services for the Project.

Tenders closed on 26 November 2001, and a report was presented to Council on 12 December 2001 with a recommendation to accept a tender for the amount of \$5,184,468.

At that meeting however, Council resolved to defer the appointment of the recommended Tenderer, to suspend all Contracts for the project and:

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

**Rebuilding South Sydney Works Program**

Council at its meeting on 16 May 2002 approved the following:

**GENERAL MANAGER**

1. That Council endorse the 'Rebuilding South Sydney' Supplementary Works Program as defined in Attachment 1, for inclusion in the 2002-2005 Management Plan.

The construction of Taylor Square is listed on this supplementary Works Program for construction during the 2002/2003 financial year. A budget of \$5,500,000 was allocated for construction, of which 90% is derived from s.94 funding.

### Re-tendering of the project

As the validity period of the tenders had expired and there had been fluctuations in the cost of labour, materials and insurances over the last 6 months, the General Manager gave approval on 10 June 2002 to re-call tenders.

The basic scope of the project remained unaltered, however a requirement for the Contractor to vacate the site over a four week period during the 2002 Gay Games in October/November 2002 was now included.

Tenders were issued on 24 June 2002 to the list of contractors previously selected from the Expression of Interest process.

### Assessment of Tenders

The Tender period closed on Monday 15 July 2002 and tenders were received from all six (6) companies on the tender list as follows:

Tenderer	Tender Price (Excl. GST) Bluestone Paving	Tender Price (Excl. GST) Granite Paving
Reed Constructions Aust Pty Ltd	\$5,177,000.00	\$5,362,000.00
Belmadar Constructions	\$5,796,180.00	\$6,268,217.00
Multiplex Constructions Pty Ltd	\$5,914,621.00	\$6,144,921.00
Abi Group Contractors	\$6,369,308.00	\$6,606,908.00
Walter Construction Group Pty Ltd	\$6,568,982.00	\$6,768,982.00
Grocon Contractors Pty Ltd	\$8,258,193.00	\$8,457,918.00

Tenders were assessed in accordance with the following weighted assessment criteria:

Criteria	Weighting
Cost – including lump sum and rates	40%
Corporate capacity and experience	15%
Understanding of the projects and program	25%
Occupational Health and Safety policy	5%

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Ethical Procurement Policy	15%
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The Consultants Pre-Tender estimate was \$5,685,855 (exc. GST)

Tenderers were asked to give tender prices for both Bluestone and Granite Paving. The granite paving will give a more durable and high quality finish and the additional cost of \$185,000 is considered worthwhile given the significance and high usage of Taylor Square.

Based on the tender assessment it is recommended that Reed Constructions be awarded the construction contract for a total Lump Sum price of \$5,362,000 (excl GST).

The construction program submitted by Reed Constructions shows completion of the project by the end of May 2003, including vacating the site for four weeks over the Gay Games.

Reed Constructions have carried out similar work in the Sydney CBD and are considered capable of carrying out this project.

#### **Contingency Amount on Construction Contract**

A 10% contingency amount of \$536,000 (excluding GST) is recommended to be included in the project budget to allow for latent conditions, service relocations and unforeseen elements that arise during the construction.

#### **APPROVAL OF TRACT CONSULTANTS VARIATION**

TRACT consultants were engaged to undertake design development, construction documentation and contract administration services for the Taylor Square project for a contract sum of \$350,000 plus contingency. Their fee proposal was based on the masterplan developed by EDAW. As a result of public consultation and Council review the original scope of work was altered and increased. This has increased both the design and contract administration components of the project.

Council resolved at its meeting of 12 December 2001 to approve a variation of \$333,080 for the design component of the increased scope of work.

The re-tendering process has also resulted in additional fees being incurred for documentation, conducting the pre-tender meeting, issuing of addenda and tender assessment.

The total estimate for the additional tendering and contract administration services required is \$118,700. When added to the original contract administration costs of \$116,300 the total remaining consultancy fees for TRACT will be \$235,000.

### Total Project Budget

The total project budget required to complete the project including items not included in the construction tender is as follows:

<b>Component</b>	<b>Budget / contract sum</b>
Construction tender	\$5,362,000
10% Contingency on construction tender	\$536,000
Removal and relocation of palms	\$45,000
Removal and relocation of Fig Tree	\$40,000
Water Feature	\$450,000
Artwork	\$60,000
TRACT Consultancy Fees for re-tender and contract administration services.	\$235,000
<b>TOTAL PROJECT BUDGET</b>	<b>\$6,728,000</b>

The 2002/2003 Works Program has a budget allocation of \$5,500,000 of which \$5,000,000 is from Section 94 and \$500,000 from loan funds.

Additional loan funds of \$1,228,000 will be required to allow completion of all components of the project.

The total funding of the project will therefore be as follows:

Section 94 funds	\$5,000,000
Loan Funds	\$1,728,000
Total Budget	\$6,728,000

### RECOMMENDATION

That approval be given to:

- (1) Accept the tender submitted by Reed Construction for the upgrade of Taylor Square at a cost of \$5,362,000 (excluding GST);
- (2) Include a 10% contingency sum of \$536,000 (excluding GST);
- (3) Approve a variation amount of \$118,700 (excluding GST) for TRACT Consultants.

**GENERAL MANAGER**

- (4) Allocate additional loan funds of \$1,228,000 (excluding GST) to the 2002/03 Works Program – Taylor Square Project (Project No. 22004; Bud Ref 45- 101).

Michael Whittaker  
**GENERAL MANAGER**

“The tender Committee has discussed the subject Tenders and is of the opinion that all Council’s purchasing procedures have been compiled with and endorses the above recommendation”

Chairman- Tender Committee

Michael Whittaker (SGD)  
**General Manager**

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

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

Carried.

At this stage Councillor Mallard returned to the Chamber.

## **MINUTE BY THE GENERAL MANAGER**

29 July 2002

### **COMMUNITY FACILITIES / SYDNEY PARK COMMUNITY CENTRE (CC) TENDERS(2026667)**

#### **COUNCIL**

#### **BACKGROUND**

Council resolved on 3 July 2002 to accept the tender of Safin Pty Ltd for construction of the proposed new Multi Purpose Centre at Sydney Park, in the amount of \$1,696,138.

Following this, Council’s Purchasing Section issued to Safin Pty Ltd a letter notifying them of Council’s resolution, and requested lodgement of a Security Deposit of

**GENERAL MANAGER**

\$93,287.59, as required by the tender documents prior to entering a formal agreement.

Safin responded on 12 July 2002 that they were unable to provide a security deposit. They further advised on 16 July 2002 that the security deposit could be provided at an additional cost of \$7969.00 and also that monthly payments would be required to be paid within 14 days of their invoice date (14 days prior to the due date allowable under the contract).

The additional cost associated with provision of security and payment conditions requested by Safin Pty Ltd has prompted re-evaluation of the original tenders submitted.

## REPORT

As illustrated in the schedule of original tender submissions previously reported to Council and shown below, Safin Pty Ltd were \$3,272 above the tender of Barker Construction Services (BCS) with a programme of 28 weeks as opposed to 31 weeks for BCS. Given that Safin Pty Ltd had no qualifications on their tender, they were considered to represent the best value to Council for delivery of this project.

### SCHEDULE OF ORIGINAL TENDER SUBMISSIONS

<b>Company Name</b>	<b>Price Excluding GST</b>	<b>GST</b>	<b>Price Including GST</b>	<b>Contract Period</b>
Safin Pty Ltd	\$1,600,955.00	\$160,095.50	\$1,761,050.50	28 weeks
*Safin Pty Ltd	\$1,696,138.00	\$169,613.80	\$1,865,751.80	28 weeks
Barker Construction Services	\$1,692,866.00	\$169,286.63	\$1,862,152.90	31 weeks
Fugen Constructions Pty Ltd	\$1,782,682.00	\$178,268.20	\$1,960,950.20	25 weeks
Cordukes Pty Ltd	\$1,806,435.00	\$180,643.50	\$1,987,078.50	26 weeks
Axis Constructions Pty Ltd	\$1,834,000.00	\$183,400.00	\$2,017,400.00	34 weeks

\* Revised price including omitted items, fax 18 June 2002.

Safin's tender is now non-conforming in that they require payment within 14 days of invoice. Further to this their original tender price is revised to be \$1,703,134.30 to allow for the cost of providing the required security deposit.

Upon receipt of these qualifications by Safin Pty Ltd, Barker Construction Services were requested to clarify the qualifications on their original tender and submit a firm price for the items of work for which they had previously allowed provisional sums.

Barker Construction Services (BCS) have revised their price from \$1,692,866.33 to \$1,700,151.80. This is a lump sum price without qualification and now considered to be a conforming tender. Further investigation of the programme submitted by BCS in their original tender has revealed that they had allowed for a shutdown period at

**GENERAL MANAGER**

Christmas and wet weather. This programme reflects an actual contract period of 27 weeks.

The revised tender schedule below shows that in terms of cost and programme, Barker Construction Services now represent the best value to Council for delivery of this project.

#### SCHEDULE OF REVISED TENDER SUBMISSIONS

<b>Company Name</b>	<b>Price Excluding GST</b>	<b>GST</b>	<b>Price Including GST</b>	<b>Contract Period</b>
Barker Construction Services*	\$1,700,151.80	\$170,015.18	\$1,870,166.98	27 weeks
Safin Pty Ltd*	\$1,703,134.30	\$170,313.43	\$1,873,447.70	28 weeks
Fugen Constructions Pty Ltd	\$1,782,682.00	\$178,268.20	\$1,960,950.20	25 weeks
Cordukes Pty Ltd	\$1,806,435.00	\$180,643.50	\$1,987,078.50	26 weeks
Axis Constructions Pty Ltd	\$1,834,000.00	\$183,400.00	\$2,017,400.00	34 weeks

\* Revised price.

Barker Construction Services Pty Ltd (BCS) were contracted by Council in 1999 for the refurbishment of Alexandria Town Hall. This project was completed on time and within budget. All aspects of the project were managed in a cooperative and professional manner.

All tender schedules have been completed including Council's Environmental assessment questionnaire.

#### FINANCIAL SUMMARY

<b>Description: New Multi Purpose Centre</b>	<b>Total</b>
Tendered Construction Cost excluding GST	\$1,700,151.80
GST Amount	\$170,015.18
Price (includes GST)	\$1,870,166.98
GST Credit	\$170,015.18
Contract Cost to Council	\$1,700,151.80
Required Contingency (excl. GST)	\$250,386.20
Consultant Costs	\$38,000.00
Potential Net Cost to Council	\$1,988,538.00

**GENERAL MANAGER**

Less Available Funds:	\$1,988,538.00
02/03 Budget	\$1,988,538.00
Reserve (specify)	-
Reserve (specify)	-
Additional Budget Funds required:	Nil
Budget Information:	
Operating, Works or Plant:	Works
Oper. A/C No. or Capital Budget Ref:	21061.801.16630

Additional funds are not required.

### **EXECUTIVE RECOMMENDATION**

It is recommended that:

- ? Safin Pty Ltd be advised that their tender has been reassessed based on their qualifications of the 16 July 2002, and that they have been unsuccessful in winning the Contract.
- ? Barker Construction Services be engaged to carry out the construction of the Multipurpose Centre at Sydney Park for the amount of \$1,700,151.80 (excl GST).

### **RECOMMENDATION**

1. That approval be given to accept the revised tender submitted by Barker Construction Services to carry out the construction of the Multipurpose Centre at 410-416 Sydney Park Road Alexandria in the amount of \$1,700,151.80 (excluding GST) and the provision of \$250,386 as a contingency for unforeseen works. Funds of \$1,988,538 are currently available in the 2002/2003 Works Programme (Project No. 21061).
2. That Safin Pty be advised that following submission of their qualifications of the 16 July 2002, tenders were reassessed and that their revised tender was unsuccessful.

### **GENERAL MANAGER**

The Tender Committee has discussed the subject and is of the opinion that all Council's purchasing procedures have been complied with and endorse the above recommendation.

**GENERAL MANAGER**



**CHAIRPERSON – TENDER COMMITTEE**

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

31 July 2002

**DONATIONS – BROWN STREET HALL  
 NEWTOWN - SOUTH SYDNEY HERITAGE SOCIETY - REQUEST FOR FREE USE  
 (D53-00025)**

**TO COUNCIL**

<b>Applicant:</b>	<b>SOUTH SYDNEY HERITAGE SOCIETY</b>
<b>Event:</b>	Annual General Meeting
<b>Dates:</b>	Sunday 18th August 2002
<b>Venue:</b>	Brown Street Hall, Newtown

**Benefits to Residents of South Sydney**

Information and support to residents of SSCC.

**Historical/Other support received from Council**

Free use of Brown Street Hall granted on previous occasions.

**Cost per Meeting**

<b>Loss of Income:</b>		
Hall Hire .....	\$	310
<b>Out of Pocket Expenses:</b>		
Cleaning.....	\$	50
Set up Tables & Chairs .....		Nil
Salaries / Staffing.....	\$	160
<b>TOTAL</b>	<b>\$</b>	<b><u>520</u></b>

**GENERAL MANAGER**

**RECOMMENDATION**

Approval is given to **SOUTH SYDNEY HERITAGE SOCIETY** for the Free Use of Brown Street Hall, Newtown on SUNDAY 18, AUGUST 2002. Under the provisions of Section 356, Council agrees to forgo \$310 in income and \$210 in costs, to allow **SOUTH SYDNEY HERITAGE SOCIETY** to conduct an AGM.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

29 July 2002

**INSURANCES – PUBLIC LIABILITY – CONTRACT ARTWORKERS AT MASCON  
(2023173)**

The Mascon Festival was held last Saturday 27<sup>th</sup> July 2002, for the seventh year.

The festival is the culmination of a number of community workshops leading into the event and the activities on the day. Council employs contract artists, volunteers and partners community organisations to deliver the Festival program.

Until 30<sup>th</sup> June 2002, Council held a Contract Artworkers liability policy in respect of third party personnel injury and/or property damage arising from the Artworkers activities. Insurers declined to offer cover for the 2002/03 period maintaining the risk far exceeded the premium.

The Legal & Risk Insurance Section investigated alternative sources of cover prior to the Festival commencing, however, Aon Insurance Services confirmed at 3.55pm. on Friday 26<sup>th</sup> July 2002, that they were unable to secure an insurer to offer indemnity.

In order to ensure the Festival proceeded, it was agreed that Council provide liability cover that may arise against any paid performer and it be retrospectively ratified by the next meeting of Council.

**GENERAL MANAGER**

All performers were issued with a notice on 26<sup>th</sup> July 2002, which required them to use extreme care and diligence at the Mascon Festival. No incidents have been reported which require Council attention.

### **Recommendation**

Council endorses the actions taken by the Legal & Risk Insurance Section in regard to the Mascon Festival held on 27<sup>th</sup> July 2002.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

## **PETITIONS**

1.

The Mayor tabled a petition received by the General Manager with approximately 45 signatures appended from residents of Erskineville and surrounding areas, objecting to the proposed development application at the Union Hotel, Nos. 576 – 582 King Street, Newtown.

Received

2.

The Mayor tabled a petition received by the General Manager with approximately 8 signatures appended from residents requesting the rezoning of the St Johns Church "Crown" land as "Open Space/ Parkland".

The General Manager has requested that the following action take place:

That the petition be received and that Council Officers enter into discussion with the landowners on making the land available as "Open Space/Parkland".

Received

**GENERAL MANAGER**

3.

Councillor Lennon tabled a petition received by the General Manager with approximately 210 signatures appended from residents of surrounding Streets adjacent to Forbes Street opposing the use of Forbes Street Mall, Cowper Wharf Road to Best Street for a Community Markets on Sundays 9.00am – 6.00pm and Thursday 4.00 pm .9.00 pm.

Received

### **URGENCY MOTION**

At this stage it was moved Councillor Mallard seconded by the Mayor Councillor Fowler, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, with regard to Council offering assistance to the representatives of Mardi Gras.

Carried.

The following motion was put and the decision indicated made:-

### **MARDI GRAS – ASSISTANCE BY SOUTH SYDNEY COUNCIL (2026079)**

That Council authorise the Mayor, General Manager to meet with the Mardi Gras Management and President to investigate any support South Sydney can offer to assist in their Financial Crises.

At the request of the Mayor, and by consent, the motion be amended by the addition of the words “and Administrator” after the word “President” where appearing in the second line of the Notice of Motion.

Motion, as amended by consent, carried.

At the request of the Mayor, the appropriate Council Officer prepare a report to Council on the negotiations for the group.

**GENERAL MANAGER**

**QUESTIONS WITHOUT NOTICE**

1.

**PROPERTIES – PURPORTED SALE OF KINGS CROSS POLICE STATION  
- QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2010528)****Question:**

Referring to a letter in the paper today by Mark Skelsey, is there any truth to the rumours that Kings Cross police station is up for sale?

**Answer by the General Manager:**

No.

At this stage, Councillor Lennon moved an urgency motion requesting that Council not sell any properties.

The Mayor did not accept the motion and ruled it as not a matter of urgency.

2.

**STRATEGY PLAN – COMMUNITY CONSULTATION PROGRAM –  
DEVELOPERS AND GUIDELINES - QUESTION WITHOUT NOTICE BY  
COUNCILLOR LENNON (2023519)****Question:**

There is much debate on what is meant by consultation with the developments in the North Ward. Could we have some clear guidelines about what we want and expect from developers when they consult with the community?

**Answer by the General Manager:**

There are extensive frameworks for community consultation, that being Council's LEP'S, DCP'S as well as information bulletins.

3.

**PUBLIC RELATIONS – GENERAL PUBLIC - AVAILABILITY OF COUNCIL  
PAPERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON  
(2002856)****Question:**

Could we make our papers available to the general public on Friday when Councillors get them?

**GENERAL MANAGER**

**Answer by the General Manager:**

It is available to public on our website.

**CONFIRMATION OF MINUTES BY COUNCILLOR BUSH**

At this stage, Councillor Bush requested that the confirmation of minutes for the Council meeting of 3 July 2002, be recommitted.

Moved by Councillor Bush, seconded by Councillor Furness that the Confirmation of Minutes be recommitted.

Carried.

The Mayor then asked Councillor Bush what amendments he wished to make in the minutes of 3 July 2002.

Councillor Bush referred to page 734 with respect to Item 19.3 of the Properties Sub-Committee Meeting of 26 June 2002, and stated that he had received disturbing information regarding the matter.

Councillor Furness moved a point of order in that Councillor Bush can only discuss in Council the accuracy of the minutes.

The Mayor ruled that Councillor Bush was not amending the minutes due to error or omission and upheld the point of order.

Moved by Councillor Mallard, seconded by Councillor Lay that the minutes of the Council meeting of 3 July 2002, being taken as read and confirmed.

Carried.

4.

**CELEBRATIONS – GAY GAMES 2002 – MANAGEMENT STATUS -  
QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (C52-00126)****Question:**

Council is a major sponsor of the Gay Games 2002. This event is three months away and I am told that the Gay Games CEO, Geoffrey Williams has suddenly resigned. This is the third person in less than two years and occurs at a time when confidences in Gay Games must be reinforced and maintained.

As a major sponsor, could the General Manager report on the management situation at the Gay Games and seek assurances regarding the Financial Management of the event?

**GENERAL MANAGER**

**Answer by the Mayor:**

I will have the General Manager liaise with the Special Events Manager in order for a report to go to the next Committee.

5.

**DEVELOPMENT – LLANKELLEY PLACE CONSTRUCTION TIMETABLE – OPTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (D52-00024)****Question:**

In light of the unforeseen and unfortunate “blow out” in the construction timetable of Llankelley Place redevelopment, could Council officers investigate and prepare a report outlining options for Council to support the small businesses lining Llankelley Place?

Can the report canvas:-

- (1) Suspending or refunding rates to those businesses in Llankelley Place that are directly affected?
- (2) Funding a cultural festival for a weekend in Llankelley Place

**Answer by Ron Wilcoxon:**

There was a meeting held my office last week and we had a discussion with several of the businesses there. We did minute that meeting and I ratified those minutes today.

We have agreed to look at various options over and above previous options to further shorten construction time. These options have been negotiated with the contractor and will be documented and be given as options back to those businesses involved.

6.

**CELEBRATIONS – MASCON FESTIVAL – RECOGNITION OF EVENT QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023203)****Question:**

Could a letter under the signature of the Mayor be sent to all associated with the production of Mascon Festival and in particular, the Volunteers?

**Answer by the Mayor:**

I join you and would be happy to, once the list of the addressees is given to the Special Events Unit in order for the letters to be sent out.

**GENERAL MANAGER**

7.

**PLANNING – MARKET FEASIBILITY AND BUSINESS PLAN IN WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2024213)**

**Question:**

Regarding the Community Market recently approved by Council in Woolloomooloo, Forbes Street between Cowper Wharf Road and Nicholson Streets.

Can the appropriate Officer provide an urgent report as to the status of this proposal including:-

- (1) commencement dates?
- (2) are D4 still the group wishing to operate it?
- (3) will it happen?

**Answer by the Mayor:**

I will have the appropriate officer provide that report through the CIS.

8.

**DEVELOPMENT – LAND AND ENVIRONMENT COURT - APPLICATION MATTERS – REPRESENTATION BY COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2005988)**

**Question:**

I refer to an item in this week's CIS regarding a successful action by Council in the Land and Environment Court.

Is it appropriate for Councillors to make separate representations to the Court on behalf of a developer whom the Council has resolved to prosecute in the LEC?

I would appreciate a considered reply to this question.

**Answer by the General Manager:**

I do not know of that particular case in question but I will investigate and provide a report back through the CIS.

If Council makes a resolution, Councillors, in their capacity, must abide by that decision. If they are operating in an individual capacity, it is quite legal to do that.

**GENERAL MANAGER**



9.

**DEVELOPMENT –RELOCATION OF MURAWINA PUBLIC SCHOOL –  
DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY  
COUNCILLOR POOLEY (UO1-00965)****Question:**

I understand but have not been able to confirm, that a break and enter, incorporating malicious damage and a threatened assault associated with the Murawina Preschool at “The Block” occurred this week.

My recollection is that Council deferred this DA for the relocation of Murawina to the Redfern Public School, pending the Upper House inquiry into the School Closures. That report has now been brought down.

In order to give Murawina some certainty, could I request that the Director of City Environment ensure that the Development Application is on next week’s planning paper and that relevant information associated with recent events, assist Councillors to make their decision.

**Answer by the Mayor:**

I am sure the Directors will bring that forward to the General Manager who will put the agenda together for the next Committee Meeting.

10.

**PARKING – ENFORCEMENT MEASURES – PARKING OFFENCES IN  
INNER CITY NEWS - QUESTION WITHOUT NOTICE BY COUNCILLOR  
LAY (2022784)****Question:**

Could a list of the Parking Offences which Council can now act on, be listed in the Inner City News?

**Answer by the Mayor:**

I will have the Media Section prepare a report and liaise with your Parking Officers and Mr Brian Mantel to ensure that the information given will clearly indicate the situation for residents and businesses of the city.

11.

**LEGAL – RECISSION MOTION – NOS. 218-222 KING STREET NEWTOWN  
– LEASE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH  
(2027243)**

**Question:**

Regarding 218-222 King Street, Newtown, I request that the General Manager report back on the information advising of a possible recision motion and Council's legal position?

**Answer by the Mayor:**

I will have the General Manager respond to you personally as to whether or not it would go to a Committee as an item for Council to take further action.

12.

**POLICIES – HERITAGE REPORT POLICY - QUESTION WITHOUT NOTICE  
BY COUNCILLOR BUSH (2017538)**

**Question:**

The policy requiring a Heritage Report for any building over fifty years old is requiring financial hardships and delays. Can Mr Dearsley and the General Manager review the intention of this procedure?

**Answer by the Mayor:**

I will have Mr Dearsley provide a report to you through the CIS.

13.

**POLICIES – CODE OF CONDUCT FOR COUNCIL STAFF – PETITIONS -  
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A54-00013)**

**Question:**

Could the General Manager write to the Director of Local Government Association with the question of clarifying the Code of Conduct, that if any staff member of Council is proactive in the roll of constructing, distributing and collecting the signatures for petitions, and how it relates to the Code of Conduct for Councillors?

**Answer by the General Manager:**

People have the right, if they are residents in the city, that they can represent themselves as a resident. If they are a staff member, they need to follow and comply with Council's Code of Conduct and policies.

**Councillor Bush:**

Mr Payne might have a different view. I request that you write to the Minister clarifying that.

14

**PARKS – OPEN SPACE POLICY MANAGEMENT – CLAIM BY THE MEMBER FOR BLIGH - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2010532)****Question:**

Can the Mayor write to the member of Bligh outlining Council's Open Space Policy and Council's Parks and Plans Management Policies?

Could the member be sent copies and be counceled over some of the outrageous claims she is making?

**Answer by the Mayor:**

I have sought by letter today and explanation of why every time the member for Bligh comments on the open Space Policy, there is never a comment from any of the Council Officers, Media Section or the Mayor.

I will keep you abreast of any further information I can give you.

**REPORT OF THE FINANCE COMMITTEE**

24 July 2002

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

At the commencement of business at 6.48 pm, those present were -

The Mayor and Councillors – Lay and Shaw.

**GENERAL MANAGER**

**Apology:**

An apology for non-attendance at the meeting was received from Councillor Shayne Mallard.

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

That the Report of the Finance Committee of its meeting of 24 July 2002, be received and the recommendations set out below for Items 1, 2, 4, 5, 7 to 10, inclusive, 12 to 18, inclusive, 22 to 27, inclusive, be adopted. The recommendations for Items 3, 6, 11, and 19 to 21, inclusive, having been dealt with as shown immediately following such Items.

Carried.

At this stage Councillor Furness moved a point of order regarding whether Councillor Mallard was allowed to move the Finance Paper at Council due to his absence and apology at the Committee Meeting. The Mayor answered that the General Manager had informed him that Councillor Mallard was allowed to do so as any Councillor is also entitled to move the paper at the Council meeting.

The Committee **recommended** the following:-

1.

**PLANNING - 'LAND USE AND TRANSPORT STUDY', - TENDER S 8016/02 - RESOLUTION TO ENGAGE PREFERRED TENDERER**

That Council:-

- (a) accepts the tender submitted by Cardno MBK and including BBC Planners, CSIRO, Emeritus Professor Hans Westerman and Christopher Hallam for the GST inclusive amount of \$168,759.80;
- (b) allocates funding from Council's general revenue for the amount of \$168,759.80 to undertake the commission.

Carried.

2.

**PUBLIC RELATIONS - GAY GAMES 2002 – COMPUTER HARDWARE**

- (1) That Council approves the loan of 15 Pentium 200 computers to the Sydney 2002 Gay Games Ltd for a four month period, with each unit to include a Monitor, CPU, Keyboard and Mouse and installed with Windows 95.

- (2) That a further report be submitted to a future Finance Committee Meeting in respect of the dispersal of the computers following the completion of the Gay Games.

Carried.

3.

**CONFERENCES – ANNUAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION OF NSW TO BE HELD IN BROKEN HILL, NSW, FROM 26 TO 30 OCTOBER, 2002 –QUESTION OF ATTENDANCE OF COUNCIL’S REPRESENTATIVES AND APPOINTMENT OF DELEGATES (2010599)**

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Shaw:-

- (a) That Councillors Shaw, Lennon, Furness and Pooley be nominated as Council’s delegates at the Conference.
- (b) That approval be given to the Mayor, interested Councillors and the General Manager or his nominee attending the 2002 Annual Conference of Local Government Association of NSW to be held in Broken Hill, NSW from 26<sup>th</sup> to 30 October, 2002, and that any registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2002 – 2003 Budget.

Carried.

4.

**CONFERENCES – 2002 URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA, ANNUAL STATE CONFERENCE – ATTENDANCE OF COUNCILS REPRESENTATIVES (2010599)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 4 July 2002, approval be given to the Mayor, interested Councillors, the General Manger and /or his nominee, attending the UDIA Annual State Conference to be held at Peppers Fairmont Resort, Leura on 13 and 14 September 2002, and that registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council for which funds are available in the 2002/2003 Budget.

Carried.

5.

**COMMUNITY SERVICES - NSW LOCAL GOVERNMENT ABORIGINAL NETWORK - NOMINATION TO HOST THE 2004 ANNUAL CONFERENCE (2002540)**

That arising from consideration of a report by the Acting Director of Community Development dated 11 July 2002, Council agree to nominate to host the 2004 Annual Conference of the NSW Local Government Aboriginal Network, with an additional report to be provided to Council outlining the full proposal, including funding and the outcome of the approach to the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum to co-host the conference subject to Councils liability for the conference be limited to \$50,000.

Carried.

6.

**MEMBERSHIPS - LOCAL GOVERNMENT ASSOCIATION OF NSW – QUESTION OF NOMINATION OF REPRESENTATIVE TO EXECUTIVE COMMITTEE (2025874)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Pooley:-

That the Mayor, Councillor John Fowler, be nominated as Council's representative to be on the Executive of the Local Government Association of N.S.W.

Carried.

7.

**DONATIONS - REDFERN TOWN HALL – APPLICATION FOR FREE USE BY THE “REACTION CAMPAIGN”- 25 JULY 2002**

That approval be given to the waiving of the hiring fee of \$310 for the use of Redfern Town Hall on Thursday, 25 July 2002 for the conduct of a public meeting for the “Reaction Campaign” and that the cost involved be charged against Section 356 of the Local Government Act for which funds are available in the 2002/03 Budget.

Carried.

8.

**DONATIONS – REQUEST FOR FREE USE OF REDFERN TOWN HALL – CRYSTAL SET CHOIR – 22 NOVEMBER 2002 (D53-00025)**

That approval be given to Crystal Set Choir for the free use of Redfern Town Hall on Friday, 22 November 2002. Under the provisions of Section 356, Council agrees to forgo \$50 in income and \$275 in costs, to allow Crystal Set Choir to hold an end of year concert.

(A/DCD Report 5/7/02)

Carried.

9.

**RATES - POSTPONEMENT OF RATES UNDER SECTION 585 OF THE LOCAL GOVERNMENT ACT 1993 - WRITING OFF - YEAR 1997/98 (2003142)**

That arising from consideration of a report by the Chief Financial Officer dated 11 July 2002, approval be granted for rates and extra (interest) charges amounting to \$7904.90, as listed in the attached schedule, postponed during 1997/98 under the provisions of Section 585 of the Local Government Act 1993, being written out of the Postponed Rates Suspense Account under Sections 585 to 599 of the Local Government Act 1993 as not recoverable at law.

Carried.

10.

**FINANCE - ACCOUNTS - RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 30 JUNE 2002 (2025602)**

That the report by the Chief Financial Officer certifying completion of the Bank Reconciliation for the period ending 30 June 2002, be received and noted.

Carried.

11.

**DISCLOSURE BY DELEGATED EMPLOYEES – LODGEMENT OF RETURNS – DELEGATION OF AUTHORITY TO THE GENERAL MANAGER TO NOMINATE DESIGNATED PERSONS (P53-00005)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (a) That list of employees accompanying the report by the Civic Affairs Manager/Public Officer dated 26 July 2002 identified by Directors as

**GENERAL MANAGER**

persons who should be required to lodge Disclosure of Interest Returns, be endorsed;

- (b) That authority be delegated to the General Manager to:-
- (1) delete any employees from the list, who do not meet the requirements of Section 441 of the Act, in that they are no longer considered to be "Designated Persons";
  - (2) nominate any additional employees as "Designated Persons" to complete and lodge Disclosure of Interest Returns as required by Section 441 of the Local Government Act, 1993.

Carried.

**12.**

**PROPERTIES - CONTRACTING OF DEMOLITION FOR HAIL DAMAGED BUILDINGS AT NOS. 136 AND 140 JOYNTON AVENUE, ZETLAND - ACCEPTANCE OF TENDER (2027218)**

That approval be given to accept the tender submitted by Hassarati & Co. to carry out demolition work at Nos. 136 and 140 Joynton Avenue, Zetland, in the amount of \$192,700 (excluding GST) and the provision of \$19,270 (10% of the contract value) as a contingency for unforeseen works.

(DCW Report 10/7/02)

Carried.

**13.**

**CONFERENCES – NATIONAL PARKS & LEISURE, MELBOURNE CONVENTION CENTRE – 15-18 SEPTEMBER 2002 (2010599)**

That arising from consideration of a report by the Director of City Works dated 17 July 2002, approval be given to the Mayor, interested Councillors, the General Manager and/or his nominees attending the 2002 National Parks and Leisure Conference to be held at the Melbourne Convention Centre from 15–18 September 2002 and that registration fees, accommodation, travel and out of pocket expenses for conveyance and subsistence in travelling be borne by Council, for which funds are available in the 2002/2003 Budget.

Carried.



14.

**COMMUNITY SERVICES – REQUEST FOR COUNCIL TO BE A PARTNER IN THE INNER CITY HOMELESSNESS OUTREACH SERVICE (2025801)**

That arising from consideration of a report by the Acting Director of Community Development dated 17 July 2002, Council agrees to become a full partner in the new Inner City Homelessness Outreach Service and allocates \$100,000 per annum in cash and \$200,000 per annum in in-kind support over a two year period, as outlined in the above report, with funds to cover the cash contribution to be added to the 2002/2003 budget, and included in the estimates for the 2003/2004 financial year.

Carried.

15.

**CONFERENCES - INAUGURAL ANIMAL MANAGEMENT SEMINAR/THE AUSTRALIAN INSTITUTE OF LOCAL GOVERNMENT RANGERS ANNUAL SEMINAR – 31 JULY – 1 AUGUST 2002 SUNNYBROOK CONVENTION CENTRE - WARWICK FARM - ATTENDANCE OF COUNCIL REPRESENTATIVES (2010599)**

- (1) That arising from consideration of a report by the Acting Civic Affairs Manager/Public Officer dated 15 July 2002, confirmatory approval be given to the Mayor, interested Councillors and the General Manager and/or his nominee attending the Inaugural Animal Management Seminar/ Australian Institute of Local Rangers Annual Seminar from 31 July to 1 August 2002, and that registration fees and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2002/2003 Budget.
- (2) That the appropriate Officer from the Community Development Department and the City Works Department, be authorised to attend the Conference.

Carried.

16.

**CONFERENCES – PUBLIC PRIVATE PARTNERSHIPS IN TRANSPORT: “LESSONS LEARNT FROM PRIVATE SECTOR INVESTMENT IN ROADS AND RAIL” – 16-18 OCTOBER 2002, SYDNEY, N.S.W. (2010599)**

That arising from consideration of a report by the Acting Civic Affairs Manager/Public Officer dated 16 July 2002, approval be given to the Mayor, interested Councillors and the General Manager and/or his nominee attending the Public Private Partnerships In Transport from 16-18 October 2002, and that registration fees, out of pocket expenses for conveyance and subsistence

in travelling be borne by the Council, for which funds are available in the 2002/2003 Budget.

Carried.

17.

**PLANT AND ASSETS - SUPPLY AND DELIVERY OF READY MIXED CONCRETE 2002/2004 - SUPPLEMENTARY REPORT ON COMPLIANCE WITH SUPPLIER ENVIRONMENTAL QUESTIONNAIRE (5244162)**

- (1) That approval for the supply and delivery of ready mixed concrete in accordance with the schedule accompanying the Director of City Works report dated 19 June 2002, be endorsed.
- (2) That Council Officers approach Randwick Council as the first option for supplying concrete.
- (3) That the Council's Media Officer inform other suppliers of concrete that Council's preference in the majority of orders placed is for supply in small loads.

(DCW Report 17.7.02)

Carried.

18.

**PARKS – REDFERN OVAL REDEVELOPMENT - TENDER (2026467)**

That the tender for the undertaking of a feasibility study and master planning for the redevelopment of Redfern Oval be awarded to ISFM Sports Projects at a value of \$112,000 excluding G.S.T. for which funds are available in the 2002/2003 Parks Branch Works Program Project No. 23006 Budget Reference 45-202. G.S.T. funds of \$11,200 are available in separate Finance Department budgets.

(DCW Report 16/07/02)

Carried.

19.

**DONATIONS – REQUEST FOR FINANCIAL ASSISTANCE FROM PADDINGTON PUBLIC SCHOOL TOWARDS THE COST OF A FAMILY FUN DAY**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

**GENERAL MANAGER**

- (1) That the report by the Director of Community Development dated 31 July 2002, be received and noted;
- (2) That arising from consideration of a report by the Acting Director of Community Development dated 18 July 2002, Council vote additional funds to the 2002/ 2003 Budget to cover a donation under Section 356 of \$2,500 to Paddington Public School P&C towards the cost of activities for the Family Fun Day to be held on 4 August 2002.

It was moved as an amendment by the Mayor, seconded by Councillor Lay, that a new clause (3) be added to the recommendation, namely:-

- (3) That a further report be submitted after the Director of Community Development has liaised with Councillors with regard to developing a formal policy regarding donations to schools.

Amendment negatived.

Motion carried.

20.

- (A) COMMITTEE AND COUNCIL MEETINGS – CHANGES OF STRUCTURE**
- (B) CODE OF MEETING PRACTICE – AMENDMENTS (2002586)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That the report by the Civic Affairs Manager/Public Officer dated 2 July 2002, be approved and adopted.

Negatived.

Moved by Councillor Pooley, seconded by Councillor Shaw:-

- (A) That the question of the Review of the Cycle of Committee and Council meetings, be received and noted.
- (B) That the new Draft Code of Meeting Practice be referred back to the Finance Committee for further consideration and that Council Officers be requested to include in the Draft Code the amendments referred to in recommendation 10 of the General Manager's Minute of 5 July 2002, and also include the existing Committee and Council structures and cycle.

Carried.

21.

**PROFESSIONAL SERVICES - LABOR COUNCIL OF N.S.W. -  
MEMORANDUM OF UNDERSTANDING (2026687)**

That Council agree in principle to engage in ongoing discussions with the Labor Council on the Memanandum of Understanding and subject to:-

- (1) "deletion of the last paragraph before the "Recommendation in the Director's report."

(A/DCS Report 24/6/02)

It was moved as an amendment by Councillor Shaw, seconded by Councillor Pooley, that a Clause (2) be added to the recommendation, namely:-

- (2) That the General Manager write to the Labor Councillor as soon as possible of Council's decision regarding the above matter.

Amendment carried.

Motion, as amended, carried.

22.

**PUBLIC RELATIONS – SHAPING SYDNEY'S REGIONAL CENTRES –  
LUNCHEON (2010599)**

That approval be given to Council sponsoring a table at the luncheon entitled "Shaping Sydney's Regional Centres" to be held on 7 August 2002, involving an approximate expenditure of \$895, for which funds are available in the 2002/2003 Budget.

Carried.

23.

**ADMINISTRATION – WORKS PROGRAMME – FOOTWAY  
RECONSTRUCTION PROGRAM (STAGE 1) (2015562)**

That Council adopts Stage 1 of the Footpath Reconstruction Programme of \$1,625,000 in accordance with the attached schedule, such funds are available in the 2002/2003 Works Programme (Ref: 41.004).

Carried.

24.

**PROVISION OF A WEED CONTROL SERVICE – RENEWAL OF THE 12 MONTH OPTION ON THE CONTRACT (5194464)**

That approval be given to the renewing of the contract with Agserv Pty Ltd for the provision of a weed control service to streets, lanes, verges, kerbs, footpaths, parks, reserves, ovals, and street closures within the boundaries of South Sydney Council for the 12 month period from the 1 July 2002. Funds are available in the 2002-2003 Revenue Estimates (Account Code 1.45.2704.16630.0).

Carried.

25.

**PUBLIC RELATIONS - SAVE THE PARKS CAMPAIGN DINNER – MOORE PARK GOLF CLUB, FRIDAY 26 JULY 2002 (2010599)**

That confirmatory approval be given to Councillor Lennon and interested Councillors attending the Save the Parks Campaign dinner on Friday 26 July 2002, at a cost of \$50 per person for which funds are available in the 2002/2003 Budget.

Carried.

26.

**FEES AND CHARGES – INTRODUCTION OF FEES FOR THE WALKING PROGRAM FOR ERSKINEVILLE CHILDRENS PROGRAM (2022580)**

That arising from consideration of a report by the Acting Director of Community Development dated 17 July 2002, approval be given to the advertising of a proposed fee of \$3.50/day for the walking program at Erskineville Children's Program.

Carried.

27.

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 24 JULY 2002 COMMENCING AT 6.14 PM**

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

**Apology:**

An apology for non attendance at the meeting was received from Councillor Mallard.

**GENERAL MANAGER**

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 24 July 2002, be approved and adopted, namely:-

**27.1.**

**LICENSING – WILLIAM STREET, NO. 99, DARLINGHURST - PROPOSED FOOTWAY LICENCE (NEW)(2025640)**

That approval be given to:-

- (a) The granting of a licence to Usfour Pty Limited ABN 88090637157 over the footway of Crown Street adjacent to Strand Hotel at No. 99 William Street, Darlinghurst as follows:
- ? Licence area: 3.7 square metres.
  - ? Hours of operation: 6.00 a.m. – 12 midnight 7 days/week.
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993.
  - ? Rental: Weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council.
  - ? Subject to the conditions attached.
- (b) The licence in (a) above will:
- ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
- (c) The execution of all relevant documents and plans by Council's Attorney.

(DCE report 2/7/02)

Carried.

**GENERAL MANAGER**

**27.2.****LICENSING – DARLEY STREET, NO. 17, DARLINGHURST (AKA 112B BURTON STREET) – PROPOSED FOOTWAY LICENCE (2020760)**

That approval be given to:-

- (a) the granting of a licence to Ken Doogan Catering Pty Limited ABN 52 512 067 084 over the footway of Burton Street adjacent to Truck Darlinghurst at No. 17 Darley street, Darlinghurst as follows:
- ? Licence area: 8.2 square metres
  - ? Hours of operation: 8.00 am – 6.00 pm seven days per week.
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions attached.
- (b) the licence in (a) above will:
- ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in three months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
  - ? terminate if entertainment is provided on the premises.
  - ? be restricted to twenty (20) in total comprising no more than eight (8) on the public footway and no more than twelve (12) within the building.
- (c) the execution of all relevant documents and plans by Council's Attorney.

(DCE Report 11/7/02)

Carried.

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

- (1) That Council rescind its resolution of 13 March 2002.
- (2) That Council on behalf of the land owner approach the TIO objecting to the Worldcom refusal to relocate the pit at their cost.
- (3) That an update of the chronology of events be included in the submission to the TIO.

Carried.

**27.4.****MOBILE VENDORS LICENCE POLICY – ENVIRONMENTAL PERFORMANCE OF COFFEE CARTS - ADDENDUM LICENSING REPORT (2026024)**

That arising from consideration of a report by the Director of City Environment dated 17 July 2002, it be resolved that:-

- (1) a performance-based system be introduced to promote, facilitate and encourage environmental performance in the operation of mobile food vendors - coffee carts;
- (2) the performance based system provides for a maximum reduction of 10% from the annual lease fee payable to Council subject to the lessee demonstrating the implementation of environmental initiatives categorised in the performance schedule to the satisfaction of the Health Services Manager;
- (3) the adoption of the following performance schedule as a central component of the performance-based system:

<i>ITEM No.</i>	<i>ENVIRONMENTAL CATEGORIES</i>	<i>% REBATE</i>
1	<i>Signage encouraging environmental performance</i>	1
2	<i>Representation to local business advertising reduction of price if own mug is used (min10%)</i>	2
3	<i>Strategies to promote customer use of own mug and spoon including signage</i>	1
4.	<i>Recycling</i>	1
5.	<i>Strategies for reducing packaging</i>	1
6	<i>Choice of packaging</i>	1
7.	<i>Vendors initiatives</i>	3
<i>REBATE</i>		<i>MAXIMUM</i>
		10

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- (4) the program be monitored and evaluated and if found to be effective, consideration being given to the extension of the program to rateable premises with street dining facilities;
- (5) post evaluation of the program, consideration being given to determine whether an award scheme is deserving of implementation to further encourage, promote, advertise and recognise both environmental and sustainable performance and innovation.

Carried.

## 27.5.

### **LICENSING – BOURKE STREET NOS. 383-387, DARLINGHURST – PROPOSED FOOTWAY LICENCE (NEW)(2026688)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That approval be given to:-

- (a) the granting of a licence to McHugh Holdings Pty Ltd ACN 003 262 413 over the footway of Bourke Street adjacent to Kinselas Hotel at no. 383-387 Bourke Street, as follows:
  - ? Licence area: 16.1 square metres;
  - ? Hours of operation: 10.00am – 12.00 midnight Monday to Sunday inclusive;
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions attached.
- (b) the licence in (a) above will:
  - ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;

- ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
- ? terminate if entertainment is provided on the premises.
- (c) the execution of all relevant documents and plans by Council's Attorney.
- (d) the licence being approved to operate until construction work for the upgrade of Taylor Square commences and that the Licence Agreement be suspended with 1 months notice in writing. Thereafter the licence will revert to the standard condition that 3 months notice in writing be given if the area is required for construction purposes.
- (e) that approval of appropriate furniture for the Taylor Square licencees be with the concurrence of the Director of City Environment and the Director City Works.
- (f) the licence being reviewed after 6 months of operation following completion of the upgrade of Taylor Square to ensure it is consistent with the Management objectives being developed for Taylor Square Public Domain improvements,
- (g) no advertising of any form is to be permitted within the licence area including on furniture, menu boards or sandwich boards.

(DCE report 12/7/02)

Carried.

## 27.6.

### **LICENSING – BAYSWATER ROAD, NO.40, RUSHCUTTERS BAY – PROPOSED FOOTWAY LICENCE (NEW)(2002512)**

That approval be given to:-

- (a) the granting of a licence to Vorio Group Pty Ltd A C N 099 687 886 over the footway of Bayswater Road adjacent to Swish at No. 40 Bayswater Road, Rushcutters Bay as follows:
  - ? Licence area: 30m<sup>2</sup> square metres
  - ? Hours of operation: 7.00 am – 12.00 midnight, Monday to Saturday;  
7.00 am – 10.30 pm Sunday
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: Weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions attached.
- (b) the licence in (a) above will:

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- ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
  - ? terminate if entertainment is provided on the premises.
  - ? be restricted to one hundred (100) in total comprising no more than thirty (30) on the public footway and no more than seventy (70) within the building.
- (c) the execution of all relevant documents and plans by Council's Attorney.

(DCE report 12/07/02)

Carried.

## 27.7.

### **LICENSING – LIVERPOOL STREET, NOS.308-310, DARLINGHURST – PROPOSED FOOTWAY LICENCE (NEW)(2013566)**

That approval be given to:-

- (a) the granting of a licence to Pasta Pantry Australia Pty Ltd of the footway of Liverpool Street and Victoria Street adjacent to Pasta Pantry at Nos. 308-310 Liverpool Street, Darlinghurst as follows:
- ? Licence area: 14.5 square metres
  - ? Hours of operation: 8.00am – 9.00pm seven days per week.
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions attached.
- (b) the licence in (a) above will:

- ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
  - ? terminate if entertainment is provided on the premises.
  - ? be restricted to twenty (20) comprising no more than seventeen (17) on the public footway and no more than three (3) within the building.
- (c) the execution of all-relevant documents and plans by Council's Attorney.

(DCE Report 15/7/02)

Carried.

## 27.8.

### **PROPERTIES – LEASING – OXFORD STREET, NO.90, DARLINGHURST – PROPOSED ASSIGNMENT OF LEASE – FROM VIDEO DRAMA PTY. LTD TO DINA TAILORING PTY. LTD (L52-00169)**

Council's consent be given to Video Drama Pty Ltd assigning its existing lease of Council's shopfront premises 90 Oxford Street Darlinghurst to DINA Tailoring Pty Ltd from a date to be determined under the same terms and conditions as the existing lease and subject to the following conditions, namely:-

- (1) That the Assignee is to provide a Bank Guarantee equivalent to three (3) months rental.
- (2) That the Assignee is to provide unconditional Personal Guarantees for the term of the lease.
- (3) That the Assignee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than **Ten Million Dollars** (\$10,000,000) indemnifying both the Council and the Assignee against any claims that may arise during the term of the lease.
- (4) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the Assignee.

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- (5) That all relevant documents are to be executed by Council's Attorney.
- (6) That the lessee is responsible for the payment of the Goods and Services Tax.
- (7) That any proposed alterations or Development Application 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 plan etc. to Council's Planning and Building Department for Statutory approvals.

(A/DCS Report 16.7.02)

Carried.

## **27.9.**

### **LEASING – FIRST FLOOR – NOS. 218-222 KING STREET, NEWTOWN (2019359)**

That approval be given to the AUSTRALIAN FEDERATION OF AIDS ORGANISATIONS INC (AFAO) being offered a lease of the Whole First Floor, having an area of 45m<sup>2</sup>, Nos. 218-222 King Street, Newtown, for a period of five years at an initial rental of \$67,000 per annum gross excluding Goods and Services Tax subject to Council's standard leasehold provisions and the following conditions, namely:-

- ? That the Lease is to commence from a date to be determined.
- ? That the lease is subject to Development and Construction Application approvals if necessary.
- ? A 3 month rent free period is to commence from the commencement date of the Lease.
- ? The rent is to be increased annually in accordance with the Consumer Price Index (All Groups) Sydney for the initial term of the Lease.
- ? One option period of 5 years from the expiry of the initial lease period.
- ? Rent to be reviewed to market at the commencement of the option period, if exercised, and thereafter increased annually in accordance with the Consumer Price Index (All Groups) Sydney for the term of the Option period.
- ? The lease to include 2 designated undercover car spaces at the rear of the premises.

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- ? The Lessee is to provide a Bank Guarantee, Security Deposit or Bond, equal to 4 months rental instead of the normal 2 months.
- ? The premises are to be used as Office Space.
- ? The Lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than **Ten Million Dollars** indemnifying both Council and the Lessee against any claims that may arise during the term of the Lease.
- ? Any proposed alterations to the leased premises, including refurbishment, fit out 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 to Council's city Environment Department for Statutory approvals.
- ? 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.
- ? All relevant documents are to be executed by Council's Attorney.

(A/DCS Report 17.7.02)

Carried.

The Finance Committee Meeting terminated at 6.49 p.m.

## **REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)**

**WEDNESDAY 24 JULY 2002 AT 6.49 PM**

**PRESENT**

**The Mayor, Councillor John Fowler (Acting Chairperson)**

**Councillors – Jill Lay and Gregory Shaw**

At the commencement of business at 6.49 pm, those present were -

The Mayor and Councillors – Lay and Shaw.

### **Apology**

An apology was received from Councillor Shayne Mallard.

**GENERAL MANAGER**

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

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(g) of the Local Government Act, 1993, which states, "Advising concerning litigation, or advice that would otherwise be privilege from production in legal proceedings on the ground of legal professional privilege".

Item 1 - Legal Matter.

The Committee **recommends** the following:-

1. **INSURANCES – BACKPACKERS CLAIM – NOS. 39-43 DARLINGHURST ROAD, KING CROSS (i51-00023)**

This matter was dealt with in the Committee of the Whole.

The Finance Committee (Confidential Matter) Meeting terminated at 6.50 p.m.

## **REPORT OF THE COMMUNITY SERVICES COMMITTEE**

24 July 2002

### **PRESENT**

**The Mayor, Councillor John Fowler (Chairperson)**

**Councillors – Jill Lay and Gregory Shaw**

At the commencement of business at 6.49 pm those present were -

The Mayor and Councillors:- Lay and Shaw.

### **Apology:**

An apology for non-attendance at the meeting was received from Councillor Shayne Mallard.

**GENERAL MANAGER**

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

That the Report of the Community Services Committee of its meeting of 24 July 2002, be received and the recommendations set out below for Items 1 to 5, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**COMMUNITY SERVICES – RESPONSE TO MAYORAL REQUEST – REQUEST FOR A HOUSING ASSISTANCE WORKER TO BE PLACED ON THE SURRY HILLS PUBLIC HOUSING ESTATE (2023508)**

That arising from consideration of a report by the Acting Director of Community Development dated 2 July 2002, it is recommended that that a letter be sent from the Mayor to the Hon. Dr. Andrew Refshauge, MP, expressing support for the Surry Hills NAB proposal for the employment of a Housing Assistance Worker on the Surry Hills Public Housing Estate.

Carried.

2.

**COMMUNITY SERVICES – HOMELESS PEOPLE IN WALLA MULLA PARK, WOOLLOOMOOLOO – REQUEST FOR FENCE (2023508)**

That arising from consideration of a joint report by the Director of City Works and the Acting Director of Community Development dated 1 July 2002, Council does not approve the construction of a masonry fence in Walla Mulla Reserve to address the issues of rough sleepers, but instead Council's Ordinance Inspectors to work with the local police on a more regular basis to monitor the issues of anti social behaviour in the Reserve.

Carried.

3.

**COMMUNITY SERVICES – GRANTS – DEPARTMENT OF SPORTS & RECREATION – 2002/03 CAPITAL ASSISTANCE PROGRAM (2023251)**

That arising from consideration of a joint report by the Acting Director of Community Development and the Director of City Works dated 15 July 2002, Council receive and note the above applications to the Sport and Recreation under the 2002/03 Capital Assistance Program.

Carried.



4.

**LIBRARIES – QUESTION WITHOUT NOTICE - POSSIBILITY OF COUNCIL'S LIBRARIES BEING INVOLVED IN LEGAL INFORMATION ACCESS CENTRES(LIAC)**

That arising from consideration of a report by the Acting Director of Community Development dated 16 July 2002, the South Sydney City Library join the LIAC network as a public library LIAC.

Carried.

5.

**COMMUNITY SERVICES – ADOPTION OF THE HOUSING NEEDS STUDY 2002 (2011709)**

That arising from consideration of a report by the Acting Director of Community Development to the Community Services Committee dated 17 July 2002, Council adopt the Housing Needs Study 2002.

Carried.

The Community Services Committee Meeting terminated at 6.54 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

24 July 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.

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

That the Report of the Planning and Development Committee of its meeting of 24 July 2002, be received and the recommendations set out below for Items 1 to 3 inclusive, 6 to 8 inclusive, 10 and 11 be adopted. The recommendations

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for Items 4,5,9,12 to 15 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**RAGLAN STREET, NO.56A, WATERLOO – USE HALL ON WEDNESDAY EVENINGS AS OVERNIGHT SHELTER FOR HOMELESS MEN (U02-00226)**

- (A) That the Council as the responsible authority, grants its consent to the application submitted by South Sydney Uniting Church with the authority of the Uniting Church Property Trust (NSW) for permission to use the existing hall at the rear of the church as a homeless mens' refuge on Wednesday nights only, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans reference DWG1 dated 6 February 200;
  - (2) That bath or shower facilities shall be provided in accordance with the requirements of Part F2.1 of the BCA;
  - (3) That a copy of the endorsed Plan of Management shall be kept on the premises, all volunteer staff shall be instructed on the requirements contained therein, and a clear set of rules, consistent with the Plan of Management, applying to the users of the facility, including appropriate behaviour expected within the facility, within the grounds of the facility and on the surrounding streets, shall be prominently displayed at both the street entrance to the site and on the building, to the satisfaction of Council;
  - (4) That the maximum number of homeless men accommodated on the premises shall not exceed 18 persons at any one time;
  - (5) That the minimum number of volunteer staff shall be two persons and at least one responsible staff member shall be on the premises at all times that the facility is operating;
  - (6) That the hours of operation of the facility shall be restricted to between 8.00pm Wednesdays and 8.00am Thursdays;
  - (7) That the community garden shall not be used in conjunction with the facility after 11.00pm and before 6.30am the following morning;

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- (8) That no alcohol or narcotic substances shall be consumed on the premises;
- (9) That a movement activated light shall be maintained along the side passageway to the community hall, positioned so that it illuminates the area inside the gate but not in a manner which could cause inconvenience to neighbouring properties;
- (10) That a telephone "hot line" number shall be provided to surrounding residents by way of a letter box circular and displayed on a sign at the entrance to the premises giving contact for making complaint about the operation of the facility;
- (11) That periodic inspections shall be carried out of the church grounds and the adjacent street by a member of the volunteer staff throughout the evening and immediately following the curfew time of 11.30pm to check on whether any anti-social activity is being carried on outside of the premises and action shall be undertaken which is appropriate to restrict the activity so as to protect the amenity of surrounding properties;
- (12) That all required exit doors shall have single-handed action levers with no internal locking mechanism;
- (13) That a suitable garbage storage area be provided for the anticipated number of container bins required for refuse and recycling generated by the proposed use;
- (14) That the developer shall engage the services of private waste contractors for removal of waste and recycling;

NOTE: An application may be made in writing to the Director City Environment to have Council collect garbage from the premises, on charitable grounds.

- (15) That no bins or garbage containers shall be stored on the public way at any time;
- (16) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (17) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at

least two days written notice of the intention to commence work has been given to the Council;

-and the following adopted standard conditions:

- (18) Intruder alarm - 7006
  - (19) Ventilation – 7028
  - (20) Noise and vibration – 7028
  - (21) Compliance with Building Code of Australia – 8501
  - (22) Issue of Occupation Certificate – 9101
  - (23) Portable Fire Extinguishers Be Installed – 9501
  - (24) Fire Blanket Be Installed – 9503
  - (25) Emergency Lighting – 9518
  - (26) Exit Signs – 9519
  - (27) Fire Detection and Alarm System – 9522
- (B) That the persons who made representation in respect of the proposal be advised of Council's decision.

Carried.

2.

**BOTANY ROAD, NOS. 201-211, WATERLOO – TO USE PREMISES FOR THE STORAGE AND RETAILING OF CHRISTMAS PRODUCTS INVOLVING BUS TOURS – SECTION 82A REVIEW OF REFUSAL OF CONSENT OF DEVELOPMENT APPLICATION (U00-00954)**

That the application submitted by Rennoc Australia Pty Ltd, pursuant to Section 82A of the Environmental Planning and Assessment Act, be deferred for further additional information from the applicant.

Carried.

3.

**GOWRIE STREET, NO.132, ERSKINEVILLE – ALTERATIONS AND ADDITIONS TO REAR OF DWELLING INCLUDING STUDIO – DEVELOPMENT APPLICATION (U02-00355)**

**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 July 2002, and also subject to the addition of the words “with the exception of 800mm reduction in the ground floor extension” after the date “14 June 2002” where appearing in clause (A)(1) of the recommendation.

Carried.

4.

**BRIGGS STREET, NOS. 3-11, CAMPERDOWN – ERECT A TWO PART THREE STOREY RESIDENTIAL FLAT BUILDING CONTAINING 16 UNITS WITH BASEMENT PARKING – DEVELOPMENT APPLICATION INFORMATION INCLUDED IN CNSENT.(U02-00061)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard.

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Urban Style Design Pty Ltd, with the authority of Lucky Developments, to erect a two part three storey residential flat building containing 16 units with basement carparking, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered Job No. 011001 - 01A, 02B, 03B, 04B, 05B, 06B, 07B, 8B, 9A, 10B and 11A dated 25 January 2002 and as amended by plans dated 17 May 2002, subject to compliance with conditions below;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$11,550 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

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- (3) That prior to issuing 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 \$3,000 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$6,329	2E97003.BGY0
Open Space: New Parks	\$28,929	2E97009.BGY0
Accessibility And Transport Management	\$190 \$464	2E97006.BGY0 2E97007.BGY0
Total	\$35,913	

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.

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

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 March Quarter 01/02.

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

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

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

#### Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$9,456	
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 March 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 prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (7) That a speed hump and convex mirror shall be provided near the entry and exit to the basement off-street car park. Details on the design and location of the speed hump and the convex mirror



shall be provided to Council's satisfaction before the issue of a Construction Certificate;

- (8) That if woody roots associated with trees growing on adjoining property are encountered during excavation works with a diameter of 50mm or less they shall be excavated manually first by using hand tools to determine their spread and location. Once located those roots to be severed are to be cut cleanly with a final cut to undamaged woody tissue;
- (9) That if woody roots associated with trees growing on adjoining property with a diameter of 50mm or greater are encountered during excavation works, they are to be excavated manually first by using hand tools to determine their spread and location. Once located a consulting Arborist shall be contacted to determine a suitable course of action to alleviate damage to the tree;
- (10) That if the tree were to fail due to unforeseen circumstances or incompatibility with the proposed site works a replacement tree shall be planted of a super advanced nature with a straight trunk, gradually tapering and continuous, with roots established but not pot bound in a 75 litre volume bag, with the plant having been propagated to the standards of Natspec 2 Guide to Purchasing Landscape Trees by Ross Clark 1996, or approved similar;
- (11) That subject to the agreement of the owner of the adjoining properties at No. 1 Briggs Street and No. 13 Briggs Street, a dilapidation report (including a photographic survey) shall be prepared by a qualified structural engineer for the buildings on both properties, at the applicant's expense, and presented to the owner of that property, at least seven (7) days prior to the commencement of any works (including excavation works) associated with this development consent;
- (12) That to avoid the potential for environmental effects to plants, the development shall incorporate a concrete slab or capping layer to ensure there are minimal opportunities for soil access;
- (13) That the development shall be landscaped generally in accordance with drawing No. 011001-10B dated 17 May 2002 prepared by Urban Style Design, and as amended by the following condition;
- (14) That in accordance with Condition (12) of this consent, all landscaping at ground level shall be contained in imported non-contaminated soil set above a concrete slab or capping layer. Details shall be submitted indicating the volume of soil, which can sustain the landscaping proposed, as well as details of any water proof membrane, subsoil drainage and irrigation. The minimum soil depths for planting on slab shall be 1000mm for trees,

600mm for shrubs and 300mm for grass. Amended details shall be submitted to Council's satisfaction before the issue of a Construction Certificate;

- (15) That the two street trees are approved for removal and shall be replaced with two trees as indicated in Council's Street Tree Masterplan – Water Gum (*Tristaniaopsis laurina*) and are to be a minimum of 75 litres in size;
- (16) That a maximum of 15 off-street car spaces shall be provided and, except as stipulated elsewhere, each space shall be a minimum of 5.4m 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;
- (17) That the parking spaces shall be allocated on the basis of 12 for residents and 3 for visitor parking. All spaces shall be appropriately line-marked and labelled prior to the issuing of an Occupation Certificate;
- (18) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (19) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (20) That the applicant shall ensure that 4 x 240 litre sulo bins for refuse and 8 x 240 litre sulo bin for recycling and easily accessible for collection;
- (21) That a hot water heating system with a minimum energy star rating of 3.5 stars shall be provided in the development;
- (22) That the external finishes and materials shall be carried out substantially in accordance with the details indicated on the approved plans and the coloured perspective submitted in conjunction with the Development Application;
- (23) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction

Certificate. The Plan shall provide information regarding parking restrictions including details on the location of off-street parking for construction workers, emergency access, pedestrian protection, traffic impacts, traffic routes etc;

- (24) That all relevant sections of the BCA shall be complied with;
- (25) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (26) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (27) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (28) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (29) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (30) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (31) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (32) That the requirements of the Work Cover Authority shall be complied with;

- (33) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (34) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (35) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (36) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (37) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (38) That the demolition work shall comply with Australian Standard 2601-1991;
- (39) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;

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

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

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

- (41) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
  - (b) building involves the enclosure of a public place

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

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

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

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

- (42) 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;

- (43) 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) Community consultation;

(44) 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:

- ? all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- ? the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- ? the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

-and the following standard conditions:

- (45) Ventilation<sup>7025</sup>
- (46) Construction noise<sup>7008</sup>
- (47) Hazardous and industrial waste<sup>7083</sup>
- (48) Soil and sediment: drains, gutters etc<sup>7087</sup>
- (49) Soil and sediment control/building operations<sup>7088</sup>
- (50) Soil and sediment control/stockpiles<sup>7089</sup>
- (51) Soil and sediment control: covering of loads<sup>7090</sup>
- (52) Noise<sup>7030</sup>
- (53) One television aerial<sup>114</sup>
- (54) Glazing reflectivity less than 20%<sup>118</sup>
- (55) Builders hoarding permit<sup>30</sup>
- (56) Alignment levels<sup>32</sup>

- (57) Road opening permit<sup>34</sup>
  - (58) Provision of a sub-station<sup>122</sup>
  - (59) Display street number<sup>1110</sup>
  - (60) Signal system<sup>3006</sup>
  - (61) Disabled entry<sup>3024</sup>
  - (62) Obstruction of the public way<sup>3101</sup>
  - (63) Work zones<sup>3102</sup>
  - (64) Vehicular footway crossing<sup>3103</sup>
  - (65) Delivery of construction materials<sup>3104</sup>
  - (66) Pedestrian safety<sup>3110</sup>
  - (67) Associated roadway costs<sup>3111</sup>
  - (68) Stormwater (general)<sup>4101</sup>
  - (69) Clean water discharge<sup>4102</sup>
  - (70) Connection to council's stormwater system<sup>4104</sup>
  - (71) Maintenance<sup>5114</sup>
  - (72) Final inspection<sup>5115</sup>
  - (73) Garbage on the public way<sup>6101</sup>
  - (74) Refuse skips<sup>6102</sup>
  - (75) Drainage Details with Construction Certificate<sup>99013</sup>
  - (76) Stormwater Design Certificate<sup>99014</sup>
  - (77) Stormwater Certificate at Completion<sup>99016</sup>
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That the provision of vehicular speed humps in Briggs Street shall be referred to Council's Traffic and Design Branch for investigation.

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

**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.

Carried.

5.

**ELIZABETH BAY ROAD, NO. 41, ELIZABETH BAY – DEMOLITION OF EXISTING BUILDING AND ERECTION OF A MIXED USE BUILDING CONTAINING 2 RETAIL UNITS AT BASEMENT AND GROUND FLOORS AND 4 UPPER LEVELS CONTAINING 6 ONE-BEDROOM UNITS AND 1 THREE-BEDROOM UNITS – DEVELOPMENT APPLICATION (U01-00456)**

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 16 July 2002.

In relation to this matter, Councillor Lennon indicated that she had not supported this matter going to Council unanimously at the Planning and Development Committee.

The Mayor ruled that the matter was not recorded correctly as per Councillor Lennon's request and that it be dealt with in open Council.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by P Kemp, with the authority of VJ Moroney Pty Ltd, to demolish the existing building and erect of a mixed use building containing 2 retail units at basement and ground floors and 4 upper levels containing 6 one-bedroom units and 1 three-bedroom units at 41 Elizabeth Bay Road, Elizabeth Bay, subject to the following conditions, namely:-

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- (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) Details of the setback for ventilation as required by condition no. 2.
  - (b) A signed Deed of Agreement as required by condition no. 3.
  - (c) Archival recording in accordance with condition no.12;
  - (d) Environmental Management Plan in accordance with condition no. 23;
- (2) That, in order to improve ventilation to the lightwells of adjoining buildings, an additional setback of 500 mm shall be created to run between the lightwells of the adjoining properties and the rear boundary of the proposed building.
- (3) That in order to qualify for a 0.25:1 floor space bonus on the site, a Deed of Agreement shall be entered into and signed between Council and the owner of the land, in respect of providing to Council, improvements to the public domain to the value of \$42,735 for the purpose of improving pedestrian amenity and the upgrade in quality of the public domain in the vicinity of the site;
- (4) That the development shall be generally in accordance with drawings numbered A2.00 C, A2.01 C, A2.02 C, A2.03 C, A2.04 C, A3.00 C, A3.00 C, A4.00 C, A4.01 C, A4.02 C, A4.03 C, A4.04 C drawn by P Kemp, all dated 15/03/02, and stamped and endorsed by Council, subject to compliance with the conditions in this consent;
- (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
Open Space: LGA Works Programme	\$2296
Open Space: New Parks	\$10611

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Accessibility And Transport	\$70
Management	\$160
Total	\$13137

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 – March Quarter 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

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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
Multi-Function Administration Centre	\$3671

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 March Quarter 2002.

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

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

- (7) That a separate development application shall be lodged for the specific use of the retail tenancies shown on the plans;

Note: You are advised that any such use must be consistent with the Residential 2(b) zone objectives in LEP 1998 and must be locally orientated;

- (8) That a separate development application shall be submitted at the appropriate time for any proposed signs;

- (9) That any external glazing shall have a reflectivity not exceeding 20%;

- (10) That then privacy louvres at the rear of the property shall be fixed as shown on the plans and a further application or S.96 modification shall be made to Council for any variation;

- (11) 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 all relevant sections of the BCA shall be complied with;

- (b) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (c) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved

plan prior to the foundation excavations being commenced;

- (d) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (e) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (f) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (g) That the requirements of the Work Cover Authority shall be complied with;
- (h) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (i) That excavation, building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
  - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;

- (j) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (k) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (l) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (m) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (n) That the demolition work shall comply with Australian Standard 2601-1991;
- (o) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

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

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

- (p) That if the work involved in the erection or demolition of a building:
  - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (ii) building involves the enclosure of a public place

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

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

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

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

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

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

This clause does not apply to:

- (i) building work carried out inside an existing building, or
  - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (r) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (12) That an archival record of the building, including measured drawings and photographs, is to be prepared in accordance with NSW Heritage Office Guidelines, and submitted to Council's satisfaction prior to the release of the Construction Certificate;
- (13) That if any archaeological relics are uncovered during demolition or building works, such works are to immediately cease in the area and the NSW Heritage Office contacted. Depending on the possible significance of the relics an archaeological assessment and an excavation permit under the NSW Heritage Act 1977, may be required before further works can be considered in that area;

- (14) That the applicant shall remove all encroachments over the public way;
- (15) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 2 x 240-litre sulo bins for domestic reuse and 2 x 240 litre sulo bins for recycling, and that these bins shall be presented kerbside to Elizabeth Bay Road for collections;
- (16) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Council's system and no work shall be commenced until the fee is paid;
- (17) That the retail area be provided with sanitary facilities in accordance with Part F2 of the Building Code of Australia;
- (18) That noise from the construction activities associated with the development shall not result in an LA10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, which does not exceed the background (LA90 noise level by more than 10dB(A) when assessed at any affected premises and shall not cause "offensive noise" as defined in the Protection of the Environment Operations Act, 1997;
- (19) That all liquid wastes, including those from the rooftop lap pool and the garbage room, other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (20) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (21) That the garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (22) 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:
  - ? all required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - ? the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

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? the garbage room and garbage chute: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

(23) 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) 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;

and the following adopted standard conditions:

- (24) Builders hoarding permit<sup>30</sup>
- (25) Alignment levels<sup>32</sup>
- (26) Road opening permit<sup>34</sup>
- (27) Shoring<sup>1106</sup>
- (28) Consolidate lots<sup>1109</sup>
- (29) Display street number<sup>1110</sup>
- (30) Setback of awning<sup>1111</sup>
- (31) Obstruction of the public way<sup>3101</sup>
- (32) Work zones<sup>3102</sup>
- (33) Delivery of construction materials<sup>3104</sup>
- (34) Resident parking restrictions for new residential flats<sup>3105</sup>
- (35) Construction traffic management<sup>3107</sup>
- (36) Off-street car parking for construction workers<sup>3109</sup>

- (37) Pedestrian safety<sup>3110</sup>
- (38) Associated roadway costs<sup>3111</sup>
- (39) Stormwater (general)<sup>4101</sup>
- (40) Clean water discharge<sup>4102</sup>
- (41) Connection to council's stormwater system<sup>4104</sup>
- (42) Landscape plan<sup>5101</sup>
- (43) Planting on slab<sup>5102</sup>
- (44) Maintenance<sup>5114</sup>
- (45) Final inspection<sup>5115</sup>
- (46) Garbage on the public way<sup>6101</sup>
- (47) Refuse skips<sup>6102</sup>
- (48) Part mechanical ventilation (class 1)<sup>7029</sup>
- (49) Air handling - food<sup>7022</sup>
- (50) Noise and vibration<sup>7028</sup>
- (51) Breakdown of materials on site<sup>7001</sup>
- (52) Emissions<sup>7004</sup>
- (53) Trade waste (daily removal)<sup>7081</sup>

**NOTE 1:**The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Protection of the Environment Operations Act, 1997 and Environmental Offences and Penalties Act, 1989, if the applicant's employees, agents or sub-contractors cause, permit or allow sediment, including soil, excavated materials, building materials, wastes, or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system, or waterways. The applicant shall ensure applicant's employees, agents or sub-contractors cause, permit or allow sediment, including soil, excavated material, building materials, wastes, or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system, or waterways. The applicant shall ensure applicant's employees, agents and sub-contractors adequately provide and satisfactorily maintain approved sediment control measures.

**NOTE 2:** Details relating to the residential garbage and recycling facilities should be referred to the Council's Waste Services Section, Public Works and Services Department.

**NOTE 3:** Your attention is drawn to the requirements of the Smoke-Free Environment Act 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas. (Some exemptions do apply).

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

Carried on the show of hand 5 votes to 4.

The Mayor and Councillor Lennon requested that their names be recorded as voting against the motion.

6.

**BOURKE STREET, NOS. 197-201, DARLINGHURST – DEMOLISH EXISTING TERRACES AND ERECT FOUR STOREY RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U02-00181)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Michael Hesse and Associates with the authority of Mr A S Zizza to Demolish the existing terraces and erect a residential flat building subject to the following conditions, namely:-

- (1) That the proposal shall be generally in accordance with amended plans numbered DA-01 to DA-05 inclusive, drawn by Michael Hesse and Associates and stamped and endorsed by Council, subject to compliance with the following conditions of consent;

- (2) 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

**GENERAL MANAGER**

Open Space: LGA Works Programme	\$ 2898
Open Space: New Parks	\$ 13246
Accessibility And Transport	\$ 87
Management	\$ 209
Total	\$ 16440

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 March Quarter 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-

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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;

- (3) 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
Multi-Function Administration Centre	\$4847

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 March Quarter 2002 (Amend as applicable)

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;

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1150 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (5) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$3000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) That the proposed finishes shall be in generally in accordance with the schedule of finishes submitted to council with the development application U02-00181 and stamped and endorsed by Council;
- (7) That the metal the bars on the ground floor level fronting Bourke Street shall be redesigned to a metal palisade fence with a maximum height of 1.5 metres;
- (8) That a series of false window recesses shall be incorporated into the design of the northern boundary wall in the section that extends past the rear face of the main house at 195 Bourke Street. Two recess shall be placed at each floor level with a minimum area of 1.5 sqm each;
- (9) That the basement surface level shall be no lower than RL 21.80 and no piles shall be placed beneath this level without the written approval of the RTA;

- (10) That all foundation arrangements shall be reviewed and approved by the RTA prior to the release of the Construction certificate;
- (11) That all excavation methods including temporary works shall be reviewed and approved by the RTA prior to the release of the Construction certificate;
- (12) That measures be incorporated to attenuate traffic noise from the Cross City Tunnel shall be incorporated into the design to the satisfaction of the RTA prior to the release of the Construction Certificate;
- (13) That should any archaeological relics be uncovered during demolition or building works, such works shall immediately cease in the area and the NSW Heritage Office contacted. Depending on the outcome an archaeological assessment and an excavation permit under the NSW Heritage Act 1977, may be required before further works can be considered in that area;
- (13) That an archival photographic record of the buildings on the site shall be prepared in accordance with the NSW Heritage Office guidelines and submitted to Council's satisfaction prior to the release of the Construction Certificate;
- (14) That all vehicles shall enter and exit the site in a forward motion;
- (15) That the pruning of the Nettle tree shall not occur without the consent of the owner of the neighbouring property;
- (16) That noise from the demolition and construction activities associated with the development shall not result in an  $L_{A10}$  noise level measured over a period of not less than 15 minutes when the demolition or construction site is in operation which does not exceed the background ( $L_{A90}$ ) noise level by more than 10 dB(A) when assessed at any affected premises and shall not cause "offensive noise" as defined in the Protection of the Environment Operations Act, 1997;
- (17) That all relevant sections of the BCA shall be complied with;
- (18) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (19) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (20) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (21) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (22) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (23) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (24) That the requirements of the Work Cover Authority shall be complied with;
- (25) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (26) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (27) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (28) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (29) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (30) That the demolition work shall comply with Australian Standard 2601-1991;



- (31) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (32) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

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

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

- (33) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
  - (b) building involves the enclosure of a public place

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

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

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

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

- (34) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (35) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (36) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the Public Works and Services Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (37) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (38) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;
- (39) That a system of traffic lights and/or mirrors shall be installed at the ends of the single lane ramp(s), to indicate traffic movement on the ramp(s) and detailed on the application for a construction certificate. Any signal system shall maintain a green signal to entering vehicles at the point of entry, and shall maintain a red signal when an exiting vehicle is detected upon the ramp or driveway;
- (40) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;

- (41) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (42) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (43) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (44) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (45) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (46) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (47) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. The Plan shall provide information regarding parking restrictions, emergency access, pedestrian protection, traffic impacts, traffic routes etc;

- (48) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (49) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (50) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (51) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the issue of the Construction Certificate;
- (52) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (53) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m<sup>2</sup> of landscaped area;
- (54) The owner /applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;
- (55) That the applicant shall submit to the Certifying Authority an annual maintenance program for landscape works. A copy is to be supplied to the Body Corporate/ contractor/owner for ongoing maintenance of the site;
- (56) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the completed landscape works to certify adherence to the DA conditions and

Construction Certificate drawings. Landscape works are to be fully completed prior to the issue of an Occupation Certificate;

- (57) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (58) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (59) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (60) That approval for the connection of the stormwater shall be obtained from Council's Public Works and Services Department prior to the work being carried out;
- (61) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (62) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (63) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (64) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans;
- (65) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site,
  - (b) Measures to suppress odours and dust emissions,
  - (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;
- (66) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (67) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2);
- (68) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (69) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (70) 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);
  - (e) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (f) the location of exhaust and intake vents: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

(g) the garbage room: STANDARD REQUIREMENT -  
SSCC Waste Management / Minimisation Facts Sheets;

(h) the recycling storage area: STANDARD  
REQUIREMENT - SSCC Waste Management /  
Minimisation Facts Sheets;

NOTE (1): This application has not been assessed for compliance with the Building Code of Australia.

NOTE (2): The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

NOTE (4): The applicant should be advised that that the RTA may require a 2.7 metre easement at the rear of the site adjacent to Wisdom for works associated with the Cross City Tunnel

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

Carried.

7.

**COOPER STREET NOS.72-80, SURRY HILLS – USE GROUND FLOOR AS  
A DUTY FREE SHOP OPERATING BETWEEN 9.00AM – 8.00 PM  
MONDAYS – SUNDAYS (U0-02-00430)**

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jasper International Trading P/L, with the authority of Cooper Street Investments P/L, to validate the use of the premises at 72-80 Cooper Street, Surry Hills as a duty free shop operating between 9.00am – 8.00pm Mondays to Sundays, for the following reasons, namely:-
- (1) That the location of the duty free shop is inconsistent with objective (h) of the Mixed Uses zone No. 10 of South Sydney LEP 1998 which aims to ensure that nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area;
  - (2) That the proposed operating hours are inconsistent with the controls in Part E, Clause 6 of South Sydney DCP 1997 which aims to ensure that residential amenity is protected by restricted operating hours for non-residential uses;
  - (3) That the proposal is inconsistent with Part B, Clause 4 - Urban Design Principles of South Sydney DCP 1997 which aims to ensure that development does not cause a public nuisance to the local residents by way of noise, parking demands, traffic movements and working hours;
  - (4) That the proposal is inconsistent with Part F, Clause 4.1 of South Sydney DCP 1997 which aims to ensure that uses that locate together are environmentally compatible and respect the character and function of the precinct, and above all that they respect the amenity of residential uses.
- (B) That an order shall be served on the owner of the land stating that the use shall cease and the premises vacated within 30 days of this Notice of Determination.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.



8.

**SOUTH DOWLING STREET, NO. 589, SURRY HILLS – ALTERATIONS AND ADDITIONS TO TERRACE HOUSE INCLUDING INFILL OF BALCONY, NEW WINDOWS AND STAIRS AND REAR EXTENSION. CONTINUING USE AS TWO TENANCIES – DEVELOPMENT APPLICATION (U02-00103)**

**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 17 July 2002, and subject to the deletion of conditions (5), (6) and (7) in the recommendation.

Carried.

9.

**ALBION AVENUE, NO 24, PADDINGTON – DEMOLITION OF EXISTING COTTAGE AND ERECTION OF A THREE STOREY MIXED USE DEVELOPMENT CONTAINING RETAIL ON THE GROUND FLOOR AND A TWO BEDROOM RESIDENCE ABOVE – DEVELOPMENT APPLICATION (U02-00133)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush seconded by Councillor Mallard:-

(A) That the Council refuses its consent under the Environmental Planning and Assessment Act 1979 to the development application for the site known as 24 Albion Avenue, Paddington, submitted by Jacob Theodorou (owner) to demolish the existing dwelling house and erect a three storey building containing ground floor shop and two bedroom dwelling above for the following reasons:

- (1) The proposal is contrary to Clause 12, objective (a) of LEP 1998 in that the use of this site for a shop would not enhance the amenity of the existing residential area;
- (2) Retail development of any kind on this site would be contrary to LEP 1998, Clause 12, objective (d), in that it would be unlikely to operate primarily to serve the surrounding residential area or to provide goods, services or employment primarily for residents or to be of a type or scale compatible with existing residential development or with the amenity of nearby residents or the existing quality of the environment;
- (3) The proposal would be contrary to current Draft LEP Clause 12, objective (d), in that the proposed shop would be unlikely

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primarily to provide goods, services or employment for local residents, likely to lead to vehicular traffic and parking nuisances or nuisances for pedestrians from a driveway across the footway network;

- (4) The development would be contrary to Clause 28, LEP 1998 in that the street level frontage uses and form would not reinforce or protect the streetscape;
- (5) The proposed retail/commercial usage of the ground level is likely to generate unacceptable traffic and pedestrian impacts, as well as place an unacceptable demand for on street parking, inconsistent with DCP 11 and DCP 1997;
- (6) The design of the north elevation as viewed from Selwyn Street and other pedestrian streets and from the public domain of the College, is inappropriate in terms of LEP 1998, Clause 24 and Clause 28;
- (7) The private useable residential open space proposed for the dwelling does not meet relevant objectives and criteria of Part F of DCP 1997 in that there is none at ground level, none natural, and inadequate quality or quantity accessible at living room level;
- (8) The proposal is inconsistent with Clause 8, Strategy for a Sustainable City of South Sydney, which aims to reduce car dependence in the City;
- (9) The proposal is not in the public interest;
- (10) The proposal is contrary to Clause 12 objective (c) of LEP 1998 in that the vehicular driveway, door and on-site parking would not be in character with the surrounding built environment;
- (11) As envisaged by current Draft LEP Clause 12 objective (d) the proposal could lead to erosion of residential accommodation in that the ground level shop and parking displaces existing and potential residential development and detracts from potential amenity of dwelling spaces above and nearby;
- (12) In terms of Clause 28 LEP 1998 the dwelling would not provide adequate amenity for occupants in that it would not enjoy potential or adequate solar access or useable accessible private open space, and the North elevation would affect amenity of others;
- (13) In terms of Clause 24 LEP 1998 the use and form of the vehicular driveway, door and on-site parking are inappropriate in the Selwyn streetscape or when viewed from the facing Selwyn Street front façade of the draft listed heritage item public school;

- (14) The proposed vehicular parking, driveway, and garage door in the rendered brick wall shape along the Selwyn Street frontage are contrary to the criteria and controls in Heritage DCP 1998 Sections 4.1.7 & 4.1.8;
- (15) In terms of DCP 11 1996 Transport Access Considerations Clauses 4.6.1 to 4.6.4 inclusive the vehicular driveway and on-site parking is inappropriate;
- (16) There would be undesirable social and economic impacts in the locality from the permanent loss to the public of one (1) shared kerbside parking space in this particular location at the centre of traffic and parking demand in the local area in the particular circumstances of this case;

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

Carried

The Mayor requested that his name be recorded as voting against the foregoing motion.

10.

**BOURKE STREET NOS.1/342-344, SURRY HILLS – FITOUT OF LAUNDROMAT – DEVELOPMENT APPLICATION (U02-00445)**

**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 17 July 2002.

11.

**CARILLON AVENUE, NO 90, NEWTOWN – SYDNEY UNIVERSITY VILLAGE – USE OF APPROVED BLOCKS 1 AND 2 FOR OFFICES, TUTORIAL AND MEETING ROOMS, LICENSED AREAS, FUNCTION HALL AND RESTAURANT – DEVELOPMENT APPLICATION (U02-00372)**

**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

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Environment dated 10 July 2002, and also subject to the addition of a condition (25) to the recommendation, namely:-

- (25) That the use shall be commenced within six months of the date of this consent and shall cease after a period of 12 months from the date of commencement. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed use (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period.

Carried.

12.

**BELMONT STREET, NOS.301-303, ALEXANDRIA - DEMOLITION OF THE EXISTING STRUCTURES AND ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING 5 UNITS AND CAR PARKING - DEVELOPMENT APPLICATION (U01-01321)**

This matter was submitted to council without recommendation.

Moved By Councillor Bush, seconded By Councillor Mallard:-

- (A) That Council defer the determination of the Application so that amended plans can be lodged by the applicant:-
- (1) To create a stronger corner and streetscape treatment at Maddox Street by moving the upper level building bulk north and north west (ie toward the main street frontage) or by creating stronger vertical and horizontal fenestration treatment through the introduction of fin walls to extend to the front edge of the building, and/or the like;
  - (2) That the building bulk towards the south east of the site (ie toward the rear), as viewed from Belmont Street, be reduced;
  - (3) That ground level parking be relocated to a basement level, and that the extent of upper level balcony space to the south and south east (ie the rear) be reduced and ground level open space to the south (ie the rear) shall be introduced;
  - (4) That the internal layout of the units be modified so that the studio units at the ground level cannot be easily used as separate residential dwellings or office space (ie they can only be used in association with the main dwelling) and that living spaces shall have access to ground level open space at the rear;

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- (5) That a NatHERS rating of the amended plans shall be undertaken to ensure that all units achieve a minimum 3.5 star energy rating;
  - (6) That a Stage 2 Contamination Assessment Report, in accordance with the requirements of SEPP 55 and Council's Contamination DCP, be prepared so as to show that the site is suitable for, or can be adequately remediated, for residential usage.
- (B) That the amended plans be renotified to surrounding owners and occupiers.

Carried

13.

**CROWN STREET, NOS. 587-591, SURRY HILLS (CROWN HOTEL) – ALTERATIONS AND ADDITIONS TO THE UPPER LEVELS OF THE HOTEL (INFILL DEVELOPMENT) AND THE CHANGE OF USE FROM BACKPACKERS ACCOMMODATION TO 3 STAR MOTEL, POOL ROOM AREA AND ADDITIONAL BAR SPACE – DEVELOPMENT APPLICATION (U01-01054)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That Council defer determination of the Development Application so that amended plans can be lodged by the applicant, which reflect the following requirements:
- (1) That the western section of the second floor (as shown on plan number CH04) be setback 8 metres from the northern boundary line and 11 metres from the western boundary line;
  - (2) That a lightwell be created on the site adjacent to the boundary window on the adjoining property to the west;
  - (3) That the first floor bar area shall be converted to motel rooms or motel related facilities, such as dining room, and that the amended proposal shall not constitute additional bar/ hotel floor space;
  - (4) That details of the proposed mechanical ventilation system, including external outlets and ducting, shall be submitted with the amended plans;

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- (B) The amended plans be renotified to surrounding owners and occupiers.

At the request of Councillor Pooley, and by consent, the motion be amended by the addition of the words "at least" after the word "setback" where appearing in the second line of clause (1) of the recommendation and also before the measurements "11 metres" where appearing in the third line of clause (1) of the recommendation.

Motion as amended by consent, carried.

**14. BELMONT STREET, NOS. 162-184, ALEXANDRIA - DEMOLITION OF THE EXISTING INDUSTRIAL BUILDINGS AND ERECTION OF 11 TERRACE HOUSES - DEVELOPMENT APPLICATION (U02-00302)**

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Frank Stanisic Architects P/L, with the authority of Newtown Belmont Street P/L, to demolish the existing industrial buildings and erect 11 residential terrace houses, 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 lodging a construction certificate:
- (a) Amended plans showing the deletion of the first floor study above the garage for the southern most dwelling such that the overshadowing of the adjoining property to the south satisfies the requirements of DCP 1997;
  - (b) Amended plans of the front elevation of the building to Belmont Street showing different materials and finishes of some of the dwellings to ensure variation in the facade. This may include some slightly extended party walls to the front façade;
  - (c) That the Deed as outlined in condition (7) outlining the public domain improvements shall be signed by both the owner and Council prior to the consent becoming operable;

- (2) That the development shall be generally in accordance with plans numbered 00302/02, dated 27 March 2002 and 24 May 2002. This includes drawing no's DA01/1, DA02, DA03/1-DA07/1, SW01 and the survey diagram drawn by Stanisic Associates Architects in March 2002, subject to compliance with the conditions below;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$11,550 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 \$3,000 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
Multi-Function Administration Centre	\$10,674

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

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI<sub>1</sub> 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 March 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
Open Space: LGA Works Programme	\$7,855
Open Space: New Parks	\$36,289
Accessibility And Transport	\$ 236
Management	\$ \$557
	Total \$44,937

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 March 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.

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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;

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- (7) That, in order to qualify for a floor space bonus of 0.25:1 FSR, and in addition to Section 94 and Affordable Housing Contributions and requirements for street trees along the site frontage conditioned elsewhere in this consent, the applicant/developer shall bear the cost of design and construction of public domain improvements to the value of \$155,925. This amount shall be indexed in a similar fashion to Section 94 Contributions. The works shall generally be as detailed in the Deed of Agreement signed by Council and dated July 2002;
- (8) That a maximum of 11 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (9) That a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development;

- (10) That the width of the rear balconies on the first and second floors of each of the dwellings shall be reduced to no more than 1.2 metres with the side party walls reduced in size respectively. Details shall be provided with the application for a construction certificate;
- (11) That the height (as measured from the ridge line to the natural ground level) of the rear lane structures shall not exceed 5.4m;
- (12) That the development shall be constructed having regard to all of the measures included within the NatHERS report dated 12 March 2002;

- (13) That the external blinds for the northern and southern most dwellings at the first floor level shall be constructed in a manner that does not allow the blinds to be folded away. Furthermore, the blinds shall be designed and constructed in a manner that does not allow the outer face of the blinds to be adjusted any lower than a horizontal position. Additionally, these blinds shall be included on the outer edge of the balconies on the second floor of the northern and southern most dwellings. Details confirming how this will be achieved shall be submitted to Council's satisfaction prior to the release of the Construction Certificate;
- (14) That a hot water heating system shall be installed for the dwelling that achieves a minimum 3.5 star rating. Council's preference is for a solar gas boosted system. Details of the proposed system are to be submitted with the application for a Construction Certificate;
- (15) That the applicant shall redesign the stormwater discharge scheme so all outlets are clear of the proposed driveway crossings to the laneway;
- (16) That the development must satisfy the requirements in Council's DCP no.11 Transport Guidelines for Development 1996;
- (17) That approval is granted to remove (5) x Bottlebrush trees (*Callistemon viminalis*) growing adjacent to the footpath in Belmont Street;
- (18) That the applicant must plant (4) advanced replacement trees being Golden Locust trees, (*Robinia pseudoacacia x frisia*) which are to be planted adjacent to the footpath and are to be a minimum of 100 litres in sizes;
- (19) That the applicant shall ensure that the existing two street trees, Paperbark (*Melaleuca quinquenervia*) will be retained and protected from the construction activities as indicated in the submitted landscape plan;

and subject to the following standard conditions:

- (20) Remediation<sup>7092</sup>
- (21) Remediation<sup>7093</sup>
- (22) Waste classification - note<sup>7096</sup>
- (23) Ventilation<sup>7025</sup>
- (24) Hazardous and industrial waste<sup>7083</sup>

- (25) Soil and sediment control<sup>7085</sup>
- (26) Soil and sediment: drains, gutters etc<sup>7087</sup>
- (27) Soil and sediment control/building operations<sup>7088</sup>
- (28) Soil and sediment control: covering of loads<sup>7090</sup>
- (29) Environmental management plan<sup>7091(a)(b)(d)(e)</sup>
- (30) Noise<sup>7030</sup>
- (31) Details of health aspects<sup>7017(a)</sup>
- (32) Emissions<sup>7004</sup>
- (33) Alignment levels<sup>32</sup>
- (34) Road opening permit<sup>34</sup>
- (35) Display street number<sup>1110</sup>
- (36) Paving<sup>1114</sup>
- (37) Obstruction of the public way<sup>3101</sup>
- (38) Work zones<sup>3102</sup>
- (39) Vehicular footway crossing<sup>3103</sup>
- (40) Delivery of construction materials<sup>3104</sup>
- (41) Resident parking restrictions for new residential flats<sup>3105</sup>
- (42) Vehicular crossing<sup>3106</sup>
- (43) Construction traffic management<sup>3107</sup>
- (44) Off-street car parking for construction workers<sup>3109</sup>
- (45) Pedestrian safety<sup>3110</sup>
- (46) Associated roadway costs<sup>3111</sup>
- (47) Stormwater (general)<sup>4101</sup>
- (48) Clean water discharge<sup>4102</sup>
- (49) Landscape plan<sup>5101</sup>

- (50) Planting on slab<sup>5102</sup>
- (51) Maintenance<sup>5114</sup>
- (52) Final inspection<sup>5115</sup>
- (53) Garbage on the public way<sup>6101</sup>
- (54) Refuse skips<sup>6102</sup>
- (55) Garbage storage area<sup>6103</sup>
- (56) Drainage Design Certificate<sup>99011</sup>
- (57) Drainage Details with Construction Certificate<sup>99013</sup>
- (58) Stormwater Design Certificate<sup>99014</sup>
- (59) Stormwater Certificate at Completion<sup>99016</sup>
- (60) Compliance with BCA<sup>9104</sup>
- (61) Construction Certificate required<sup>9155</sup>
- (62) Survey certificate at set out stage<sup>9001</sup>
- (63) Survey certificate at completion<sup>9002</sup>
- (64) Stormwater details<sup>9003</sup>
- (65) Structural Design Certificate<sup>9006</sup>
- (66) Issue of occupation certificate<sup>9101</sup>
- (67) Comply with the WorkCover Authority<sup>9105</sup>
- (68) Construction hours<sup>9151</sup>
- (69) Building/demolition noise control<sup>9156</sup>
- (70) Maintain existing building in a stable condition<sup>9157</sup>
- (71) Works to be within allotment boundaries<sup>9158</sup>
- (72) Guarding of excavations<sup>9160</sup>
- (73) Demolition to comply with Australian standard<sup>9161</sup>
- (74) Retaining walls and drainage<sup>9162</sup>

(75) Support for neighbouring buildings<sup>9163</sup>

(76) Protection of public places<sup>9164</sup>

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

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

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision
- (C) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia.

Carried.

15.

**DEPARTMENT OF HOUSING 44-52 MOREHEAD STREET, 57-75 WALKER STREET, 66-80 WALKER STREET, 600-614 ELIZABETH STREET AND 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 was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

That the application be deferred for the applicant to redesign and submit amended plans consistent with the Master Plan.

Carried on the show of hands 5 votes to 4.

**NOTICE OF MOTION**

1.

**COUNCIL PROPERTY NO.5 WARATAH STREET, ADJACENT TO KIOSK  
IN RUSHCUTTERS BAY PARK – FUTURE USE**

Moved by Councillor Lennon, seconded by Councillor Pooley.

That Council Officers be requested to investigate the question of:-

- (1) the toilet facilities located in the soon to be vacated Council property, No.5 Waratah Street, adjacent to the Kiosk in Rushcutters Bay Park being made available for use by patrons of the Kiosk;
- (2) expressions of interest being called for use as a community building.

At the request of Councillor Pooley and by consent, the motion be amended by the deletion of the words “expressions of interest being called” where appearing in Clause (2) of the Notice of Motion and that the remainder of the words in Clause (2) be added to Clause (1) of the Notice of Motion.

The Planning and Development Committee Meeting terminated at 8.30 p.m.

The Council Meeting terminated at 9.04 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2002

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**