

307TH Meeting

Erskineville Town Hall
Erskineville
430085

Wednesday, 11 September 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.33 pm on Wednesday, 11 September 2002.

PRESENT

His Worship, The Mayor, Councillor Tony Pooley (Chairperson)

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

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	1054
Leave of Absence - Councillor John Bush	1054
Committee of the Whole	1054
Minutes by the Mayor	1057
Minutes by the General Manager	1061
Questions Without Notice	1063
Report of Finance Committee	1074
Report of Finance Committee (Confidential Matter)	1077
Report of Planning and Development Committee	1078
Notice of Motion	1124

At this stage the Mayor asked that all present at the council meeting remain standing for a minutes silence to mark the first anniversary of September 11th respecting the victims on that day.

Confirmation of Minutes

Moved by Councillor Mallard, seconded by Councillor Furness:-

That the minutes of the Ordinary Meeting of Council of 28 August 2002, and the Extraordinary Meetings of Council of 2 September 2002, be taken as read and confirmed.

Carried.

Leave of Absence

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

Moved by Councillor Lennon, seconded by Councillor Fowler:-

That the apology be received and accepted and leave of absence from the meeting be granted as approved at the Council meeting of 2 September 2002.

Carried.

Committee of the Whole

At this stage and at 6.50 pm, it was moved by Councillor Harcourt, seconded by Councillor Furness:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matters, as it dealt with commercial matters.

Carried.

(1) ADMINISTRATION – MANAGEMENT CONTROL – RESOURCE SHARING WITH NEIGHBOURING COUNCILS (C57-00065).

A minute by the General Manager dated 9 September 2002, was circulated to all Councillors prior to the Council Meeting.

The reason for this matter being press and public excluded was that it dealt with a commercial matter in accordance with Section 10A(2) of the Local Government Act.

10A(2)(d)(i) Commercial information that if disclosed would prejudice the commercial position of the person who supplied it.

Michael Whittaker (SGD)
General Manager

(2) REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY 4 SEPTEMBER 2002 AT 6.31 PM

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

At the commencement of business at 6.31 pm, those present were -

The Mayor and Councillors – Bush, Harcourt and Mallard.

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

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

Item 1 - Properties Matter.

The Committee **recommends** the following:-

1.

PROPERTIES - LEASING - OXFORD STREET, NO. 56, NO. 68 AND NO. 74, DARLINGHURST - APPLICATION BY VARIOUS TENANTS, STYLSTONE CLOTHING PTY LTD, CLAITRACK PTY LTD AND AXEL BEERS PTY LTD FOR REDUCTION IN RENT (L52-00118, 2025061, L52-00075)

- (1) That the matter be deferred until the completion of the Strategic Properties Management Plan.
- (2) That business owners at the western end of Oxford Street, who reside in Council owned premises, be fully informed of and encouraged to participate in the Oxford Street Reference Group.

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

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

At 7.00. pm the Council Meeting resumed.

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

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

(1) **Administration – Management Control – Resource Sharing with Neighbouring Councils.**

That the recommendation of the General Manager in minute dated 9 September 2002, be approved and adopted.

(2) **Properties – Leasing – Oxford Street, No. 56, No. 68 and No. 74, Darlington – Application by various Tenants, Stylone Clothing Pty Ltd, Claitrack Pty Ltd and Axel Beers Pty Ltd for Reduction in Rent (L52-00118, 2025061, L52-00075)**

- (a) That the matter be deferred until the completion of the Strategic Properties Management Plan.
- (b) That business owners at the western end of Oxford Street, who reside in Council owned premises, be fully informed of and encouraged to participate in the Oxford Street Reference Group.
- (c) That the applicants be notified of Council's decision.

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

GENERAL MANAGER

MINUTE BY THE MAYOR

11 September 2002

COUNCILLORS – PAYMENT OF FEE TO DEPUTY MAYOR (2004430)

Section 249(5) of the Local Government Act 1993 in relation to the payment of an additional fee to the Deputy Mayor states:

"249 Fixing and payment of annual fees for the mayor

- (5) [Deputy Mayor] A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."

Accordingly, it is proposed that the Deputy Mayor be paid an annual fee of \$3,600 for the period of September 2002 to August 2003 and that the fee be deducted from the Mayoral Allowance at the rate of \$300 a month.

RECOMMENDATION:

That in accordance with Section 249(5) of the Local Government Act 1993, the Deputy Mayor be paid an annual fee of \$3,600 for the period September 2002 to August 2003 and that the Mayoral Allowance be reduced by this amount.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

11 September 2002

**PUBLIC RELATIONS – DEATH OF SIR EMMET MC DERMOTT KBE –
CONDOLENCE(2004380)**

It is with regret that I inform Council of the recent death of Sir Emmet Mc Dermott after a long illness.

Sir Emmet was Lord Mayor of Sydney from 1969 to 1972, during which time the City of Sydney hosted visits by the Queen and the Pope.

Under Sir Emmet's stewardship , Sydney saw the beginnings of projects such as the renovation of the Queen Victoria Building, the redevelopment of the Rocks area and the establishment of a pedestrian precinct in Martin Place, used regularly by citizens of Sydney.

He was also the father of Anne Keeling from Council's Aged and Disability Services. A funeral service for Sir Emmet was held at St. Mary's Cathedral, Sydney, on Tuesday September 3, and Council forwarded a wreath of flowers.

It is recommended that a letter under the signature of the Mayor offering the condolences of the Council, be forwarded to Anne Keeling and that confirmatory approval be given to flowers that were sent to the funeral on behalf of Council.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

10 September 2002

**PUBLIC RELATIONS – DEATH OF JOYCE CAMERON
(MOTHER OF FORMER COUNCILLOR SONIA FENTON) (2004380)**

It is with regret that I inform Council of the recent death of Mrs. Joyce Cameron, aged 83, who died of a sudden illness.

Joyce was the mother of Sonia Fenton, former Councillor of South Sydney Council, from 1989 to 2000, representing the North Ward.

It is recommended that a letter under the signature of the Mayor offering the condolences of the Council, be forwarded to Sonia Fenton.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Fowler, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

11 September 2002

**DONATION – GAY GAMES – MOANA PACIFIKA FUNDRAISER – PURCHASE OF
TABLE FOR 28 SEPTEMBER 2002 (2027040).**

Council received an e-mail dated 6 September 2002 from Rex Turnbull the Coordinator of the Moana Pacifika Group requesting Council buy a table at the forthcoming Moana Pacifika fundraiser dinner.

The event is being held at Redfern Town Hall on Saturday, 28 September 2002 and will raise funds to bring financially disadvantaged participants from Pacific Rim countries to the 2002 Gay Games.

The event's organisers have been given free use of Redfern Town Hall as part of Council's sponsorship of the 2002 Gay Games.

Tickets are \$75 each and there are 15 tables of 10 (\$750 per table). The organisers hope to raise \$11,250 from the evening.

GENERAL MANAGER

At the time of the writing of this minute, the following councillors, staff and their guests have expressed an interest in representing Council at the function:

- ? Councillor Peter Furness, Deputy Mayor
- ? Councillor Greg Shaw
- ? Councillor Shayne Mallard
- ? Suzie Matthews, Council's Gay & Lesbian Liaison Officer

RECOMMENDATION:

That Council agrees to purchase at a cost of \$750 a table for ten people (10) at the Moana Pacifika dinner to be held on Saturday, 28 September 2002 at Redfern Town Hall. This event will help raise funds to bring financially disadvantaged participants from Pacific Rim countries to the 2002 Gay Games. The \$750 is to be charged under S356 of the Local Government Act and this expenditure added to the 2002/2003 Donations Budget (6815 16410).

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Shaw, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

11 September 2002

**DONATIONS – LAUNCH OF DOCUMENTARY ON MUSIC “THE CROSS” –
REQUEST FOR SUPPORT BY KINGS CROSS AND INFORMATION CENTRE
(2017151).**

Council has received a request from Kings Cross Community and Information Centre for Council to host the launch of a documentary on music, “The Cross”. The documentary is proposed to be launched on 12 October 2002 as part of the Kings Cross Culture Festival.

Council previously provided \$5,500 to Kings Cross Community and Information Centre under the 2001/2002 Annual Community Grants Program, for the Crossbeat Project which undertook the exploration of the history of Kings Cross through music.

It is proposed that the event would be similar to the very successful launch of the anthology, “Walking the Bird” which Council hosted last year at Kings Cross Library.

GENERAL MANAGER

The event would be an early evening function for about 70 local residents with supper and entertainment provided and the estimated cost is \$2,000.

The Kings Cross Community and Information Centre applied for funding for another project under the 2002/2003 Annual Community Grants, however this was unsuccessful.

Separate from the above organisation, the Kings Cross Cultural Festival received a donation of \$5,500 from Council under the 2002/2003 Budget, similar to other Council festivals.

Unfortunately, as the 2002/2003 Donations Budget (24.6815.16410) is already fully expended this request cannot be supported through the Community Grants Program.

However, should Council wish to approve this request, funds from Civic Receptions (1.51.3110.16615.0) are available.

RECOMMENDATION:

That Council consider the request from the Kings Cross Community and Information Centre to host the launch of "The Cross" on 12 October 2002 for which \$2,000 is available in the 2002/2003 Budget – Civic Receptions (1.51.3110.16615.0).

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

10 September 2002

ADMINISTRATION – SECTION 12 AND 53 OF LGA 1993 – EXPRESSIONS OF INTEREST – TENDER NO. S8023/02 – AMENDMENT TO RESOLUTION OF COUNCIL 14 AUGUST 2002(2019536)

Council's call for Expressions of Interest – Tender No: S8023/02 – Sale and/or Development of Council properties closed on 2 September 2002. This process has attracted a significant amount of public and media interest over the past two months.

In order to ensure transparency in the process and uphold the principles of open and accountable government, Council should reinforce the availability of its Land Register to all members of the public in accord with sections 12 and 53 of the *Local Government Act 1993*.

GENERAL MANAGER

Further, at its meeting of 14 August 2002 Council resolved to restrict access to information requested by the Council of the City of Sydney in accordance with s12 (3) of the *Local Government Act 1993*. In order to ensure the same level of transparency, it is recommended that Council remove the Land Register from the list of items to which access was restricted.

As per Council's adopted 2002/03 Fees and Charges, the following fees apply:

Retrieval Costs

Retrieved from Council's current records - \$40 per hour or part thereof

Retrieved from Council's archived records - \$110 per hour or part thereof

Copying of Council Documents by Council Staff

A4 Copy - \$1.00 per copy

Other Sizes – POA per copy

RECOMMENDATION:

Council approve:-

- (1) The continued availability of the Land Register to all members of the public in accord with s12 of the *Local Government 1993*;
- (2) The amendment of the resolution of Council of 14 August 2002 regarding restriction of access to information by the Council of the City of Sydney to exclude the Land Register from items to which access has been restricted in accordance with s12 (3) of the *Local Government Act 1993*.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

QUESTIONS WITHOUT NOTICE

1.

CLEANING – SIGNS – BANNERS – CORNER OF REGENT AND CLEVELAND STREETS, REDFERN – QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2004473)

Question:

The South Sydney Council banners at the corner of Regent and Cleveland Streets, Redfern, are very dirty and have seen better days. Can they be replaced?

Answer by the Director of City Works:

I will do a review of all Council banners with the view of having them all dry cleaned.

2.

DEVELOPMENT – GRANTHAM STREET, No. 13, POTTS POINT – ERECT ENTRY GATES AND SECURITY LIGHTING –QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (U00-00518)

Question:

A resident of Oak Lane, Potts Point, has asked whether consent was granted for the erection in 2001 of the gate at the end of Grantham Street and Oak Lane, Potts Point, as well as other metal poles restricting pedestrian access and if so, whether any conditions were attached to the consent? Could an appropriate Council Officer provide a response to this question?

Answer by the Mayor:

Yes.

3.

MEMBERSHIP – WITHHOLDING OF SUBSCRIPTION TO THE NUCLEAR FREE ZONES SECRETARIAT –QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (M54-00004)

Question:

Could your office make contact with Cr. Genevieve Rankin, National Convenor of the Nuclear Free Zones Secretariat as she has requested member Councils withhold payment of their subscriptions until the organisation can regain control of their bank account?

Answer by the Mayor:

If you provide the appropriate information Councillor Furness, I will make that contact.

4.

DEVELOPMENT – FORMER EMAIL SITE ZETLAND – COMPLIANCE OF PARKING AND HOURS OR CONSTRUCTION –QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (U02-00854)

Question:

At last night's public meeting in Zetland on the masterplan for the former Email site, complaint was made of parking in nearby residential streets and construction conducted out of approved hours at the Landcom site in Victoria Park despite conditions of consent addressing these matters. Part of the problem appears to be the small fines that can be imposed for breaches.

Could a report be prepared advising options available to ensure compliance with conditions of consent regarding parking and hours of construction and include discussion of requiring payment of a bond?

Answer by the Director of City Environment:

I will have that report come to Council.

5.

LEGAL – DEFAMATORY STATEMENTS AGAINST COUNCILLORS – QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (L53-00036)

Question:

Mr Mayor, I wish to table an anonymous and scurrilous flyer distributed to households throughout South Sydney in the lead up to the Mayoral election which, among other things, imputed improper motives to a serving Councillor on South Sydney City Council in the conduct of his civic duties.

I have received preliminary legal advice in relation to this flyer indicating there may have been an offence committed under the *Local Government (Elections) Regulation 1998* with respect of the absence of the details of the person authorising the printing of the material for which the maximum penalty is a fine of \$550.

Such advice also indicated that, in so far as the Councillor named in the flyer is a candidate for a state election due within 12 months, there appears to have also been committed an offence under the *Parliamentary Electorates and Elections Act 1912* with respect of the same absence of an authorisation, the maximum penalty for which is a fine of \$550 or six months imprisonment.

I have further been advised that the agency responsible for the prosecution of offences under both of these Acts is not the State Electoral Office, but the Office of the Director of Public Prosecutions and that should a successful prosecution be obtained against a person elected to civic office, an application may then be made to the Administrative Decisions Tribunal for an order to dismiss that person from that office.

Could advice be obtained from an appropriately qualified legal practitioner confirming what action may be taken against those responsible for the preparation, printing and distribution of this flyer?

Answer by the Mayor:

If it is the will of Council, I am more than happy to seek that advice.

6.

LEGAL – PROTOCOL REGARDING LEGAL CONCERNS OF ELECTED COUNCILLORS –QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (L53-00036)

Question:

Is it normal protocol for the machinations of bureaucracy to be caught up in legal concerns of the democratically elected people?

Answer by the Mayor:

Certainly, another Councillor has sought legal advice in relation to an interview, which you may recall followed your own interview, and it is certainly not a path Council has gone down, if I can put it like that.

7.

TRAFFIC – INSTALLATION OF A "NO THROUGH TRAFFIC" SIGN AT CRAIGEND STREET, DARLINGHURST –QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2006756)

Question:

I have a request from Darlinghurst residents, off Craigend Street, going towards the Altair, where the footbridge is from Oswald Lane, there is a small lane going up behind the Department of Housing. When traffic blocks up, traffic goes through the "No Through Road" and then has to reverse back, which becomes a potentially dangerous situation.

Could a "No Through Traffic" sign be put to the left hand side of the footbridge going up Craigend Street?

Answer by the Director of City Works:

I will seek further clarification from the Councillor after the meeting, so we can investigate the matter further.

8.

COMMUNITY SERVICES – MENTALLY ILL PEOPLE – DARLINGHURST AND KINGS CROSS AREAS – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (5259735)

Question:

What is the State Government making available after hours for mentally ill people who live in the Darlinghurst and Kings Cross areas?

Answer by the Mayor:

I will ask the Director of Community Development to respond.

Answer by the Director of Community Development:

I will collect that information and forward a response through the Councillors Information Service.

9.

HEALTH – COMPLAINTS REGARDING LATE NIGHT ROAD WORKS – PALMER STREET – DARLINGHURST –QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (5259735)

Question:

There are residents in Palmer Lane complaining about the resurfacing of Palmer Street. I won't go into details, but could we have a report and a response to this matter done as a matter of urgency?

Answer by the Director of City Works:

I have seen one or two e-mails and I believe there are a series of them. I will report back.

10.

**TRAFFIC – PEDESTRIAN CROSSING ELIZABETH BAY ROAD,
ELIZABETH BAY – SAFETY ISSUES – QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (2011171)**

Question:

A resident has complained that he was nearly run down by a car on the pedestrian crossing located on Elizabeth Bay Road behind the Kings Cross Police Station. He claims the lines are poorly marked, lighting is inadequate at night (particularly in the wet) and that a tree is covering an approach sign that he feels is located too close to the crossing.

Could the safety of this crossing be investigated and rectified if needed?

Answer by the Mayor:

I am happy to have that matter investigated.

11.

**COUNCILLORS – CODE OF PRACTICE – CONFLICT OF INTEREST –
QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A54-00013)**

Question:

Mr Mayor, in light of the community and media concerns regarding a real or perceived conflict of interest in your capacity as Mayor and an employee of the Carr government as a senior policy adviser to Minister Carmel Tebutt, will you resign your position as an adviser to the Carr government to avoid any conflict of interest?

Answer by the Mayor:

No Councillor Mallard, I will not. I have advice that suggests that the more one is public, that one is holding a position, the less the conflict is perceived. I am currently attempting to adjust my working life and am happy to advise people in a private capacity when those decisions have been made.

12.

**COUNCILLORS – CODE OF PRACTICE – CONFLICT OF INTEREST –
QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A54-00013)**

Question:

Mr Mayor, in light of the community and media concerns regarding a real or perceived conflict of interest in your capacity as Mayor and an employee of the Carr government as a senior policy adviser to Minister Carmel Tebutt, will you stand aside during any Council debates or Mayoral related meetings involving

either the negotiations on Council boundaries, related court cases, actions to prevent the closure or sale of public schools or lands, negotiations over the Development Applications for any public housing or government related applications (including any relating to Fox Studios or Centennial and Moore Parklands) and the negotiations to purchase any State government lands to avoid any perceived or real conflict of interest?

Answer by the Mayor:

No.

13.

COUNCILLORS – CODE OF PRACTICE – CONFLICT OF INTEREST – QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A54-00013)

Question:

Mr Mayor, in light of the community and media concerns regarding a real or perceived conflict of interest in your capacity as Mayor and an employee of the Carr government as a senior policy advisor to Minister Carmel Tebutt, will you seek urgent independent legal advice on this matter to avoid any actual or perceived conflict of interest?

Answer by the Mayor:

I will certainly consider that suggestion.

14.

PROPERTIES – POSSIBLE SALE OF COUNCIL PROPERTIES – QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2027404)

Question:

There has been further discussion in the press and I understand the Member for Bligh has written to Council concerning the possible sale of Council's property. Could you please advise me of any actions you personally have taken to clarify this issue?

Answer by the Mayor:

I put out a Press Release last week which extended the commitment that Council had already given the State government that we would not sell any property until the conclusion of the boundaries issue. As this has had some considerable coverage, I am going to formally request the Press Release identifying exactly that issue be included in the minutes.



South Sydney City Council

MEDIA UN

Tuesday 9 September 2002

South Sydney Council: “Maximising Returns for the Community”

Media commentators have suggested that South Sydney City Council intends to sell off some of its property as part of a strategy to stop proposed boundary changes.

Nothing could be further from the truth.

South Sydney Council maintains a portfolio of ‘operational’ (sellable commercial) properties for the community.

Income generated from this property portfolio is used to subsidise a wide variety of community projects and activities.

As such, South Sydney Council is able to deliver one of the most impressive range of local government services to its residents whilst charging the **second lowest** residential rates in Sydney.

“We want to continue this proud record of achievement of charging very low rates to our residents” said new mayor, Councillor Tony Pooley.

“However Council is happy to give an undertaking not to sell any of these properties until the boundaries dispute is resolved.”

- ENDS -

CONTACT:

Jenny Underwood

Marketing and Communications Manager, South Sydney City Council

(t) 9288-5030 (m) 0414-617-048 (f) 9288-5993 (e) underwj@sscc.nsw.gov.au

- Photographs available upon request -

For further information see our website at www.sscc.gov.au

GENERAL MANAGER

MEDIA INFORMATION

TEL (02) 9288-5000 ✉ FAX 9288-5999 ✉ Locked Bag 5000 Strawberry Hills 2010

15.

BOUNDARIES – TABLING LETTER OF SUPPORT FROM EVELYN KLOPFER – RE BOUNDARY DISPUTE –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (B52-00002)

Question:

I would like to table a letter from Evelyn Klopfer regarding election of new Mayor and the Land and Environment Court boundary dispute.

Answer by the Mayor:

I will request that the letter be circulated in the Councillors Information Service.

16.

DEVELOPMENT – LETTER OF COMPLAINT FROM NICOLE JOHNSTON REGARDING MANHATTAN CONSTRUCTION SITE –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U00-01393)

Question:

I would like to table a letter from Nicole Johnston regarding concerns with the Manhattan construction site in Onslow Avenue, Elizabeth Bay. Could an officer investigate?

Answer by the Mayor:

I am happy to refer that to Mr Wilcoxon.

17.

COMMUNITY FACILITIES – CHILDRENS PLAYGROUND WOOLLOOMOOLOO – INVESTIGATE LOCKS AND A HOLE IN THE FENCE –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2022733)

Question:

Regarding the children's' playground in Woolloomooloo (adjacent to community garden), are the existing locks on the entry to playground Council's or are they illegal? Please investigate and report by e-mail?

Also, a hole in the fence enables children to get out, particularly if temporarily not watched. Can it be fixed?

Answer by the Mayor:

I am happy for the relevant Officer to provide that advice.

GENERAL MANAGER

18.

STREETS – GRIFFITH STREET, WOOLLOOMOOLOO – REPAIRS TO STREET LIGHTING –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2019901)

Question:

Griffith Street, between Bourke and Forbes Street, is a cul de sac and all street lighting is out. Can Council have Energy Australia fix the lights?

Answer by the Mayor:

I will refer that to the relevant Officer.

19.

ANTISOCIAL ACTIVITIES – REMOVAL OF GRAFFITI – FORBES STREET, WOOLLOOMOOLOO –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2015700)

Question:

There is graffiti on a stone fence in Forbes Street, adjacent to Plunkett Street Public School. Can it be removed?

Answer by the Mayor:

I will refer that to Mr Wachter.

20.

CLEANSING – MCELHONE STREET, WOOLLOOMOOLOO – STREET NOT BEING SWEEPED –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2024426)

Question:

Residents in McElhone Street complain the street is not being swept as often as before. Can we investigate and act?

Answer by the Mayor:

I will refer that to Mr Wachter, City Works Department.

21.

TRAFFIC – FITZROY GARDENS – RE-PAINTING OF THE PEDESTRIAN CROSSING –QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2011171)

Question:

The pedestrian crossing at the back of Fitzroy Gardens is of real concern. I requested some months ago for it to be re-painted. Can I request it now as a matter of urgency?

Answer by the Mayor:

I will refer that to the relevant Officer.

22.

BOUNDARIES – MEETING OF THE GENERAL MANAGER AND THE OMBUDSMAN – SECTION 12 OF THE LOCAL GOVERNMENT ACT – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (B52-00002)

Question:

In relation to the minute from the General Manager tonight regarding Section 12, when will the General Manager report back to Councillors on his meeting with the Ombudsman and parties?

Answer by the General Manager:

No meeting has taken place yet. It has been re-scheduled and I am not sure what time and place it will be undertaken.

23.

RESIDENT SCHEMES – REVIEW OF PARKING RESTRICTIONS IN THE REDFERN AREA –QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P51-00003)

Question:

As you are aware, there is a lack of period parking restrictions for residents on the weekend in the Redfern area. Can a report come to the appropriate committee so there can be some reference made before the next football season in terms of controls of both times and resident parking?

Answer by the Mayor:

I am happy to do that. I subsequently spoke to that particular resident.

REPORT OF THE FINANCE COMMITTEE

4 September 2002

PRESENT

The Mayor Councillor Tony Pooley (Chairperson)

Councillors - John Bush, Christine Harcourt and Shayne Mallard

At the commencement of business at 6.31 pm, those present were -

The Mayor and Councillors - Bush, Harcourt and Mallard.

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

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

Carried.

The Committee **recommended** the following:-

1.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JULY 2002
(2027491)**

That Council gives confirmatory approval for the above mentioned schedule of payments, details for which are contained in the accompanying file.

(CFO Report 12.8.02)

Carried.

2.

**FINANCE – MONTHLY INVESTMENTS REPORT - PERIOD ENDING
31 JULY 2002 (2015594)**

That the Investment Report dated 29th August 2002, be received and noted.

Carried.

GENERAL MANAGER

3.

FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 31 JULY 2002 (2027473)

That the report by the Chief Financial Officer dated 8 August 2002 certifying completion of the Bank Reconciliation for the period ending 31 July 2002, be received and noted.

Carried.

4.

FINANCE – SECTION 356 DONATIONS REPORT AS AT 30 JUNE 2002 (2024098)

That the report by the Chief Financial Officer dated 28 August 2002, be received and noted.

Carried.

5.

FINANCE – SECTION 356 DONATIONS REPORT AS AT 31 JULY 2002 (2024098)

That the report by the Chief Financial Officer dated 29 August 2002, be received and noted.

Carried.

6.

PROPERTIES – DOUGLAS STREET, NOS. 32-38, REDFERN - PROPOSED PURCHASE OF VACANT LAND FROM THE CENTRAL SYDNEY AREA HEALTH SERVICE (CSAHS) (2023037)

That approval be given for:-

- (1) the purchase of land at Nos. 32-38 Douglas Street, Redfern from the NSW Department of Health for use as Open Space for \$500,000 (exclusive of the GST component) of which funds are available within the S.94 Contributions Fund for the acquisition of land;
- (2) the land to be classified as “Operational” land and be used as a Park.

(DCS Report 22.8.02)

Carried.

GENERAL MANAGER

7.

PUBLIC MEETING – EMAIL SITE, NO. 13 JOYNTON AVENUE, ZETLAND – 10 SEPTEMBER 2002

That confirmatory approval be given to action taken to arrange a Public Meeting on 10 September 2002 at No. 136 Joynton Avenue, Zetland, on the E-mail site/masterplan, involving the expenditure of \$2,000, for which funds are available in the 2002/2003 Budget – Community Consulting (1.55.3315.14535).

Carried.

8.

CONFERENCES - 2002 PLANNING INSTITUTE OF AUSTRALIAN NSW DIVISION CONFERENCE - 18-20 SEPTEMBER 2002 - DOUBLE BAY SYDNEY - ATTENDANCE BY COUNCIL REPRESENTATIVES

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 30 August 2002, approval be given to the Mayor, interested Councillors, the General Manager and/or his nominee, attending the 2002 Planning Institute of Australia NSW Division Conference to be held at the Stamford Plaza Hotel, Double Bay from Wednesday 18 September to Friday 20 September 2002, and that registration fees, out of pocket expenses for Conveyance and subsistence in travelling be borne by the Council, for which funds will be available in the 2002/2003 Budget.

Carried.

9.

PROPOSED SALE OF ASSETS – SYDNEY GAY & LESBIAN MARDI GRAS LTD (SGLMG)

That the report by the Director of Community Development dated 4 September 2002, be received and noted.

Councillor Mallard requested a show of hands.

Carried on the show of hands.

The Finance Committee Meeting terminated at 7.37 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY 4 SEPTEMBER 2002 AT 6.31 PM

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

At the commencement of business at 6.31 pm, those present were -

The Mayor and Councillors – Bush, Harcourt and Mallard.

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

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

Item 1 - Properties Matter.

The Committee **recommends** the following:-

1.

PROPERTIES - LEASING - OXFORD STREET, NO. 56, NO. 68 AND NO. 74, DARLINGHURST - APPLICATION BY VARIOUS TENANTS, STYLSTONE CLOTHING PTY LTD, CLAITRACK PTY LTD AND AXEL BEERS PTY LTD FOR REDUCTION IN RENT (L52-00118, 2025061, L52-00075)

- (1) That the matter be deferred until the completion of the Strategic Properties Management Plan.
- (2) That business owners at the western end of Oxford Street, who reside in Council owned premises, be fully informed of and encouraged to participate in the Oxford Street Reference Group.
- (3) That the applicants be notified of Council's decision.

GENERAL MANAGER

Note:- Clause 3 of this recommendation was resolved at the Committee of the Whole.

The Finance Committee (Confidential Matter) Meeting terminated at 7.08 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

4 September 2002

PRESENT

Councillor Jill Lay (Chairperson)

Councillors – John Fowler, Peter Furness, Amanda Lennon and Greg Shaw

At the commencement of business at 6.35 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw.

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

That the Report of the Planning and Development Committee of its meeting of 4 September 2002, be received and the recommendations set out below for Items 3 to 6, 13 and 14 inclusive, be adopted. The recommendations for Items 1, 2, 7 to 12 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

BURREN STREET, NOS. 33 – 35, ERSKINEVILLE – ERECTION OF EIGHT TOWN HOUSES – DEVELOPMENT APPLICATION (U02-00306)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the application be deferred for a further report addressing the following matters:-

- (1) Heritage issues associated with the gasometer at the rear of the site on State Rail Authority Land;

GENERAL MANAGER

- (2) The impact of overshadowing of properties to the south, particularly having regard to the existing approval for four townhouses on the site, and how this compares to the current proposal;
- (3) The impact of the third bedroom in the attic area, in terms of overshadowing, and whether this area should be deleted;
- (4) Further details as to the proposed materials and finishes for the new building.

At the request of Councillor Lennon, and by consent, the motion be amended by the addition of a clause (5) to the recommendation, namely:-

- (5) That the further report also include a full Environment Statement regarding the disposal of the soil from the site and also a dilapidation report.

Motion, as amended by consent, carried.

2.

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

- (A) That the Council, as the consent authority, endorses Option 3 of the Masterplan relating to both the Elizabeth Street and Walker Street sites and grants its consent under Section 80(4) of the Environmental Planning and Assessment Act, 1979 to 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, 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, subject to the following conditions, namely:-
 - (1) That the development shall generally be in accordance with Option 3 plans prepared by Peddle Thorp and Walker, dated June 2001 and the accompanying Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated December 2001, unless varied by any of the following conditions;

- (2) That the dwellings over the two sites are to be an alternate mixture of public and private housing to the satisfaction of the Director of City Environment.;
- (3) The configuration of the sites and the mixtures of private and public housing across the sites is to be developed in further consultation with the community and relevant stakeholders. Details of the consultation process are to be submitted to Council and are to be to the satisfaction of the Director of City Environment;
- (4) That the site layout and height in a future development application shall be generally in accordance with plans notated Elizabeth Street Site – Option 3 and Walker Street Site – Option 3, with heights not exceeding 15 metres and 9 metres, respectively;
- (5) That the development shall take place in stages and a detailed development application shall be submitted and approved prior to the commencement of each stage;
- (6) That no demolition, excavation or construction work is permitted until such time as all necessary approvals are obtained. The reason for this condition is to ensure that there is as minimum a gap as possible between the time dwellings are demolished and the time that new buildings are ready for occupation;
- (7) That Section 94 Contributions shall be calculated upon submission of each detailed development application;
- (8) That the Stage 2 Development Application shall include details of a public domain contribution in accordance with Council's Floor Space Bonus Policy. The contribution shall be to the satisfaction of Council. NOTE: Opportunities to contribute to the Redfern Oval Redevelopment Taskforce and its project/s shall be pursued as part of the Stage 2 Development Application(s);
- (9) That a Site Audit Statement will be required to be submitted with any detailed development application certifying that the site is suitable for the intended use;
- (10) That contaminated soil on any part of the site shall be remediated (subject to necessary approvals) before those parts of the site are developed for residential use;
- (11) That the detailed development applications shall have regard to the following matters concerning car parking:-

Private housing

- (a) The rates that would be acceptable for this proposal are identified as:
- | | |
|-----------------------------|--------------------------|
| ? Bedsitter/1 bedroom units | - 0.5 spaces per unit |
| ? 2 bedroom units | - 1.0 space per unit |
| ? 3 bedroom units | - 1.2 spaces per unit |
| ? visitors | - 1.0 space per 10 units |

An increase beyond this, as previously envisaged by the applicant, would not be supported.

- (b) The car park design of the development will need to be in accordance with AS 2890.1.
- (c) A street transition of 6 metres at 1:20 needs to be provided inside the building line before descent into the basement at ramp gradients outlined in AS 2890.1.
- (d) There needs to be sufficient separation between the driveway and ramp to the next level.
- (e) Bicycle parking in the form of lockers for residents at a rate of 1 in 3 units and for visitors in the form of inverted U-stands at the rate of 1 per 10 units is required (See AS 2890.2 for details).

Public housing

- (f) The provision of 4 spaces for the 48 public housing flats for the elderly is supported.
- (g) Car ownership for the 3 bedroom public housing dwellings shall be restricted to 0.55 cars/dwelling. The terraces are be provided with carports where existing trees allow for such structures.
- (12) That, in the submission of any detailed DA, a BCA report accompany the application outlining how the proposal complies with the Building Code of Australia;
- (13) That additional soil sampling across the site shall be undertaken in order to fulfil the sampling density requirements of the NSW EPA (1995) sampling design guidelines. These should include additional boreholes to further assess the PAH Contamination reported at BH1 and lead impact at BH8 and the installation of groundwater monitoring wells across the site to assess the potential impact on the site's groundwater;
- (14) That upon submission of each staged detailed development application involving the demolition of any building, a Demolition

report to Council's requirements shall be submitted. For further information, the applicant is required to liaise with Council's Heritage Planner prior to submission of a DA;

- (15) That provision of open space shall comply with the minimum standards of DCP 1997 for dwelling houses and residential flat buildings, in terms of both private and communal open space, unless otherwise approved by Council;
- (16) That a NatHERs Energy Efficiency Report be submitted with any detailed development application for new buildings indicating compliance with a minimum standard of 4 Stars;
- (17) That the applicant shall set the floor level of habitable areas and all entrances to the basement car park to accepted levels determined by the applicant's Hydraulic Consultants using current methods for calculating the Flood Levels to the satisfaction of the Director of Public Works and Services;
- (18) That all residential flat buildings shall be designed in accordance with access provisions of the latest version of the Building Code of Australia and Council's Equitable Access Design Policy (based on criteria set out in the Advisory Notes On Access To Premises by the Human Rights and Equal Opportunities Commission). Details of compliance with these references are to be submitted with any detailed staged development application;
- (19) That all servicing of the site and connections to existing networks required for servicing of the site (electricity, gas, coaxial cabling, etc) shall be underground (contact shall be made with Energy Australia, Telstra, AGL and Optus in this regard). The cost of this work will not be offset against any Section 94 Contribution required for the site;
- (20) That any detailed staged DA shall be accompanied by site analysis considerations as outlined by DCP 1997;
- (21) That landscape plans shall be submitted with any detailed development application outlining the current condition of the trees proposed to be removed, materials and finishes, levels and drainage and a planting plan;
- (22) That a consulting arborists report (including the supervision and protection of trees) shall be submitted for all trees to be retained or transplanted to the Director of Public Works and Services for approval prior to release of the detailed development consent for any stage of development;

- (23) That the trees to be retained and transplanted shall be numbered and monitored by an arborist to check the health of the trees during construction;
- (24) That car parking design shall be in accordance with AS 2890.1 and DCP 11;
- (25) That bicycle parking shall be in accordance with AS 2890.2 and DCP 11;
- (26) That garbage rooms on the detailed staged DA plans shall be located to allow for the kerbside collection of waste in accordance with Council's minimum requirements;
- (27) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services immediately adjacent to the site affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);
- (28) That the cost of signposting for alteration of any kerb-side parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by Council, unless the Director of public Works and Services approves other arrangements in writing;
- (29) That should any detailed development application proposed vehicular access in Kettle Street, the developer will need to undertake a traffic impact study to be submitted with the relevant detailed development application to determine the effects on the surrounding streets;
- (30) That visitor and disabled parking spaces must be visible and accessible to the users. The detailed development applications shall be notated accordingly;
- (31) That on-site stormwater detention is required. The design of the stormwater system must be in accordance with Council's Stormwater Code. Details shall be provided with the detailed development application;
- (32) That waste storage for the private sector is to provide a minimum of 3 x 2.0m³ bins and 26 x 240 litre sulo bins for recycling. The bins are to be presented kerbside for collection or a suitable collection point with a Council fitted locking device. The detailed development application plans shall ensure that facilities to accommodate such are provided;

NOTE: That measures shall be identified in the Stage 2 Development Application to inform future owners and occupiers of the site about the Redfern Oval Redevelopment Taskforce and any plans that have been prepared and/or endorsed by Council for redevelopment of Redfern Oval and shall consider design measures to mitigate any potential impacts, such as lightspill and noise.

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

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

- (C) That Council delegate to the General Manager the authority to determine the application subject to such conditions as may be agreed by the applicant.
- (D) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (E) That concurrence be sought from the Minister of Planning with respect to the conditions, and that should concurrence not be given, a further report shall be forwarded to the Committee and Council to consider the conditions not supported by the Minister before any notice of determination is issued.

Councillor Fowler requested a show of hands.

Carried on the show of hands 5 to 3.

Councillors Fowler, Lennon and Mallard requested that their names be recorded as voting against the forgoing motion

3.

OXFORD STREET, NO. 134, DARLINGHURST – ELEVATED STREET LEVEL DECK OVER FOOTPATH USE BY PATRONS OF HOTEL– DEVELOPMENT APPLICATION (U02-00321)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Wynsix Hotels P/L with the authority of The Oxford Hotel Partnership to erect an elevated street level deck and on Bourke Street subject to the following conditions, namely:-
 - (1) That the proposal shall be generally in accordance with plans numbered 001, 002 and 003, dated 7 March 2002, drawn by

GENERAL MANAGER

Tobias Theodore and marked in red ink, stamped and endorsed by Council;

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$495 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$60, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the deck shall project no more than 3 metres from the eastern elevation of the hotel;
- (5) That the applicant will temporarily remove the timber deck for the period of time required by Council to carry out works associated with the Taylor Square Urban Design Project or other works and improvements required by Council. After these works have been carried out the applicant may reinstate the timber deck to its original condition.
- (6) That a separate application for a footway licence shall be submitted to Council and the deck shall not be erected until such an approval is given and all conditions satisfied (withstanding the release of a Construction Certificate). Upon the expiry of the footway licence the deck shall be promptly removed;
- (7) That the deck shall only be occupied from 9am to 10pm Sunday to Thursday and 9am to midnight Friday and Saturday;
- (8) That the doors providing access to the deck area shall be closed and locked during all hours that the deck is not in use;
- (9) That a solid barrier constructed of transparent perspex or a like material shall be placed on the northern edge to a height of 1.8 metres from the floor of the deck;
- (10) That the new doors on the eastern elevation of the hotel shall be constructed of timber;

- (11) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied
 - (a) That balustrades shall comply fully with the requirements of Clause D.2.16 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 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;
- (15) That the requirements of the Work Cover Authority shall be complied with;
- (16) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (19) 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;
- (20) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;

- (21) 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;
 - (22) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
 - (23) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
 - (24) That no amplified music shall be projected onto the deck area;
 - (25) That the garbage area underneath the deck shall be deleted from the plan.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

ABERCROMBIE STREET, NO. 131, CHIPPENDALE – VALIDATE USE OF EXISTING COMMERCIAL BROTHEL AS A BONDAGE AND DISCIPLINE HOUSE (U02-00508)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 28 August 2002.

Carried.

5.

DEVELOPMENT – ROZELLE HOSPITAL, CALLAN PARK –INQUIRY INTO FUNDING AND RESOURCES FOR THE CARE OF PEOPLE WITH MENTAL ILLNESS – SUPPORT BY COUNCIL (2027617)

That in relation to this matter, Council resolves that part (1) of the recommendation as mentioned in the report by the Director of City Environment dated 20 August 2002 be referred to the Community Services Committee for consideration:-

- (1) write to the NSW Minister for Health to indicating the need for the State government to undertake an inquiry into the funding and resources for the care of people with mental illnesses and that part (2) of the report by the Director of City Environment be deleted.

Carried.

6.

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

That the report by the Director of City Environment dated 27 August 2002, regarding the above matter, be received and noted.

Carried.

7.

DUNNING AVENUE, NOS. 50-86, ROSEBERY – EXTENSION OF HOURS OF KITCHEN MANUFACTURING BUSINESS AND USE OF SPRAY BOOTHS/EXHAUST VENTS – DEVELOPMENT APPLICATION (U02-00554)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Sergio Agyrou to extend the hours of operation of the existing kitchen manufacturing business from the currently approved hours of 8 am to 6 pm Monday to Friday and 8am to 12 noon Saturdays (with office to 5 pm) to 7.30 am to 6 pm Monday to Friday , 7.30 am to 4 pm Saturdays and 9 am to 12 noon Sundays, and to carry out internal alterations so as to create a lunch room, subject to the following conditions, namely:-

- (1) That subject to conditions (2) and (3) below the hours of operation shall be restricted to 7.30am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday, subject to the following:
 - (a) That no persons shall be on the premises outside the above hours;

GENERAL MANAGER

- (b) That between 7.30am and 8.00am on Monday to Friday staff / proprietors may arrive at the premises and carryout office and warehouse activities and operate machinery other than the spray booths and the rear beam saw and attached dust extraction unit;
 - (c) That on Saturdays no activities other than office work shall be carried out between 12 noon and 5.00 p.m.;
- (2) That the extended hours authorised by Condition (1) above shall cease after a period of 1 year from the date of this determination. A further development application for the continuation of the extended hours may be lodged for Council's consideration prior to the expiration of this consent;
 - (3) That the extended hours permitted by condition (1) shall not commence nor the open spray booth be operated until both the spray booth exhausts have been relocated a minimum of 6 metres in from the rear boundary of the site as required by condition (4) below;
 - (4) That the exhaust vents from the main spray booth and the open spray booth shall be redesigned to discharge the effluent air in a vertical direction above roof level on the Dunning Avenue side of the central ridge of the building's roof, and where no nuisance from noise or odour will be created. The horizontal ducting between the spray booths and the vertical vents shall be located below the roof and not externally;
 - (5) That gaseous emissions from the development shall comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations thereunder.
 - (6) That insulation and filters to the standard currently installed (the current insulation to the spray booth exhaust ducts being 50mm thick perforated foil faced glass wool-density 32kg/m³ and 2.4 metres in length) shall be maintained in the exhaust systems and the spray booths shall not be operated if such insulation and/or filters are absent from such systems;
 - (7) That the insulated lining to the spray booth exhaust ducts shall be inspected every 3 years to determine its condition and when necessary replaced in order to maintain the required sound absorption performance;
 - (8) That the filters to the spray booths shall be replaced after every 400 hours of operation of such booths or at such other frequency as is recommended by the manufacturer of the spray booths and filters;

- (9) That paint tins in the general spray area shall be kept closed except when being used and closed top bins shall be used for the storage of rags used to wipe up paint;
- (10) That any gaps at ground level in walls or doors which allow fumes to escape shall be blocked as much as feasible;
- (11) That the applicant shall comply with Work Cover requirements regarding storage of paints, solvents and other dangerous goods;
- (12) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

and the following adopted standard conditions:

- (13) Emissions⁷⁰⁰⁴
- (14) Ventilation⁷⁰²⁵
- (15) Noise⁷⁰³⁰
- (16) Vibration ⁷⁰²⁸
- (17) Obstruction of the public way³¹⁰¹
- (18) Construction Certificate required(a)⁹¹⁵⁵
- (19) Construction hours⁹¹⁵¹
- (20) Principal Certifying Authority⁹¹¹¹
- (21) Compliance with BCA⁹¹⁰⁴

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

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

GENERAL MANAGER

- (B) That the applicant be advised that Council cannot grant development consent for the erection of the spray booths and related exhaust vents and the exhaust to the dust extraction unit as such work has been carried out without Council consent. Council would not require these works to be demolished subject to the applicant complying with the conditions of the development consent detailed above, in particular the exhausts shall be relocated as required by Condition (4) above within 21 days of this determination.
- (C) That the persons who made written representations in respect of the proposal be advised of Council's decision.

Carried.

8.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its deferred commencement consent under section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by 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, subject to the following conditions, namely:-
 - (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three (3) months of the date of this deferred commencement consent:
 - (a) That the height of the rear wall backing onto neighbouring property shall be reduced in height to 2.8 metres. To this end the depth of the mezzanine level study shall be reduced in area;
 - (b) That the existing intrusive front fence shall be replaced with a fence appropriate to the age and style of the cottage such as a timber picket fence 1000 to 1200mm in height, details of which shall be submitted for Council's satisfaction;

GENERAL MANAGER

- (c) That the external colour scheme of the existing cottage is to be in keeping with the overall architectural styles and character of the dwelling. A schedule of colours is to be submitted to Council's satisfaction;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2475 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$300, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the development shall be generally in accordance with plans numbered DA 01, 02, 03, 04 all dated FEB 2002, drawn by Cracknell and Lonergan Architects, and stamped and endorsed by Council subject to compliance with the conditions below;
- (5) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$467
Open Space: New Parks	\$2122
Accessibility And Transport	\$14
Management	\$34
Total	\$2637

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 2002.

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

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

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

Part B

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

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

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

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged

GENERAL MANAGER

with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

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

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

Contribution Category	Amount
Multi-Function Administration Centre	\$697

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 2002

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

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

- (7) That a solar hot water system shall be installed for the building with a solar panel positioned so that it is not in the front elevation, or if an alternative system is installed, it should have a minimum 3.5 star NatHERS rating. In addition, wall and/or floor insulation shall be installed to achieve a minimum of 3.5 star NatHERS rating for the new dwelling;
- (8) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway;
- (9) 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;
- (10) 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;
- (11) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (12) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (13) That 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;

- (14) 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;
- (15) 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;
- (16) 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;
- (17) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (18) 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).

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.

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;

- (19) 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:

GENERAL MANAGER

- (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 plan. Minimum requirements for planting to be as follows:

Material	Mature Height	Min. Spacing	Min. Size
Trees			75L (2.0m tall)
Shrubs	>3.0m	1/4m ²	10L
Shrubs	1.0-3.0m	1/2m ²	5L
Groundcovers	<1.0m	6/ per m ²	150mm pot

- (20) That the side passageway leading to the dwelling at the rear shall be adequately lit, details of which shall be submitted with the construction certificate;
- (21) That the applicant shall plant street trees in accordance with the requirements contained in Council's Street Tree Master Plan (1996) and be responsible for liaison and co-ordinating with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate;
- (22) 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;
- (23) 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;

- (24) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (25) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (26) 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;
- (27) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (28) That approval for the connection of the stormwater shall be obtained from Council's Public Works and Services Department prior to the work being carried out;
- (29) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (30) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (31) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (32) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (33) That an experienced heritage practitioner shall be engaged to oversee all aspects of the work related to the work to the existing cottage including the demolition phase and the alterations and additions. Proof of engagement is to be submitted to Council

prior to the commencement of works or release of construction certificate, whichever is the earliest;

- (34) That the façade of the existing cottage shall be restored as closely as possible to its original detailing;
- (35) That new services in the existing cottage shall be placed as unobtrusively as possible with minimum intervention to the original fabric;
- (36) That all repair work to the original building fabric is to match as closely as possible the original details;
- (37) That original/early fabric of the existing cottage including weatherboards, skirtings and architraves, shall be retained where possible. Where defective any new work is to match the existing;
- (38) That the roofing of the cottage and new buildings on the site shall be clad with metal sheetings of a corrugated profile;
- (39) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
 - (b) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;
 - (c) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
 - (d) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
 - (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;

- (f) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (g) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (h) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (i) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
 - (j) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
 - (k) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
 - (l) That all glazing materials shall comply with Part 3.6 of the BCA;
 - (m) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
 - (n) Balustrades shall comply fully with the requirements of Part 9.9.2 of the BCA;
- (40) That all relevant sections of the BCA shall be complied with;
- (41) 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;
- (42) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;

- (43) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (44) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (45) 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;
- (46) That the requirements of the Work Cover Authority shall be complied with;
- (47) That all residential building shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (48) 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;
- (49) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (50) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (51) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (52) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (53) That the demolition work shall comply with Australian Standard 2601-1991;
- (54) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;

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

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

In this condition, allotment of land includes a public road and any other public place.

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

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

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That South Sydney Council write to Sydney Water regard the concerns of residents of Devine Street, about the water pressure to properties.

Carried.

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

9.

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

GENERAL MANAGER

This matter was submitted to council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three (3) months of the date of this deferred commencement consent:
 - (a) That the height of the rear wall backing onto neighbouring property shall be reduced in height to 2.8 metres. To this end the depth of the mezzanine level study shall be reduced in area;
 - (b) That the existing intrusive front fence shall be replaced with a fence appropriate to the age and style of the cottage such as a timber picket fence 1000 to 1200mm in height, details of which shall be submitted for Council's satisfaction;
 - (c) That the external colour scheme of the existing cottage is to be in keeping with the overall architectural style and character of the dwelling. A schedule of colours is to be submitted to Council's satisfaction;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2475 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$300, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

GENERAL MANAGER

(4) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$467
Open Space: New Parks	\$2122
Accessibility And Transport	\$14
Management	\$34
Total	\$2637

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 2002.

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

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs.

Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

GENERAL MANAGER

Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount
Multi-Function Administration Centre	\$697

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 2002

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

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

- (6) That the development shall be generally in accordance with plans numbered DA 01, 02, 03, 04 all dated FEB 2002, drawn by Cracknell and Lonergan Architects, and stamped and endorsed by Council subject to compliance with the conditions below;
- (7) That a solar hot water system shall be installed for the building with a solar panel positioned so that it is not in the front elevation, or if an alternative system is installed, it should have a minimum 3.5 star NatHERS rating. In addition, wall and/or floor insulation shall be installed to achieve a minimum of 3.5 star NatHERS rating for the new dwelling;
- (8) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway;
- (9) 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;

- (10) 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;
- (11) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (12) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (13) That 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;
- (14) 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;
- (15) 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;
- (16) 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;

- (17) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (18) 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).

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.

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;

- (19) 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 plan. Minimum requirements for planting to be as follows:

Material	Mature Height	Min. Spacing	Min. Size	
Trees		75L (2.0m tall)		
Shrubs	>3.0m	1/4m ²	10L	
Shrubs	1.0-3.0m	1/2m ²	5L	
Groundcovers		<1.0m	6/ per m ²	150mm pot

- (20) That the following five trees are approved for removal being 1 x Gum tree (*Eucalyptus Maculata*), 1 x Red Ironbark (*Eucalyptus Sideroxylon*), 1x Cootamundra Wattle (*Acacia Baileyana*), 1 x White Cedar (*Melia Azedarach*) and 1 x Brazilian Rosewood (*Jacaranda Mimosoifolia*);
- (21) That the applicant shall plant street trees in accordance with the requirements contained in Council's Street Tree Master Plan (1996) and be responsible for liaison and co-ordinating with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate;
- (22) 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;
- (23) 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;
- (24) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (25) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (26) 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;

- (27) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (28) That approval for the connection of the stormwater shall be obtained from Council's Public Works and Services Department prior to the work being carried out;
- (29) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (30) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (31) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (32) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (33) That an experienced heritage practitioner shall be engaged to oversee all aspects of the work related to the work to the existing cottage including the demolition phase and the alterations and additions. Proof of engagement is to be submitted to Council prior to the commencement of works or release of construction certificate, whichever is the earliest;
- (34) That the façade of the existing cottage shall be restored as closely as possible to its original detailing;
- (35) That new services in the existing cottage shall be placed as unobtrusively as possible with minimum intervention to the original fabric;
- (36) That all repair work to the original building fabric is to match as closely as possible the original details;
- (37) That original/early fabric of the existing cottage including weatherboards, skirtings and architraves, shall be retained where possible. Where defective any new work is to match the existing;
- (38) That the roofing of the cottage and new buildings on the site shall be clad with metal sheetings of a corrugated profile;

- (39) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
 - (b) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;
 - (c) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
 - (d) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
 - (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
 - (f) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (g) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (h) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (i) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
 - (j) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;

- (k) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
 - (l) That all glazing materials shall comply with Part 3.6 of the BCA;
 - (m) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
 - (n) Balustrades shall comply fully with the requirements of Part 9.9.2 of the BCA;
- (40) That all relevant sections of the BCA shall be complied with;
- (41) 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;
- (42) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (43) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (44) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (45) 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;
- (46) That the requirements of the Work Cover Authority shall be complied with;
- (47) That all residential building shall comply with the Home Building Act 1989 in relation to contract of insurance;

- (48) 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;
- (49) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (50) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (51) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (52) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (53) That the demolition work shall comply with Australian Standard 2601-1991;
- (54) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (55) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause,

whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

- (56) That details of the proposed lighting of the side passageway entry to the dwelling at the rear shall be submitted with the application for a construction certificate.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision
- (C) That South Sydney Council write to Sydney Water regard the concerns of residents of Devine Street, about the water pressure to properties.

Carried.

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

10.

PITT STREET, NOS. 86-86A, REDFERN – ALTERATIONS AND FIRST FLOOR ADDITIONS TO PREMISES TO CREATE 2 X 1 BEDROOM DWELLINGS – DEVELOPMENT APPLICATION (U00-01274)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Dyne Design and Construction, with the authority of Radical Rental, to carry out alterations and additions to an existing single storey building to create 2 x 1 bedroom dwellings above a ground floor shop, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 0045 Issue C dated 20 August 2002, subject to compliance with the conditions below;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$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;

GENERAL MANAGER

- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$300, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$606
Open Space/Townscape/Public Domain	\$2,758
Accessibility And Transport	\$18
Management	\$44
Total	\$3,427

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest 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 the consent being the June Quarter 01/02.

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

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. 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. To support a 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. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

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

Contribution Category	Amount
Multi-Function Administration Centre	\$906

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

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

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the 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;

- (6) That the glass blocks windows along the rear elevation of the first floor dwellings shall be of translucent glass. Amended details shall be submitted to the satisfaction of the Principal Certifying Authority before the issue of a construction certificate;
- (7) That the facade is to be rendered and painted in a colour scheme that is appropriate to the character of the Conservation Area. A schedule of the colours is to be submitted to the Principal Certifying Authority's satisfaction prior to the release of the Construction Certificate;
- (8) 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;
- (9) That a hot water heating system with a minimum energy star rating of 3.5 stars shall be provided for each dwelling;
- (10) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (11) That a separate development application shall be lodged for the specific commercial or retail use of the ground floor shop, unless that use is deemed to be 'exempt' under the provisions of South Sydney Development Control Plan 1999 – Exempt and Complying Development;
- (12) That a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

-following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the

Coordinator, since building water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

- (13) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
 - (c) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
 - (d) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (e) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
 - (f) 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;
 - (g) 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;
 - (h) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;

- (i) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (j) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (k) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;
- (l) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (m) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (n) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (o) 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;
- (p) That proposed stairways shall be separated from the showroom area by construction having a minimum resistant level of 60/60/60;
- (q) That the ceiling beneath the first floor shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (r) That balustrades shall comply fully with the requirements of Clause D.2.16 of the BCA;

and the following standard conditions:

- (14) Treat proposed external walls¹¹³
- (15) One television aerial¹¹⁴
- (16) Glazing reflectivity less than 20%¹¹⁸

- (17) Wooden windows and doors¹¹⁹
- (18) Builders hoarding permit³⁰
- (19) Display street number¹¹¹⁰
- (20) Setback of awning¹¹¹¹
- (21) Obstruction of the public way³¹⁰¹
- (22) Work zones³¹⁰²
- (23) Delivery of construction materials³¹⁰⁴
- (24) Resident parking restrictions for new residential flats³¹⁰⁵
- (25) Pedestrian safety³¹¹⁰
- (26) Associated roadway costs³¹¹¹
- (27) Stormwater (general)⁴¹⁰¹
- (28) Garbage on the public way⁶¹⁰¹
- (29) Refuse skips⁶¹⁰²
- (30) Comply With BCA⁹⁹¹⁰⁴
- (31) Construction Certificate Required⁹⁹¹⁵⁵
- (32) Natural Ground Level Details with Construction Certificate⁹⁹⁰⁰³
- (33) Structural Design Certificate⁹⁹⁰⁰⁶
- (34) Construction Hours⁹⁹¹⁵¹
- (35) Building/Demolition Noise Control⁹⁹¹⁵⁶
- (36) Maintain Existing Building in a Stable Condition⁹⁹¹⁵⁷
- (37) Excavating Below Base of Footings⁹⁹¹⁵⁸
- (38) Wall and Floor Penetration Protection⁹⁹³²⁹

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.

NOTE: That the applicant shall liaise with the owner of the property at no.84 Pitt Street in relation to the joint electrical fuse box to be relocated from the wall of no.86A Pitt Street, to ensure the adjoining property is not compromised in terms of supply of power during both demolition and construction of the new building.

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

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

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

Carried.

At the request of the Mayor, it be noted that the interpreter who attended the site inspection for a resident, be thanked and Council staff be congratulated on the provision of the interpreter service for residents.

11.

MCEVOY STREET, NOS. 64-68, ALEXANDRIA – MASTERPLAN FOR MIXED USE COMMERCIAL RESIDENTIAL DEVELOPMENT CONTAINING 120 UNITS, 1,550 SQM NON-RESIDENTIAL FLOOR SPACE AND 105 OFF-STREET CAR PARKING SPACES (U02-00459)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

That the application be deferred to allow for amended plans to be submitted in accordance with the recommendation of the Director of City Environment in report dated 26 August 2002, in particular clause (1) of the abovementioned recommendation.

Carried.

12.

PHILLIP STREET, NOS. 169-175, WATERLOO – MASTERPLAN FOR A MIXED COMMERCIAL RESIDENTIAL DEVELOPMENT CONTAINING 127 UNITS, A CAFÉ AND OFF-STREET PARKING FOR 131 CARS (U02-00657)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council endorses the Masterplan “Option 4A” submitted by applicant and owners Gowings Properties Pty Ltd & Phillip Street (Surry Hills) Pty Ltd), to erect a mixed commercial residential development with off-street parking for 131 cars, subject to the following recommendations, namely:-
- (1) That further discussions take place between the proponent and Council Officers to refine the public domain improvements proposed in return for floor space bonus on the site;
 - (2) That the car parking, bicycle parking and service requirements for the site shall comply with the requirements of Development Control Plan No. 11 – Transport Guidelines and as amended by Development Control Plan 1997 – Green Square Amendment Stage 1;
 - (3) That Units 5.01, 5.02, 5.04, 5.05, 5.08, 5.09 within ‘Building 5’ shall be redesigned so that their living rooms and balconies are oriented to face the east overlooking the proposed through site link;
 - (4) That ‘Building 2’ situated adjacent to the eastern property boundary, shall be redesigned so that the ground floor levels contain Small Office / Home Office spaces that will successfully activate the through site link. In this regard, the non-residential spaces shall be designed in a manner so that they can be used and accessed independently from the residential component.
- (B) That Council advise the person who made representation in respect of the matter.

Carried.

13.

STREETS – CROSS CITY TUNNEL BETWEEN DARLING HARBOUR AND KINGS CROSS/RUSHCUTTERS BAY – REPORT ON SUPPLEMENTARY E.I.S. (2023553)

That:-

- (1) Council reaffirms its opposition in principle to the proposed Cross-City Tunnel for the same basic reasons given in part (A) of its resolution dated 11 October 2000, namely:-
 - (a) the project appears to be of doubtful economic benefit to the community, especially given perceived errors in the traffic modelling information in the EIS;
 - (b) additional expenditure on inner-city road-based infrastructure of the scale proposed for the Cross-City Tunnel would be better diverted to public transport systems and improvements to serve the inner suburbs of Sydney;
 - (c) the proposal does not reduce dependency on private car transport in the inner-city area, thus failing to satisfy basic objectives of government policy, as set out in *Action for Transport 2010* (Department of Transport, 1988);
- (2) Council and the Member for Bligh pressure and lobby the State Government to postpone the EIS process for the Proposed Cross-City Tunnel for 12 months, and that the Roads & Traffic Authority re-establish full community consultation to review and refine the EIS document before subsequent formal re-exhibition;
- (3) in the light of perceived deficiencies in the “Modified Proposal”, and the brief period available for evaluation of possible remedies or alternatives, Council respectfully asks the Minister for Planning to call for a Commission of Enquiry under Section 119 of the Environmental Planning & Assessment Act 1979 into the Project;
- (4) Council lodge promptly the document titled “South Sydney City Council - Submission on the Supplementary EIS for the Cross-City Tunnel” with the Roads & Traffic Authority, so as to identify issues of concern, objection, and interest affecting relevant parts of the City of South Sydney.
- (5) Council requests that the Roads & Traffic Authority urgently confer with Council to develop mutually-acceptable remedies to the significant deficiencies and concerns described in its formal submission, especially those related to traffic intrusion into local streets, health and air quality, and noise control, in the event that the Minister for Planning does not call for a Commission of Enquiry into the Project.

GENERAL MANAGER

(DCW Report 28/8/02)

Carried.

14.

KINGS CROSS BUSINESS IMPROVEMENT DISTRICT – REQUEST FOR COUNCIL PARTNERSHIP (2027476)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

That Council:-

- (1) provide in-principle support to the Kings Cross Partnership Program;
- (2) provide staff assistance to the Kings Cross Partnership Program to achieve relevant short-term strategies;
- (3) collaborate with Sydney City Council to provide staff assistance to the Kings Cross Partnership, should they require it, to develop a comprehensive business plan for those matters relevant to Council.

(GM Report 27.8.02)

Carried.

The Planning and Development Committee Meeting terminated at 8.06 p.m.

NOTICE OF MOTION

1.

PUBLIC RELATIONS – SAVE THE ERSKINEVILLE PUBLIC SCHOOL – SUPPORT BY COUNCIL

Moved by Councillor Mallard, seconded by Councillor Fowler:-

That Council affirms its opposition to the closure and sale of Erskineville Public School and that Council joins with the Erskineville Public School P & C in supporting the Brogden Opposition Bill to oppose the closure and sale of Erskineville Public School.

At this stage Councillor Mallard asked for a point of order in that the Mayor is an employee of the State Government and should not rule on the decision making with regard to this matter as it would be a conflict of interest.

GENERAL MANAGER

The Mayor indicated that he did not attend any meetings as an employee on the matter and ruled the point of order, out of order.

It was moved by Councillor Harcourt, seconded by Councillor Lay that the motion be amended by the deletion of the words "in supporting the Brogden Opposition Bill."

Motion, as amended by Councillor Harcourt, carried on a show of hands.

The Council Meeting terminated at 8.10 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER