

304th Meeting

Erskineville Town Hall
Erskineville
426101

Wednesday, 28 August 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30 pm on Wednesday, 28 August 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

WELCOME TO DETECTIVE SUPERINTENDENT DAVE PERRIN.

It is with pleasure this evening that we have here tonight Detective Superintendent Dave Perrin and his wife, who recently retired from Redfern Police Station.

The State's longest servicing detective, called it a day on Tuesday 13 August 2002, and after a call from Police Commissioner Ken Maroney thanking him for his 40 years services strolled down Redfern's Eveleigh Street to speak to a female Aboriginal elder working to build relationship with the areas Aboriginal residents particularly around the Block

Dave spend the last 5 years as Redfern Crime Manager overseeing the areas criminal investigation, and commenced duties as a Police Officer in 1962, after graduating at Bourke Street Police Academy, at Rose Bay. He then moved to the country NSW and made Acting Patrol Commander at Burwood in 1995.

He was then appointed Crimes Manager at Redfern in August 1997, where he investigated a number of major crimes in the area.

Dave will be missed by all the community of Redfern and South Sydney for his tireless commitment and I wish him all the best on his retirement.

Confirmation of Minutes

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the minutes of the Ordinary Meeting of Council of 14 August 2002, be taken as read and confirmed.

At the request of Councillor Furness, and by consent the minute were amended on page 874 under the heading "Personnel Executive Health and Fitness Programme" relating to the recommendation of the Committee of the Whole, by the deletion of the word "Gyms".

At the request of Councillor Shaw and by consent the minutes were amended on page 881 by the deletion of word "tot he" where appearing in the first line of clause 2 of the motion and the insertion in lieu thereof, of the words " to the".

Minutes as amended by Councillors Furness and Shaw were then carried.

MINUTE BY THE MAYOR

27 August 2002

**PUBLIC RELATIONS – SSRLFC – THE RED & GREEN BALL- 6 SEPTEMBER
2002 – PURCHASE OF TABLE (2019355)**

The Annual Red & Green Ball, hosted by the South Sydney Rugby League Football Club, will be held on Friday 6 September in the Randwick Pavilion at the AJC.

The South Sydney Rugby League Football Club have purchased a table at the Mayor's Charity Ball and has kindly donated this to Erskineville Public School – P&C.

The Red & Green Ball is an established tradition – a chance for all loyal supporters to come together and celebrate everything that is simply "Souths" and it is a fitting and fair response by Council to support this event.

Recommendation:

That Council purchase tickets for a table of 12 for this event at a cost of \$1,500.

Councillor John W. Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

20 August 2002

**DONATIONS – A DOCUMENTARY ON MUSIC IN "THE CROSS" – REQUEST
FOR SUPPORT BY KINGS CROSS AND INFORMATION CENTRE (2017151)**

Council has received a letter from the Kings Cross Community & Information Centre seeking Council's support to host the launch of a documentary on music in "The Cross".

The documentary will be launched as part of the Kings Cross Culture Festival. The event has been scheduled for the opening day of the Festival, 12 October 2002 at Tusculum, Manning Street, Potts Point.

GENERAL MANAGER

Similar to the very successful launch of the anthology, "Walking the Bird" which Council hosted last year, the event would be an early evening function for 100 people including local residents with supper and entertainment provided.

Council is aware that part of production of this documentary was funded by Council through its' Community Grants Program.

It is proposed that Council Officers, Edda Boyd and Lyn Black coordinate the event together with Robyn Greaves, of the Kings Cross Community & Information Centre.

The estimated cost of the event is \$4000 for which funds are available in the 2002/2003 Budget.

RECOMMENDATION:

That Council agrees to the request from the Kings Cross Community & Information Centre seeking Council's support to host the launch of a documentary on music in "The Cross", on the 12 October 2002, as part of the Kings Cross Culture Festival at the estimated cost of \$4000 for which funds are available in the 2002/2003 Budget Estimates. (1.51.3110.16615.0).

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Lennon:-

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

It was moved by Councillor Harcourt, seconded by Councillor Shaw, that the motion be amended by the deletion of the whole of the resolution and that the matter be deferred to the Finance Committee for proper consideration of the application for support by the organisation.

At this stage the Mayor made a derogative comment regarding the ALP.

Councillor Lay requested that the Mayor apologise unreservedly. The Mayor withdrew his comments and apologised unreservedly.

At this stage Councillor Bush, seconded by Councillor Mallard that the motion be put.

Negatived that the motion be put.

Motion, as amended by Councillor Harcourt, carried.

MINUTE BY THE MAYOR

19 August 2002

**CELEBRATIONS – HISTORY WEEK – 14 TO 22 SEPTEMBER 2002 – TIMETABLE
(2020573)**

New South Wales will be celebrating History Week 2002 from Saturday 14 September to Sunday 22 September. Council has been approached by two local authorities, South Sydney Development Corporation and the Australian Technology Park, with the view of sharing joint events to celebrate the occasion. It is proposed that the following functions form a program of events for History Week 2002.

Sunday 15 Sept – 11am to 3pm – Australian Technology Park, Eveleigh

- ? The ATP will be holding a Spring Food and Wine Festival from 1 Sept to 17 Nov. Council has been invited to join this event, with a display of our photographic exhibition: South Sydney –A Retrospective. It is also intended that Council will attend on several other occasions, namely, Sept 1, Oct 13 & 20, Nov 3 & 17, to support this new initiative.

Friday 20 Sept – 6pm to 8pm – Book Launch – Redfern Town Hall

- ? It is proposed to hold an official function to launch the book, “Pictorial History of South Sydney”, based on Council’s photographic exhibition, written by local historian Anne Maree Whitaker and published by Kingsclear Books.

Sat 21 or Sun 22 Sept – time TBA – Alexandra Canal – Talk & Walk

- ? As a finale to History Week, South Sydney Development Corporation has invited Council and South Sydney Heritage Society and interested local residents to re-visit the woolsheds and canal at the State’s Public Works site in Alexandria. It is proposed to conduct a talk on the canal, inspect the site and visit a woolshed, with a morning or afternoon tea included.

Similar to Heritage Week, History Week provides us with the opportunity to celebrate the diverse and unique history of our local area. It is with great pleasure that I acknowledge the interest that other organisations, such as South Sydney Development Corporation and Australian Technology Park, have shown and commend their wish to join Council in promoting South Sydney in this manner.

RECOMMENDATION:

That Council approve the above program of events for History Week 2002, involving an approximate expenditure of \$7000 for which funds are available in the 2002/2003 Budget Account (1.55.3335.16680.1).

Councillor John W. Fowler (SGD)
Mayor

GENERAL MANAGER

Moved by Councillor Pooley, seconded by Councillor Harcourt:-

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

Carried.

At the request of Councillor Furness, the Mayor requested that Directors in future that reports submitted to Council state the account to which the money is to be taken from in the budget.

MINUTE BY THE MAYOR

26 August 2002

DONATIONS – PORT JACKSON P & C – ADDITIONAL FUNDS FOR SUPPORT OF CONFERENCE (2025737)

The Port Jackson District Council of P&C Organisations has written to Council seeking support for their one-day conference to be held at Alexandria Park High School on Saturday 19 October, 2002.

The goal of the conference is to chart the future of public education in inner Sydney, and in particular to put the future of public education in the Port Jackson district on a new footing.

The initiative is supported by the Department of Education and Training (DET) and the NSW Teacher's Federation.

Initially participants were going to be charged a small fee to attend, however in the interests of keeping the conference as accessible as possible, the District Council has approached relevant Council's asking if they would make a small contribution. Leichhardt Council has already agreed to make a contribution, and Marrickville Council is considering the request.

If Council were to make a contribution it would be acknowledged in the publicity for the event.

Given the issues facing public schools in South Sydney I recommend that Council support this request.

RECOMMENDATION:

I recommend that Council vote additional funds totalling \$1,000 to the 02/03 Donations budget, to cover the cost of a \$1,000 donation to the Port Jackson District Council of P&C Organisations to support their conference on 19 October, 2002, and for this to be paid in cash or by providing catering services to that value.

GENERAL MANAGER

Councillor John W. Fowler (SGD)
Mayor

Moved by the Mayor, seconded by Councillor Mallard:-

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

It was moved by Councillor Pooley, seconded by Councillor Harcourt that the motion be amended by the deletion of the whole of the resolution and that the matter be referred to the Finance Committee for consideration.

Motion as amended by Councillor Pooley, carried.

MINUTE BY THE MAYOR

28 August 2002

PLANNING – DEPARTMENT OF HOUSING DA – RELEVANT TO DETERMINATION OF PLANNING AND DEVELOPMENT COMMITTEE (U01-01316)

Background

At its meeting of 14 August 2002, Council resolved to defer this matter in order for the Mayor to discuss the proposal with the Minister's office. As discussed at the Committee Meeting of 21 August 2002, this meeting has not taken place and recommended was to defer the matter to the Committee meeting of 4 September 2002. The resolution however was not unanimous.

A more suitable Masterplan proposal should include all of the Department of Housing land within the area bounded by Redfern Street to the north, Phillip Street to the south, Elizabeth Street to the west and Young Street to the east (the latter incorporating the Poets Corner towers and the PCYC), as well as the entire Redfern Park precinct to the west. Council should pursue these discussions with the State Government to ensure the best outcomes for the site and the community. Ideally the Department of Housing should withdraw its proposal and expand its Master Planning Process to ensure an integrated and co-ordinated approach to the future physical and social planning of the area.

It is with this in mind, that the following recommendation is made.

RECOMMENDATION:

- (3) That the Council defer its consideration of the Development Application submitted by the Housing Finance Investment Group, with the authority of NSW Land and Housing Corporation, for the site layout, number of dwellings,

GENERAL MANAGER

building envelopes and height, gross floor area and floor space ratio as it relates to the Masterplan for redevelopment of land at 44-52 Morehead Street, 57-75 Walker Street, 66-80 Walker Street, 600-614 Elizabeth Street and 3-5 Kettle Street, Redfern, with the view of entering into further discussions with the Premiers Department, the Department of Housing, the Redfern Oval Redevelopment Taskforce, the PCYC and the local community having regard to the future of the area.

- (3) That the Minister be advised that an expanded Masterplan area should be considered to ensure a more integrated and co-ordinated approach to the planning of the area. The Masterplan area should include that land bounded by Chalmers Street to the west, Redfern Street to the north, Young Street to the east and Phillips Street to the south, which includes all that land previously part of the Department of Housing Masterplan site, plus the block containing the Poets Corner towers, as well as the entire Redfern Park, Redfern Oval and PCYC sites.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Lennon, seconded by the Mayor:-

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

Negatived.

Moved by Councillor Pooley, seconded by Councillor Harcourt, that the motion be as dealt with in the recommendation of the Planning and Development Committee.

Carried.

MINUTE BY THE GENERAL MANAGER

23 August 2002

COMMITTEES – STREET PROSTITUTION SUB-COMMITTEE MEMBERSHIP SELECTION (2026272)

Council resolved on 14 August 2002 to adopt a geographical reference for selecting community members to the new Street Prostitution Sub-Committee.

RECOMMENDATION:

To ensure that all areas effected by street prostitution are represented on the Committee it is recommended that the following applicants be appointed to the Committee:

GENERAL MANAGER

Woolloomooloo (1)
Jane Atkinson

Darlinghurst (3)
Ewan Samway and Clive West and Shane Warren

East Sydney (2)
An ESNA representative and Innes Macleod

Michael Whittaker (SGD)
General Manager

Moved by Councillor Lennon, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

21 August 2002

PERSONNEL – GENERAL MANAGER – ANNUAL LEAVE ARRANGEMENTS (2004907)

I propose to go on Annual Leave on Tuesday, 17 September and return on Monday, 23 September 2002.

During such absence I recommend that:-

- (3) Mr Ron Wilcoxon, Director of City Works, act as General Manager;
- (3) the authorities delegated to the General Manager be delegated to Mr Ron Wilcoxon from 17 September to 22 September 2002.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Mallard, seconded by Councillor Bush:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

28 August 2002

**PUBLIC RELATIONS – SYDNEY GAY & LESBIAN MARDI GRAS UPDATE –
COMMITTEE OF CREDITORS (2026079)**

At 4.00pm this evening (28 August 2002) the Committee of Creditors met to consider the options to be presented to the Second Creditors Meeting to be held on Thursday, 29 August 2002 at 11.00 am.

The three options are:

1. the company be wound up;
2. the company execute a Deed of Company Arrangement. This proposal would involve the setting up of a new community based corporate entity which would purchase the business, including the intellectual copyright as a going concern; or
3. the Creditors' Meeting be adjourned for a period of time to allow other options to be developed.

The General manager has directed staff to support option two at the Committee of Creditors to be held at 4.00pm 28/8/02. The Committee of Creditors also will be advised this is subject to Council approval.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Mallard, seconded by Councillor Lennon:-

That the minute by the General Manager, be received and that option (3) be adopted namely:-

- (3) That the Creditors Meeting be adjourned for a period of 30 days to allow options to be developed.

Carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER**26 August 2002****PUBLIC RELATIONS - LOCAL GOVERNMENT FORUM – PADDINGTON TOWN HALL (2020573)**

At its meeting of 5 June 2002, Council requested that a report be prepared regarding the holding of a Forum on the reasons for Local Government.

In light of the number of events being held not only in South Sydney but across NSW during Local Government Week, it was decided that the Forum would be more successful and reach a wider audience if it was held at a suitable time later in the year.

It appears timely with Paddington Town Hall marking its 111th anniversary in October to hold the Forum as a celebration of the commencement of local democracy in the area. It is therefore proposed that the Forum be held on Tuesday 15 October 2002 at Paddington Town Hall.

In order to ensure the widest coverage of the Forum, Lgovt NSW (formerly Local Government and Shires Associations) will be approached to endorse the Forum and encourage its members to attend. Renowned speakers, from NSW and across Australia, with expertise on a range of local government related issues will be approached to participate.

It is hoped that the Forum will create genuine debate of the challenges facing local government in the long term, its role and responsibilities in addressing those challenges and the capacity and resources required to fulfil its role effectively and efficiently.

The total cost of the Forum will not exceed \$10,000. Funds are available in the 2002/03 operational budget.

RECOMMENDATION

Council approve:

- (1) Holding a forum on the Role of Local Government in the 21st Century on 15 October 2002.
- (2) Approaching Lgovt NSW (formerly Local Government and Shires Associations) to endorse the forum.
- (3) The use of Paddington Town Hall.
- (4) Use of funds from 2002/03 operational budget.

Michael Whittaker (SGD)
General Manager

GENERAL MANAGER

Moved by Councillor Pooley, seconded by Councillor Mallard:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

26 August 2002

CONFERENCES – WATER SENSITIVE URBAN DESIGN – ATTENDANCE OF COUNCIL REPRESENTATIVE – CONFIRMATORY APPROVAL (2022662)

TO COUNCIL

It has come to our attention only very lately that the Stormwater Industry Association and Australian Water Association are presenting the Second National Conference on Water Sensitive Urban Design at the Brisbane Convention Centre, Brisbane QLD from the 2 – 4 September 2002.

The conference is targeting a range of different disciplines including state and local government water managers, engineers, urban planners and landscape architects with a view to sharing experiences in achieving sustainable water cycle management.

The conference presenters are all leaders in the field of water sensitive urban design and will draw on their experience to present a number of case examples from various states and agencies, concentrating on the recent development and implementation of water sensitive urban design policies in Brisbane and QLD. Day 1 of the conference has presenters' speeches in the following format:

Keynote Speech 1: "Sustainable Urban Development & Water Cycle Management"

Session 1: Regional Context

Session 2: Planning & Design

Keynote Speech 2: "Industry Perspective on Integrated Water Management"

Session 3: Water Cycle Management/Integration

Session 4: Landscape elements of WSUD

Session 5: Life Cycle Costs

Session 6: Policy & Regulatory Framework

The conference is facilitating several workshops on Day 2 that focus on the role of government in sustainable urban development and water cycle management. These workshops are to be driven by the following presentations:

Keynote Speech 3: "Sustainability Development & Ecological Footprint"

Keynote Speech 4: "Role of Government in Water Cycle Management – QLD Recycling Strategy"

GENERAL MANAGER

The field trip is show casing recent projects around Brisbane that demonstrates their water sensitive urban design implementation in conjunction with other facets of ESD.

The conference is directly relevant to the current issues of water sensitive urban design and stormwater management South Sydney Council is currently facing. Council is leading the way in the demonstration and facilitation of water sensitive urban design in Sydney which has been recognised within the stormwater industry through grants and requested presentations of recent works.

It is timely that this conference occurs at a time where a number of key stormwater policies and projects are being developed so that national experience in this field can be learnt and adapted for use at South Sydney. The conference provides Council with the unique opportunity to:

- ? develop new contacts, renew previous interstate contacts, meet industry experts and foster networks in the industry,
- ? inform Council staff of the latest principles and practices,
- ? discussion of ideas and concepts with other professionals in the field
- ? bring new ideas and concepts back to benefit the community of South Sydney.

The cost of attendance for the 3 day conference and field trip is \$1,650.00 (which includes conference fees \$700.00, accommodation \$474.00, airfares ~\$400.00, local travel and expenses, GST included)

RECOMMENDATION

That arising from the consideration of the report by the General Manager dated 26 August 2002, approval be given to the General Manager or his delegate or any interested Councillor for attendance at the Second National Conference on Water Sensitive Urban Design in Brisbane QLD from the 2 – 4 September 2002. Funds for the cost of registration fees, accommodation, airfares, local travel and expenses (\$1650.00) being available in the 2002/2003 Traffic & Design Budget 1.43.2405.12105.0.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Pooley, seconded by Councillor Mallard:-

That the minute by the General Manager, be approved and adopted, subject to the deletion of the words “or any interested Councillors” where appearing in the second and third lines of the recommendation.

Carried.

GENERAL MANAGER

QUESTIONS WITHOUT NOTICE

1.

**LEASING – EXPRESSIONS OF INTEREST – ERSKINEVILLE OVAL -
QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (5264950)****Question:**

As the term of the lease of Erskineville Oval is about to come to an end, could a report be prepared for Council on options for its future?

Answer by the Mayor:

I will have the matter go to the Properties Sub-Committee.

2.

**PARKING – KING STREET, NEWTOWN (NORTH) – INCREASE IN HOURS
OF PARKING RESTRICTIONS. - QUESTION WITHOUT NOTICE BY
COUNCILLOR FURNESS (P01-00104)****Question:**

Following the installation of "No Stopping" signs and the painting of yellow lines on streets in that part of Newtown north of King Street, residents have again requested an increase in the hours of resident parking restrictions to cover evenings and weekends.

Could this proposal be considered by the Traffic Committee with some urgency? I understand this may well become a recommendation of the current South Sydney Parking Study but I am seeking to expedite the matter.

Answer by the Mayor:

There have been a number of requests regarding residential parking. I believe it is unfair on the staff who are preparing the study. However I will have the matter passed on to the next Traffic Committee and have a report placed in the CIS.

3.

ANTI-SOCIAL ACTIVITIES – KING STREET AND CITY ROAD – ILLEGAL PLACEMENT OF GRAFFITI ON PUBLIC PROPERTY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2015700)**Question:**

Over the past couple of weeks Columbia Tristar have allegedly been placing graffiti advertising the film "xXx" on public property in King Street and City Road and I believe at a number of other locations around metropolitan Sydney. I have been advised by the City Works Department that the graffiti in South Sydney is being removed this week. Could action to the full extent of the law be taken against the preparation of this vandalism?

Answer by the Mayor:

I will have the matter forwarded to the Director of City Works and the enforcement officers for the appropriate action to be taken.

4.

ADMINISTRATION – SOUTH DOWLING STREET, SURRY HILLS – UN-AUTHORISED USE OF PREMISES - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (A53-00041)**Question:**

I (and I think you) recently received some anonymous correspondence which claimed that a property in South Dowling Street, Surry Hills was being used as a brothel.

Further allegations were made about Council Officers refusing to take action and "money changing hands".

I wonder whether you could refer this matter to the Sex Industry Liaison Officer for his consideration?

Answer by the Mayor:

I will forward that information to the General Manager for investigation.

5.

TRAFFIC – CROSS CITY TUNNEL DEVELOPMENT – LEGAL ADVICE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2027648)**Question:**

Can Council obtain legal advice of its chances of defeating the CCT development proposal in the Land and Environment Court.

GENERAL MANAGER

Answer by the Mayor:

I will have Mr. Thompson report to Committee.

6.**TRAFFIC – WARD AVENUE, ROSLYN STREET AND BAYSWATER ROAD
– TRAFFIC CHANGES RE SUBMISSION FOR CROSS CITY TUNNEL -
QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2027648)****Question:**

In response to the State Government Cross City Tunnel proposal, could Council include in its submission a solution to the Eastern Suburbs rat run. Install that a no right turn on Ward Avenue during peak hour and close Roslyn Street and Bayswaters Road. It would alleviate some of the problems and not impact adversely on the area

Answer by the Mayor:

I think it would be more appropriate to table that request in more detail and submit it to Mr. Thompson.

7.**CELEBRATIONS – MASCON FESTIVALS ALLOCATION OF FUNDS TO
COMMUNITY FESTIVALS - QUESTION WITHOUT NOTICE BY
COUNCILLOR LENNON (2023203)****Question:**

Council voted an extra \$5,000 to the Mascon Festival so as to include the North Ward.

Could Community Services explain what they did with that money, and could Council investigate the unspent money as they were under budget, to ascertain if funding could be equally distributed to all community based festivals.

Answer by the Mayor:

I will have the Director of Community Development respond to you regarding those matters.

8.

DEVELOPMENT – EMAIL SITE, ZETLAND – REQUEST FOR PUBLIC MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (U02-000854)**Question:**

The Master Plan for the Email site at Joynton Avenue, Zetland is currently on display. I have been approached by several residents of Zetland requesting that Council hold a public meeting at which the Master Plan could be explained and questions asked. In light of the location and size of this site could a public meeting be organised while the Maser Plan is on exhibition?

Answer by the Mayor:

It may be a better option after the Master Plan has come back from the RTA. However I will take the matter on notice and have the Director of Community Development liaise with community planning.

9.

DEVELOPMENT – SAVE ERSKINEVILLE PUBLIC SCHOOL - INFORMATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY(2027253)**Question:**

The "Save Erskineville Estate" group has asked me to table information regarding a public meeting that they are organising on 7 September 2002, and request that copies be provided to all Councillors. Could the General Manager ensure that copies are forwarded to Councillors?

Answer by the Mayor:

Yes.

10.

DEVELOPMENT – SAVE ERSKINEVILLE PUBLIC SCHOOL – REQUEST FOR MAYOR TO ADDRESS MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2027253)**Question:**

I would also like to table a request and forward to the Mayor a letter from the Save Erskineville Estate group requesting that the Mayor address the public meeting on Saturday 7 September 2002.

Answer by the Mayor:

I am happy to attend.

11.**SPORTS – BICYCLE PLAN – IMPLEMENTATION AT COUNCIL PREMISES
- QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S54-00147)****Question:**

Given the work that South Sydney City Council is undertaking to review and implement its bicycle plan. Could Council investigate the provision of bicycle facilities at Council premises and the possible use of bicycles to undertake certain Council activities.

Answer by the Mayor:

I will ask the General Manager to respond.

12.**HEALTH – NICKSON STREET, SURRY HILLS – ERECTION OF DOG LOO
IN PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT
(H51-00199)****Question:**

I have received a request from residents in Nickson Street, Surry Hills for a "Dog Loo" to be placed in the park on the corner of Nickson and Devonshire Streets.

This small park is apparently used by many local people to exercise their dogs. Could Officers investigate whether this is an appropriate use?

Answer by the Mayor:

I will have the relevant Officer from the City Works Department investigate that matter.

13.

PUBLIC RELATIONS – DEVELOPMENT APPLICATION – LODGING OF DA BY COUNCIL AND RELEVANT CODES AND REGULATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2005943)

Question:

Could a report be prepared outlining what Development Applications require Council consent as the land owner prior to submission, and whether it is feasible for DA's involving Council for approval to lodge the DA?

Answer by the Mayor:

Happy to have a report prepared.

14.

ADMINISTRATION – PETITIONS AND RECORDS OF ATTENDANCE AT MEETINGS – PRIVACY ACT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD. (2014991)

Question:

Can a report be prepared outlining the implications of the Privacy Act with regard to petitions and records of attendance at Council run meetings?

Answer by the Mayor:

I will ask the General Manager to clarify the legal requirements of F.O.I.

15.

PROPERTIES – BOURKE STREET AND PALMER STREET, EAST SYDNEY – VACANT LAND AT CORNER – PURCHASE NEGOTIATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2017931)

Question:

This question relates to one I asked on 14 March 2001. There is a vacant RTA block of land on the corner of Palmer street and Bourke Street, East Sydney known as No. 231 Bourke Street. It includes the small park on O'Briens Lane. At what stage are Council's purchase negotiations?

Answer by the General Manager:

I have received a response from the Minister who confirmed that the figure of \$1 million still stands.

GENERAL MANAGER

16.

COMMUNITY – MANAGEMENT OF WOOLLOOMOOLOO PUBLIC HOUSING ESTATE - EXPIRATION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2017931)

Question:

This question was asked on 14 March 2001 as well. Could Council report on the tri-partite agreement managing the Woolloomooloo public housing estate relating to provision of public housing in the estate. I understand that the agreement was for 25 years and is due to expire. Could this be confirmed and if so, could the nature of the agreement be reported.

Answer by the Mayor:

I will ask the General Manager to confirm the date of agreement.

17.

TRAFFIC – MANAGEMENT – DARLINGHURST ROAD, KINGS CROSS – PROPOSED RETENTION OR REPLACEMENT OF FENCES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (T52-00176)

Question:

With regard to the wonderful cattle yard fences on Darlinghurst Road, Kings Cross. Now that the trial of these is completed, could any proposal for removal, replacement or whatever come to Council for debate and approval prior to any action?

Answer by the Mayor:

I will ask the General Manager to report back to Committee on that matter.

18.

ADMINISTRATION – LOCAL GOVERNMENT CODE OF CONDUCT – PROCEDURES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A53-00064)

Question:

Recently in the press it was reported that a Council employee had inappropriately used a Council vehicle. My question is:-

- (a) How did the matter reach the press?
- (b) What is Council's policy in informing Councillors of these matters?

GENERAL MANAGER

Answer by the General Manager:

In response to:-

- (a) I don't know how it was leaked to the press and
- (b) Only if Senior staff face disciplinary action, will Councillors be notified, all other staff matters are dealt with internally.

19.

PARKING – FORBES ST FROM WILLIAM STREET, WOOLLOOMOOLOO – NO STANDING RESTRICTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD. (P51-00161)**Question:**

Now that Council had control of policing parking restrictions, can Officers enforce the No Standing restrictions around the left hand turn into Forbes Street from William Street, Woolloomooloo.

Answer by the Mayor:

I will have that matter referred to the Enforcement Officers.

REPORT OF THE MANAGEMENT REVIEW COMMITTEE

The Management Review Committee Meeting was held at 5.30 p m on Tuesday, 13 August in the Level 11 GM Boardroom.

PRESENT

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

Councillors – Christine Harcourt, Jill Lay, Amanda Lennon, Shayne Mallard, Tony Pooley, Gregory Shaw

General Manager – Michael Whittaker

Ron Wilcoxon, John Hilton, Grahame Dearsley, Peter Chaffe, Monica Barone, Peter Conroy, Michael Duffy, Perry Aria

Apologies: **Clr. Peter Furness, Clr. John Bush**

Meeting declared open at 5.45pm by His Worship, The Mayor, Councillor John Fowler as a chairperson.

GENERAL MANAGER

Meeting Closed at 7.15 p.m

The Management Review Committee recommended the following, namely:-

Recommendation

That Council receives and notes the report on the Management Plan 2001/2004 for the twelve months ended 30 June 2002.

Moved by Councillor Mallard, seconded by Councillor Furness, that the recommendation of the Management Review Committee meeting held on 13 August 2002, be approved and adopted.

Carried.

REPORT OF THE FINANCE COMMITTEE

21 August 2002

PRESENT

Councillor Shayne Mallard (Chairperson)

The Mayor, Councillor John Fowler and Councillor Gregory Shaw

At the commencement of business at 6.59 pm, those present were -

The Mayor and Councillors – Mallard and Shaw.

Apology:

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

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

That the Report of the Finance Committee of its meeting of 21 August 2002, be received and the recommendations set out below for Items 1, 3, 4, 5.1, 5.2, 5.5 and 5.6, be adopted. The recommendations for Items 2, 5.2 and 5.3, having been dealt with as shown immediately following such Items.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

BANKING – TENDER PROCESS - TO INCLUDE ADEQUATE BANKING GUARANTEES (A52-00146)

That the report by the Chief Financial Officer dated 9 August 2002, regarding Council's banking tender process, be received and noted.

Carried.

2.

PARRAMATTA ROAD PROJECT –REQUEST FOR CONTINUATION OF THE PLACE MANAGER PROGRAM FUNDING (2020155)

That Council:-

- (1) approves the funding of \$10,000 for the Place Manager program for this financial year and the money be voted additional to the 2002-2003 budget;
- (2) at the end of the 2002-2003 financial year reviews its position and funding commitments.

Carried on a show of hands 5 to 4.

3.

ROADS AND TRAFFIC AUTHORITY GRANTS 2002/2003 PROGRAM FUNDING – (2019792)

That approval be given to the acceptance of Grant Monies totalling \$812,000 from the Roads and Traffic Authority for the Year 2002/2003 as detailed in the Director of City Works Minute dated 7 August 2002 and that the relevant 2002/2003 Works Program Budgets (Income and Expenditure) be amended accordingly.

Carried.

At the request of Councillor Lennon, the Mayor asked that the appropriate Council Officer write to the Roads and Traffic Authority regarding the ongoing problems of the traffic lights at Taylor Square.

4.

**MASCOT – DARLINGHURST CYCLEWAY – FLORENCE STREET,
EASTLAKES TO MOORE PARK ROAD, PADDINGTON (2027489)**

That approval be given to:-

- (1) the construction of Separable Portion 1 of the Mascot-Darlinghurst Cycleway at full cost to the RTA;
- (2) accept the offer from the Roads and Traffic Authority for the amount of \$340,000;
- (3) the addition of the amount quoted to the 2002/03 Works Program;
- (4) engage existing Footpath contractors to do the required work under the existing contract and schedule of rates. (DPWS report 30.11.2001).

Carried.

5.

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY,
21 AUGUST 2002 COMMENCING AT 6.26 PM**

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

Apology

An apology for non-attendance at the meeting was received from Councillor Jill Lay.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 21 August 2002, be approved and adopted.

5.1.

**LICENSING – OXFORD STREET, NOS.265-267, DARLINGHURST –
PROPOSED FOOTWAY LICENCE (NEW) (2025420)**

That the proposed application by Redmond Company Pty Ltd to occupy 12 square metres of the footway of Oxford Street and South Dowling Street adjacent to St Patricks Tavern at Nos. 265-267 Oxford Street, Darlinghurst as shown on Plan No. S4-130/833, be refused.

Carried.

5.2.**LICENSING – ORWELL STREET, NO.27, POTTS POINT – PROPOSED FOOTWAY LICENCE (NEW) (2014135)**

That approval be given to:-

- (a) the granting of a licence to Regime Pty Limited ABN 22 003537997 of the area adjacent to No. 27 Orwell Street, Potts Point as follows:
 - ? Licence area: 8 square metres, 2 Tables , 8 Chairs
 - ? Hours of operation: 7.00am – 10.00pm 7 days per week
 - ? Period of the licence: 5 years;
 - ? 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/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.

- (c) the execution of all relevant documents and plans by Council's Attorney.
(DCE Report 14.8.02)

Carried.

5.3.**STREETS – WATTLE STREET. ULTIMO – ADJACENT TO NOS. 129-135 BROADWAY – PROPOSED CLOSURE AND SALE OR LEASE OF PART (2027417)**

That approval be given to advertising and action to be taken for the proposed closure and sale or lease of part of Wattle Street, Ultimo as shown stippled on Plan No. S6-280/266 in accordance with the Policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land, adopted

GENERAL MANAGER

by Council on 27 August 1997, and that a further report be submitted to Council at the end of the advertising period.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the word "sale" in the first paragraph of the recommendation of the report by the Director of City Works dated 8 August 2002.

Motion, as amended by Councillor Lay, carried.

5.4.

LICENSING – DARLINGHURST ROAD, NOS. 122 – 132, DARLINGHURST – PROPOSED FOOTWAY LICENCE (CHANGEVER) (2013363)

That approval be given to:-

- (a) the termination of the Licence Agreement dated 3 June 1997 with Shimm Pty Ltd to operate a Footway Restaurant Licence over an area of 10 square metres of the footway of Darlinghurst Road adjacent to 'Eca Bar' at No. 122-132 Darlinghurst Road, Darlinghurst shown stippled on Plan No. S4-130/652;
- (b) the granting of a licence to Richard Simec of the footway of Darlinghurst Road adjacent to "Eca Bar" at No. 122-132 Darlinghurst Road, Darlinghurst as shown on Plan No S4-130/652B as follows:
 - ? Licence area: 10 square metres, 5 tables and 10 chairs
 - ? Hours of operation: 7.00am – 5.00pm Monday – Saturday
9.00am – 4.00pm 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.
- (c) the licence in (a) above terminating on 30 June 2002 and the Licence in (b) above commencing on 1 July 2002;
- (d) the licence in (b) 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.
 - ? limit the number of seats both inside and outside to a total of 24.
- (e) the execution of all relevant documents and plans by Council's Attorney.

(DCE Report 13.8.02)

Carried.

5.5.

ADMINISTRATION - LOTS 51, 52, 53, 59, 60, 61, 62, 63, 64, 65, 67 AND 68 IN DP 1038380, WATERLOO – LAND CLASSIFICATION (2018212)

That the subject lots be classified as Operational Land under Section 31 of the Local Government Act, 1993.

(DCE Report 12.8.02)

Carried.

5.6.

PROPERTIES – LEASING – HUNTLEY STREET, NO. 4, ALEXANDRIA, UNIT 3 – APPLICATION TO LEASE BY SEGAFREDO ZANETTI AUSTRALIA PTY LTD (2023500)

That approval be given to Segafredo Zanetti Australia Pty Ltd being offered a lease of Council owned premises whole or part Unit 3, No. 4 Huntley Road Alexandria, at a rental of \$157.00m2 per square metre per annum subject to Council's standard leasehold provisions and the following conditions, namely:-

- (1) That the lease is to be on a temporary basis for storage purposes until all fire damage to Unit 9 is completed;
- (2) That the Lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than **Ten Million Dollars** (\$10,000,000) indemnifying both the council and the lessee against any claims that may arise during the term of the lease;
- (3) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc by the Lessee

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during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc to Council's City Environment Department for Statutory approvals;

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

(A/DCS Report 21.8.02)

Carried.

The Properties Sub-Committee Meeting terminated at 6.58 p.m.

The Finance Committee Meeting terminated at 7.09 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

21 August 2002

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – Shayne Mallard and Gregory Shaw

At the commencement of business at 7.10 pm those present were -

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

Apology:

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

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

GENERAL MANAGER

That the Report of the Community Services Committee of its meeting of 21 August 2002, be received and the recommendations set out below for Items 1 and 3, be adopted. The recommendation set out below for Item 2 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY SERVICES – ENDORSEMENT OF A PROJECT PLAN AND STEERING COMMITTEE FOR COUNCIL’S AFFORDABLE HOUSING STRATEGY (2011709)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Furness:-

That arising from consideration of a report by the Director of Community Development dated 14 August 2002, Council endorse the establishment of a steering committee, project plan and reviewed time frame for the development of the Affordable Housing Strategy.

Carried.

2.

COMMUNITY SERVICES – AUSTRALASIAN MODEL UNITED NATIONS CONFERENCE – SUPPORT LETTER (422923)

That South Sydney City Council provide a letter of support for the Australasian Model United Nations Conference to demonstrate our identification with the motivations that lie behind the AMUC.

It was moved by the Mayor, seconded by Councillor Mallard, that the whole of the resolution be deleted and that the report by the Director of Community Development dated 21 August 2002, be received and noted, and that the item be withdrawn from Council consideration.

Motion, as amended, carried.

3.

COMMUNITY SERVICES – ADDRESSING HOMELESSNESS ISSUES IN EAST SYDNEY (2024647)

That arising from consideration of a report by the Director of Community Development dated 16 August 2002, Council receive and note the recent

successes in addressing community tension in East Sydney, relating to homelessness.

Carried.

The Community Services Committee Meeting terminated at 7.14 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

21 August 2002

PRESENT

Councillor John Bush (Chairperson)

Councillors - Peter Furness, Christine Harcourt, Amanda Lennon and Tony Pooley.

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

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

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

That the Report of the Planning and Development Committee of its meeting of 21 August 2002, be received and the recommendations set out below for Items 5,6, and 8 inclusive, be adopted. The recommendations for Items 1 to 4 inclusive, 7 and 9 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

REGENT STREET, NOS. 89-99 REDFERN – DEMOLITION OF EXISTING BUILDING AND ERECTION OF A 6 STOREY MIXED USE BUILDING WITH BASEMENT AND GROUND LEVEL CAR PARKING – DEVELOPMENT APPLICATION (U02-00489)

This matter was submitted to Council Without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

GENERAL MANAGER

(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 Augarstone Pty Ltd, with the authority of Sanperez Pty Ltd, to demolish all buildings (with the exception of the heritage facade fronting Regent Street) and erect a 6 storey mixed use building, with basement and ground level car parking at 89-99 Regent Street, Redfern, subject to the following conditions:

(1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to approval of an application for a Construction certificate:

(a) That in order to qualify for a floor space bonus in accordance with the South Sydney Development Control Plan 1997- Urban Design, the owner shall design, construct and meet all costs associated with public domain works associated with the development to the value of \$78,000 as outlined in the Draft Deed of Agreement, being a monetary contribution to Council towards planning, design or construction of paving upgrades, lighting, improvement in pedestrian amenity, landscaping and upgrade in the quality of the public domain. In this regard, the applicant shall contact surrounding residents to ascertain what type of public domain improvements are sought by the local community. Evidence of such consultation shall be submitted to Council.

(b) Details in accordance with Conditions 9, 11, 12, 13 and 14 of this consent.

(2) That the development shall be generally in accordance with plans numbered DA01-DA10 (all Issue B) dated April 2002 and drawn by Harry Sidaway & Associates Pty Ltd, subject to compliance with the conditions below;

(3) 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

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Open Space: LGA Works Programme	\$19,058
Open Space: New Parks	\$86,801
Accessibility And Transport	\$ 571
Management	\$ 1,376
Total	\$107,806

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 – June Quarter 2001/02.

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

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

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

Part B

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind.

GENERAL MANAGER

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;

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

Contribution Category	Amount
Multi-Function Administration Centre	\$28,835

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

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

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 June Quarter 2001/02.

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

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

- (5) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$25,400 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;
- (6) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$11,400, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (7) That the paint from the face brickwork of the facade is to be removed using a method that will not damage the brickwork, under the supervision of a suitably qualified heritage practitioner;
- (8) That the face brickwork is not to be painted, rendered or coated;
- (9) That surfaces intended for painting in the retained facade, such as the rendered parts of the facade, are to be painted in an appropriate colour scheme in keeping with the architectural style and period of the building. Details to be submitted to Council's satisfaction prior to the release of the construction certificate;
- (10) That the first floor windows of the facade to be retained are to be timber framed matching details of the original;

- (11) That there should be a transom bar in the shop fronts of the retained facade separating the bulk of the shop windows from a smaller transom light. Details of the materials are also to be submitted to Council for approval prior to release of the construction certificate;
- (12) That to ensure that the facade does not collapse during construction works, prior to the commencement of any works on the site, an Engineers report is to be submitted to the Council, prepared by a suitably qualified engineer experienced in dealing with heritage buildings. The report is to indicate how the facade is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the facade fabric. Details of all temporary supports and hoarding are also to be provided;
- (13) The building at 89-99 Regent Street was built for Joe Gardiner, prominent boot and shoe manufacturers and importers. In view of the association of the building with Joe Gardiner, an interpretative strategy of this association is to be prepared which is to include a plaque incorporated into the development that will be readily accessible. Details of the strategy, prepared by a heritage practitioner, are to be submitted to Council's satisfaction prior to the release of the construction certificate;
- (14) That a sign clearly visible from the street shall be erected on the site, detailing the contact number and name of the site manager during construction on the site. The site manager shall respond to any complaints or queries made with respect to construction activities, noise or timetabling, and ensure compliance with the conditions pertaining to noise and other emissions in this Consent;
- (15) That a schedule of external colours and finishes, appropriate to the character of Regent Street and the Conservation Area as a whole, is to be submitted to Council's satisfaction prior to the release of the construction certificate;
- (16) That access to the site must be restricted to left in/left out via the driveway, as Renwick Street is one-way;
- (17) That all vehicles must enter and exit the driveway in a forward direction at all times;
- (18) That all vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads and that the current parking restrictions around the site shall not be altered for any vehicles accessing the site;

- (19) That the applicant must erect signs at the driveway boundary to direct all exiting vehicles to turn left;
- (20) That the applicant must ensure that a median island is constructed to separate the driveways in Renwick Street in accordance with Council's DCP 11, Transport Guidelines for Development 1996;
- (21) That visitors and disabled parking spaces must be visible and accessible within the development site for the users in accordance with Council's DCP 11, Transport Guidelines for Development 1996;
- (22) That the applicant be aware that Regent Street is a Classified State Road and it has 'Clearway' and 'No Stopping' restrictions. Wells Street has full time 'No Standing' and/or 'No Stopping' on the northern side and Renwick Street has full time 'No Standing' or 'No Stopping' on the western side. These restrictions will not be altered for any future access to the site;
- (23) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (24) That the applicant shall ensure that all doors (adjacent to the street) open inwardly and do not open over the public way;
- (25) That the applicant shall dedicate, for road purposes, free of cost to the Council:-
 - (a) a 1.1 metres widening along the site frontage to Renwick Street;
 - (b) a 1.3 metres widening along the site frontage to Wells Street;
 - (c) a 2.5 metres by 2.5 metres splay at the intersection of Renwick Street and Wells Street as widened, and
 - (d) a 1.5 metres by 1.5 metres splay at the intersection of Wells Street and Regent Street as widened;

-to be detailed in a plan of subdivision/consolidation of the land, to be registered at Land Information Office prior to issuing an occupation certificate.

- (26) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on Drawing LDA-1 by CLASP Landscape Architects. Installation of species are to be in keeping with the species, size and quantities listed on the drawing;
- (27) That the four trees are approved for removal being 2 x Silky Oaks (*Grevillea robusta*), 1 x Spotted Gum (*Eucalyptus maculata*) and

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1 x Nettle Tree (*Celtis sinensis*) and that replanting is to take place as indicated in the submitted landscape plan;

- (28) That the applicant shall ensure that the six trees that are to be planted on Wells Street are to be Blueberry Ash (*Elaeocarpus reticulatus*) with a minimum planting size of 100 litres;
- (29) That the specific fitout and management details of the cafe and the use of the commercial premises be the subject of further development applications for Council to determine;
- (30) That the non-residential components of the SOHO units be the subject of further development applications unless they comply with the definition of Home Business, as outlined in Part 5, Schedule 1 of South Sydney LEP 1998;
- (31) That car parking Spaces C15 and C16, at ground floor parking level, adjacent to the commercial unit shall be reallocated as loading space for both the commercial and cafe uses;
- (32) That the depicted loading space at basement level shall be reallocated as a disabled space as should parking space C25 at basement level (in this regard, new access may be formed from the car park to the non-residential uses);
- (33) That an area shall be allocated specifically for a car wash bay within the development. This may result in the loss of a car parking space, but is deemed necessary for the requirements of the building occupants;
- (34) That at least three disabled parking spaces shall be allocated within the parking area in close proximity to the lift. The construction certificate plans shall be notated accordingly;
- (35) That signage be installed at the driveway at Renwick Street providing appropriate directions to both of the car parking levels;
- (36) That a signal system be installed to control traffic on the one way ramps, with such signalling to ensure priority to vehicles entering the site. Provision should include:-
 - ? Red signals indicating 'proceed with caution', or similar, at each of the two internal ramps;
 - ? Red signals indicating 'do not enter, vehicle approaching' or similar, at the entry to each of the ramps at the Renwick Street driveway, triggered by exiting vehicles on the ramps;
 - ? Green signals indicating 'proceed with caution', or similar, at each of the two ramps at the Renwick Street driveway.

- (37) That, in conjunction with the signal system outlined above, suitable provisions will need to be made for pedestrian safety at Renwick Street. Provisions shall include installation of electronic signals triggered by exiting vehicles, accompanied with appropriate signage, to warn pedestrians of approaching traffic;
- (38) That, in respect of vehicles associated with loading and unloading goods, appropriate signage is displayed at the driveway to indicate the minimum height within the basement area;
- (39) 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;
- (40) 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);
- (41) 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;
- (42) That the applicant shall apply to the Director of Public Works and Services under section 125 of the Roads Act, 1993 for a licence to operate a restaurant on the footway of Regent and Wells Streets;
- (43) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;
- (44) 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;
- (45) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;

- (46) 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;
- (47) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (48) 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;
- (49) 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;
- (50) 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;
- (51) 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;
- (52) 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;

- (53) 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;
- (54) 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;
- (55) 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;
- (56) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (57) That the applicant shall provide a system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property. Details shall include the provision and maintenance of overland flow-paths and shall be approved together with the Construction Certificate. Such approval may, wholly or in part, rely on a certificate issued by a Council-registered stormwater certifier. If it is to be connected into Council's Stormwater System the maintenance procedures for the entire system shall be documented on the Certificate of Title for the property in the form of a "positive covenant";
- (58) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on the land title. The wording of this covenant shall be in accordance with that provided by Council. (Please contact the Traffic and Design Branch on 9288 5472 for further information).
- (59) A separate application for works on the public way related to the connection shall be made to Council pursuant to section 68 of the Local Government Act, 1993. Approval shall be obtained prior to the issue of the Construction Certificate.

- (60) The applicant shall be responsible for payment of application fees and the full cost of work, as well as the lodgement of security deposits, public liability insurance and the positive covenant;
- (61) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a construction certificate. The landscape plan shall nominate:-
- (i) materials and finishes – plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.
 - (ii) Levels and drainage – plans, details and/or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.
 - (iii) Planting plan – plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plans, as modified by the conditions of this consent.
- (62) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (63) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks/QCVs installed in private landscape areas are to be at a minimum one per 80m² of landscaped area;

- (64) The owner /applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;
 - (65) 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;
 - (66) 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;
 - (67) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
 - (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 details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
 - (70) 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;
 - (71) 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;
- (B) That persons who made representations in respect to this matter be advised of Council's decision.

Carried.

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

2.

CROWN STREET, NOS. 353-359, SURRY HILLS - ADDITIONS TO EXISTING BUILDING (MEDINA ON CROWN) - DEVELOPMENT APPLICATION (U01-01156)

At the Council Meeting the General Manager declared an interest in the Item in that he was a resident of the subject premises and left the Council Chamber.

This matter is submitted to Council without recommendation:-

Moved by Councillor Bush, seconded by Councillor Harcourt.

(28) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Toga Building Company with the Authority of Medina Apartments Pty Ltd, to erect additional commercial floor space above an existing building, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters and there have been agreed to in writing by the Director of City Environment:
 - (a) The execution of a deed of agreement for the carrying out of public domain improvements in the vicinity of the site to a value of \$535,800, the works to be specified in the agreement;
 - (b) Preparation of a plan detailing the materials, colours and finishes of the addition to ensure their compatibility with the existing structure;
- (2) That the development shall be generally in accordance with plans DA01 and DA02, both revision C dated 1 August 2002 stamped and endorsed by Council, subject to compliance with the other conditions of this consent;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and

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Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,800, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (5) That the height of the car park exhaust duct at the northern end of the building shall not exceed the height of the roof of the addition adjacent to it;
- (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	\$2,700
Open Space: New Parks	\$10,430
Accessibility And Transport	\$77
Management	\$335
Total	\$13,542

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.

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

where:

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

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being June Quarter 2001/02.

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;

- (7) That in order to qualify for a floor space ratio bonus to permit development in excess of the floor space ratio standard, the applicant/developer shall provide public domain improvements to a value of \$535,800, such works to be detailed and accompanied by timetables for construction where appropriate in a deed of agreement between the Council and the applicants;
- (8) That 12 additional car spaces within the car park shall be allocated for use by the office component of the building;
- (9) That the northern section of the roof top terrace adjacent to the rooftop car park exhaust duct shall be made untrafficable if its usage would require any increase in height of the exhaust duct above the level of the adjoining roof;
- (10) That plans and specifications demonstrating compliance with the nominated standards and requirements for all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT – Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2) of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work;
- (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:
 - (i) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;
 - (ii) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (iii) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;

- (iv) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
- (v) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
- (vi) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (vii) That the services passing through a floor shall either be installed in shafts complying with the requirements of the Type (A) construction or protected in accordance with C3.15 of the BCA;
- (viii) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (ix) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (x) That all materials, linings and surface finishes attached to or forming part of fire isolated stairway/fire isolated passageway/fire isolated ramp shall comply with Specification C1.10-3 of the BCA;
- (xi) That all glazing materials shall comply with Part 3.6 of the BCA;
- (xii) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (xiii) That electricity and telecommunication services shall not be installed in a required non-fire-isolated exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;
- (xiv) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of

2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;

- (xv) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (xvi) That the efficient coverage and operation of any fire fighting equipment or egress requirements shall not be impaired by the partitioning layout;
- (xvii) That notices outlining the “offences relating to Fire Exits” shall be displayed in a conspicuous position adjacent to each doorway providing access to the fire isolated stairway in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000;
- (xviii) That the unobstructed width in a required exit or path of travel to an exit shall be not less than 1000mm in accordance with D1.6 of the BCA, except the unobstructed width of any doorway may be reduced to not less than 750mm;
- (xix) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (xx) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (xxi) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (xxii) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (xxiii) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (xxiv) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
 - (xxv) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
 - (xxvi) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
 - (xxvii) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
 - (xxviii) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (xxix) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
 - (xxx) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
 - (xxxi) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (xxxii) That smoke hazard management shall comply fully with the requirements of Part E2.2 of the BCA;
 - (xxxiii) That balustrades shall comply fully with the requirements of Part E2.2 of the BCA;
- (12) That all relevant sections of the BCA shall be complied with;
- (13) 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;

- (14) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (15) 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;
- (16) That the requirements of the Work Cover Authority shall be complied with;
- (17) 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;
- (18) 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:
 - (i) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (ii) 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;
- (19) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (20) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;

- (21) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (22) 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 to 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;

and the following standard conditions:

- (23) Obstruction of the public way³¹⁰¹
- (24) Work zones³¹⁰²
- (25) Delivery of construction materials³¹⁰⁴
- (26) Off-street car parking for construction workers³¹⁰⁹
- (27) Associated roadway costs³¹¹¹
- (28) Stormwater (general)⁴¹⁰¹
- (29) Refuse skips⁶¹⁰²
- (30) Builders hoarding permit³⁰
- (31) Ventilation⁷⁰²⁵
- (32) Noise⁷⁰³⁰
- (33) Trade waste⁷⁰⁸²

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.

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

Carried.

3.

**BOURKE STREET, NOS. 563-565 BOURKE STREET, SURRY HILLS
(CARRINGTON HOTEL) – ACOUSTIC SCREENING TO THE MECHANICAL
VENTILATION AND AIR CONDITIONING UNITS AT ROOF LEVEL –
DEVELOPMENT APPLICATION (U01-00533)**

This matter is submitted to Council without recommendation:-

Moved by Councillor Bush, seconded by Councillor Mallard.

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Ferrari Industries Pty Ltd, with the authority of Franco & Robyne Ferrari, to erect screen walls to the air conditioning unit and ductwork located on the single storey level roof at the rear of the Carrington Hotel at 563-565 Bourke Street, Surry Hills, for the following reason, namely:-
- (1) That the work has been partially constructed without the prior consent of Council.
- (B) The applicant be advised that, without prejudice, no legal action will be taken in relation to the unauthorised works, subject to the following matters being addressed within 40 days of the date of this determination:-
- (1) That a statement from the owner of the land confirming that the works are in accordance with plans numbered F56B/03B, F56B/01B, F56B/02B and F56B/04A, dated 16 January, 2002 and the recommendations of the Wilkinson Murray Acoustic Report dated 6 September, 2001, submitted to Council;
- (2) That all unauthorised works associated with this development application shall be structurally certified as complying with all relevant standards and codes and a structural certificate from an appropriately qualified consultant shall be submitted to Council confirming this;
- (3) That noise from the use and operation of any plant and equipment associated with the premises shall not give rise to

'offensive noise' as defined under the Protection of the Environment Operations Act, 1997 and that an acoustic report shall be prepared and signed off by an appropriately qualified specialist confirming that the noise emanating from the plant and equipment following erection of the screens, complies with the requirements of the Protection of the Environment Operations Act, 1997.

It will be necessary to detail further design and/or acoustic measures, which shall be subject to the further formal consideration of Council, and notification of surrounding properties, should the screens not ensure compliance with the above noise criteria.

- (4) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to Council and shall be signed off by an appropriately qualified specialist. The certificate of performance shall be in a form acceptable to Council and shall be accompanied by details of the test carried out in respect of acoustics to confirm compliance with Requirement (3) above;
 - (5) That the screens and all features visible from a public place be painted in a colour scheme consistent with the structures in place and the remainder of the hotel;
 - (6) That all demolition, excavation 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.
- (C) That the applicant shall be advised that failure to comply with the above requirements will result in an Order being issued under the Environmental Planning and Assessment Act, 1979 and Local Government Act and/or a penalty notice under Section 126 of the Environmental Planning and Assessment Act, 1979.
- (D) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

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.

4.

MISSESDEN ROAD, NO 8B, CAMPERDOWN – USE OF EXISTING BUILDING AS RESTAURANT, CONVENIENCE STORE AND PHARMACY – DEVELOPMENT APPLICATION (U02-000382)

That the application be approved, subject to the conditions of the report by the Director of City Environment dated 16 August 2002.

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

- (A) That the Council as the responsible authority grants its deferred commencement consent under Clause 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Boston Market Pharmacy Australia Pty Ltd, with the authority of St John's College for permission to make alterations to an existing building for use as a convenience store, restaurant and pharmacy with automatic teller machine, subject to the following conditions, namely:
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters and these have been approved in writing by the Director of Planning and Building:-
- (a) That a plan shall be submitted detailing the colours and finishes of the façade, which are to be in keeping with the period and style of the building;
- (b) That a plan shall be submitted showing an appropriate layout for the employee parking area with information on signage or other means to prevent access to these areas by the public;
- (c) That a plan shall be submitted showing the detail design of the proposed awning;

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- (d) That an undertaking is given in writing by both the applicants and the proprietors of the convenience store, that they will not locate any signage on or so as to be visible from a public road other than on the site which identifies the presence or location of the business, and that they will not distribute or cause to be distributed any leaflet which identifies the specific location of the business other than within Missenden Road or within the University and Hospital grounds;
- (2) That the development shall be generally in accordance with plans numbered DA 200 and DA201 dated 20 March 2002, DA001 dated 19 March 2002 and TK001 and TK002 dated 19 March 2002 as amended by the Council in red and date stamped and 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 \$24,750 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the proposed rear loading bay shall be for the use of all tenants of the building and no delivery to any tenancy shall take place from Missenden Road;
- (6) That no public parking spaces shall be provided and the parking area shall have a capacity of six spaces only, to be distributed as follows: 2 spaces for the restaurant, 2 spaces for the convenience store and two spaces for the pharmacy;
- (7) That a sign shall be erected at the entrance to the driveway stating that the drive way is for staff only and that no parking is provided for customers;
- (8) That the illuminated Boston Market above awning sign mounted on the curved façade shall be placed as close as possible to the face of the building;

- (9) That where glazing in the restaurant is to be enlarged, a transom shall be placed in the window at the line of the existing sills;
- (10) That an archaeological assessment shall be carried out by a qualified historical archaeologist of that unbuilt upon part of the site identified in the Conservation Management Plan as having archaeological potential, prior to the carrying out of any site works. This must be referred to the NSW Heritage Office which will advise whether an excavation permit under the NSW Heritage Act is required before works can be carried out that will involve ground disturbance and no such works shall commence until that advice has been received and shall be in accordance with it;
- (11) That the building shall be painted in a colour scheme appropriate to its character, style and period;
- (12) That the pharmacy and restaurant shall operate only between the hours of 6.00am and midnight;
- (13) That the convenience store may operate for 24 hours a day for the first 6 months and shall then revert to 6am to 12 midnight unless a further development application is lodged and approved;
- (14) That no additional short term signage advertising the tenancies or any special offers shall be displayed on the building, in its curtilage or on the adjoining footpath at any time;
- (15) That all vehicles shall enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to manoeuvre wholly within the site and not encroach upon public roads;
- (16) That the applicant shall ensure that the trees numbered 1, 4, 6, 8, 10, 11, 12, 14 and 16 as shown on a copy of plan SG-SP01 amended by Council's Tree Preservation Officer are to remain. That applicant shall have tree protection measures installed to minimise damage during construction. The protection measures should be managed by a qualified arborist to ensure the survival of the trees during construction;
- (17) That the applicant may remove the following trees numbered 2, 3, 5, 7, 9, 13, 15, 17 and 18 as shown on a copy of plan SG-SP01 amended by Council's Tree Preservation Officer;
- (18) That the applicant may remove trees 5, 7 and 9 as shown on a copy of plan SG-SP01 amended by Council's Tree Preservation Officer along John Hopkins Parade to allow the canopy

development of the trees marked for retention. Larger tree pits should also be considered for the trees marked for retention;

- (19) That the applicant shall ensure that the kerb line should be a minimum of four metres away from the trees 14 and 16 as shown on a copy of plan SG-SP01 amended by Council's Tree Preservation Officer, as this will allow minimal damage to the root system of the trees;
- (20) That an adequate supply of hot and cold water be provided to the garbage room for the cleaning of garbage bins this water being drained to the sewer;
- (21) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That the proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
 - (b) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
 - (c) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
 - (d) That ramps serving as required exits shall have a non-slip finish to the floor surface of the ramp and a suitable gradient not steeper than that permitted by D2.10 of the BCA;
 - (e) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (f) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
 - (g) That access and car parking for people with disabilities shall be provided in accordance with Part D3 of the BCA;

- (h) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
- (i) a door which can at all times be opened from inside without a key;
 - (ii) an approved alarm device located outside but controllable only from within the chamber;

The door referred to in paragraph (I) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;

- (i) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (j) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (k) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (l) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (m) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (n) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (o) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (p) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;

- (q) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (r) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
 - (s) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (t) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
 - (u) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
 - (v) That access for people with disabilities shall comply fully with the requirements of Part D.3 of the BCA;
- (27) That no additional advertising or promotional posters, stickers, banners or signage shall be located on or behind the windows of any of the tenancies;
- (28) That the degree of internal illumination of the convenience store and restaurant shall be at the discretion of Council, and shall be adjusted if Council is advised that such lighting is generating a nuisance;

-and the following standard conditions:

- (29) Alignment levels³²
- (30) Road opening permit³⁴
- (31) Display street number¹¹¹⁰
- (32) Obstruction of the public way³¹⁰¹

- (33) Work zones³¹⁰²
- (34) Vehicular footway crossing³¹⁰³
- (35) Delivery of construction materials³¹⁰⁴
- (36) Off-street car parking for construction workers³¹⁰⁹
- (37) Pedestrian safety³¹¹⁰
- (38) Associated roadway costs³¹¹¹
- (39) Stormwater (general)⁴¹⁰¹
- (40) Clean water discharge⁴¹⁰²
- (41) Irrigation⁵¹⁰⁵
- (42) Maintenance⁵¹¹⁴
- (43) Final inspection⁵¹¹⁵
- (44) Garbage on the public way⁶¹⁰¹
- (45) Refuse skips⁶¹⁰²
- (46) Garbage storage area⁶¹⁰³
- (47) Ventilation⁷⁰²⁵
- (48) Air handling - food⁷⁰²²
- (49) Fitout of food premises⁷⁰²⁰
- (50) Trade waste⁷⁰⁸²
- (51) Emissions⁷⁰⁰⁴
- (52) Compliance with BCA⁹¹⁰⁴
- (53) Construction Certificate required⁹¹⁵⁵
- (54) Stormwater details⁹⁰⁰³
- (55) Structural Design Certificate⁹⁰⁰⁶
- (56) Comply with the WorkCover Authority⁹¹⁰⁵
- (57) Construction hours⁹¹⁵¹

- (58) Building/demolition noise control⁹¹⁵⁶
- (59) Maintain existing building in a stable condition⁹¹⁵⁷
- (60) Works to be within allotment boundaries⁹¹⁵⁸
- (61) Demolition to comply with Australian standard⁹¹⁶¹

NOTE: You are advised that any requirements of Sydney Water for grease arresters are to be complied with.

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

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

- (B) That persons who lodged submissions be advised of the Council's decision.

Carried.

5.

DEVINE STREET, NO. 8 – ERECTION OF NEW DWELLING IN REAR GARDEN, REFURBISHMENT OF EXISTING WEATHERBOARD COTTAGE ON SITE AND STRATA SUBDIVISION INTO 2 LOTS - DEVELOPMENT APPLICATION – (U02-00271)

That the Development Application submitted by T Vasilopoulous, with the authority of T Vasilopoulous and F Vasilopoulous, to refurbish and alter the existing dwelling on the site and erect new structures to the rear to provide for 2 two-bedroom dwellings, be deferred to the next Planning and Development Committee meeting to be held on 4 September 2002.

Carried.

6.

DEVINE STREET, NO 10 – ERECTION OF NEW DWELLING IN REAR GARDEN, REFURBISHMENT OF EXISTING WEATHERBOARD COTTAGE ON SITE AND STRATA SUBDIVISION INTO 2 LOTS – DEVELOPMENT APPLICATION - (U02-00270)

That the Development Application submitted by T Vasilopoulous, with the authority of T Vasilopoulous and F Vasilopoulous, to refurbish and alter the existing dwelling on the site and erect new structures to the rear to provide for

2 two-bedroom dwellings, be deferred to the next Planning and Development meeting to be held on 4 September 2002.

Carried.

7.

DRIVER AVENUE, SYDNEY CRICKET GROUND – PROPOSED CONCERT ON OCTOBER LONG WEEKEND 2002 – DEVELOPMENT APPLICATION (U02-00662)

- (A) Application approved subject to the conditions in the report of the Director of City Environment dated 31 July 2002, and subject to the addition of the words “for \$30,000” after the words “bank guarantee” in the first line of condition (5) of the recommendation.
- (B) That two **NOTES** be added to the recommendation, namely:-

NOTE 1:

That Council write to the Sydney Cricket Ground Trust in respect of all future concerts that are proposed for the SCG having public transport options included with the ticket in order to reduce car dependency and that these matters be raised with the operator for the concert.

NOTE 2:

That the Sydney Cricket Ground Trust be requested to inform and ensure that any notification by a promoter of future concerts at the SCG is subject to development consent by Council.

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

That the application be withdrawn as requested in their fax dated 28 August 2002, by the SCG Trust.

Motion, as amended by consent, carried.

8.

ADMINISTRATION - TAKING THE DEVIL OUT OF DEVELOPMENT – SSROC SUBMISSION TO ICAC INTERIM REPORT

That Council:-

- (1) supports the SSROC submission to the ICAC’s interim report “Taking the Devil Out of Development”, and

(2) writes to SSROC indicating Council's support for the submission.

Carried.

At this stage, Councillor Bush requested that Councillor Furness withdraw and apologise in relation to this Item, regarding a comment made by Councillor Furness at the Planning and Development Committee meeting, concerning the chair of that Committee.

Councillor Furness withdrew and apologised unreservedly

9.

DEPARTMENT OF HOUSING NOS. 44-52 MOREHEAD STREET, NOS. 57-75 WALKER STREET, NOS. 66-80 WALKER STREET, NOS. 600-614 ELIZABETH STREET AND NOS. 3-5 KETTLE STREET, REDFERN – DEMOLITION OF 106 DEPARTMENT OF HOUSING PROPERTIES, ERECTION OF 88 PUBLIC AND 158 PRIVATE DWELLINGS – MASTERPLAN AND 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)

That Council defer the application pending the outcome of the next Mayoral discussions, upon which the matter will be referred back to Planning and Development Committee meeting to be held on 4 September 2002.

In relation to this matter a Minute by the Mayor dated 28 August 2002, was circulated to all Councillors and Council adopted the above recommendation of the Planning and Development Committee

Carried.

The Planning and Development Committee Meeting terminated at 7.30 p.m.

The Council Meeting terminated at 8.05 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER